

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JANUARY 1, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 1

### SENATE

TUESDAY, January 1, 1991, 12:00 m.

The PRESIDENT. This is the constitutional day and hour for the convening of the 175th Regular Session of the General Assembly.

The PRESIDENT (Lieutenant Governor Mark S. Singel) called the Senate to order at 12:00 m., Eastern Standard Time.

### PRAYER

The Chaplain, Monsignor Michael Servinsky, of Our Lady of Lourdes Catholic Church, Altoona, offered the following prayer:

Let us pray.

O God, the Creator of all and the Lord of all history, bless this august assemblage, who meet on this New Year's Day of 1991 to open this legislative Session.

The first day of a new year always brings with it energetic hope and revitalized strength to confront the difficulties which so vex us.

Grant the newly elected Members of this Legislature a warm, gracious and amicable welcome. May they bring fresh insights into old problems. May their energy and zeal renew those who have been worn down over the years. Bless, too, the reelected Members of the Senate and General Assembly. Grant them the gift of leadership and the courage to exercise it.

Bestow upon all our Legislators the prudence and patience to listen and learn from others. Grant them the gift of wisdom so that this Commonwealth may be safely piloted through the turbulent times which face us.

O God, You know our thoughts even before we do, so You know how worried and anxious we are about the events in the Persian Gulf. We all pray for our Armed Forces. We remember in a very special way all the men and women from Pennsylvania and those of our own families who serve our country. Watch over them, Lord, and keep them safe, but, most of all, Almighty God, grant us peace.

Our thoughtful and heartfelt concerns include those who live here in Pennsylvania. We are indeed grateful for the passage last year of Act 31. Nonetheless, there are still many life issues challenging us. In brief, how do we provide our citizens with needed health care and housing? How can we feed the hungry and furnish recreation? What can be done to

supply our children with free choice in education, including a value centered education? There are questions of employment, crime and punishment. We are faced with a deteriorating infrastructure as well as the crises of our cities, boroughs and townships. Then, to solve these, Lord, we will need the financial wherewithal in a time of dwindling resources. Without despairing, we trust in Your divine providence and guidance. Already You provide us with freedom and the power of commitment. Freedom equips us with the capacity to discover numberless solutions, while our commitment dedicates us to the accomplishment of our goals.

In ancient Rome it was the custom to seek the seat of the senate or public office in order to get rich. Moreover, we know the infamous story of the Emperor Nero who was unconcerned about the people. So indifferent was he to the needs of the state that he fiddled while Rome burned.

Heavenly Master, these men and women have pledged themselves to the service of their constituents and of the Commonwealth. Do not allow them to become self-serving or narrow in their thinking. Save them from the temptations of power, greed and politics. May the primary concern of each individual Senator be the welfare of all the citizens of Pennsylvania. May their days in office be a contribution to the people and not be reduced to petty competition or bickering over individual or party self-interest, and may the spirit of God come upon you. May you be granted the spirit of cooperation and collaboration in order to give food to the hungry, shelter to the homeless, justice to the needy, hope to the despairing, knowledge to the ignorant, love to all, and at all times may you realize that it is only by working together with one another and with God above that the tasks laid upon you today can be fulfilled.

Let us, too, remember the families and the friends of our Senators, those here present and those who cannot be here with us today. Bless them, Lord, that they might support these Senators with love and understanding as they attend to their sworn duty. We lift our hearts and our hands to God with this prayer, to Him Who lives and reigns for ever and ever. Amen.

The PRESIDENT. The Chair thanks Monsignor Servinsky for the prayer and for establishing the legislative agenda for the year.

**PRESENTATION OF ELECTION RETURNS**

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms. Would the Sergeant-at-Arms please come forward.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the Deputy Secretary of the Commonwealth, Robert Grant.

Deputy Secretary GRANT. Mr. President, I have the honor to present the official election returns of the Senate and General Assembly, the Governor and Lieutenant Governor for the General Election held on November 6, 1990.

**ELECTION RETURNS FOR GOVERNOR AND LIEUTENANT GOVERNOR LAID ON TABLE**

The PRESIDENT. The returns of the election for Governor and Lieutenant Governor of the Commonwealth of Pennsylvania will lie on the table.

**RETURNS OF ELECTION OF SENATORS**

The PRESIDENT. The Clerk will read the returns.  
The Clerk read the election returns as follows:

SECOND SENATORIAL DISTRICT		
Philadelphia	Francis J. Lynch (D)	28,203
	Bruce S. Marks (R)	27,352
FOURTH SENATORIAL DISTRICT		
Philadelphia	Allyson Schwartz (D)	39,675
	M. Joseph Rocks (R)	28,495
SIXTH SENATORIAL DISTRICT		
Bucks	H. Craig Lewis (D)	37,107
	Henry F. Schickling (R)	24,645
EIGHTH SENATORIAL DISTRICT		
Philadelphia	Hardy Williams (D)	34,906
	Joseph M. Terinoni (R)	8,699
TENTH SENATORIAL DISTRICT		
Bucks	Jim Greenwood (R)	47,958
	Samuel C. Totaro, Jr. (D)	24,805
TWELFTH SENATORIAL DISTRICT		
Montgomery	Stewart J. Greenleaf (R)	50,366
	Charles R. Mulvany, Jr. (R)	23,321
FOURTEENTH SENATORIAL DISTRICT		
Luzerne	Raphael J. Musto (D)	35,807
SIXTEENTH SENATORIAL DISTRICT		
Lehigh	Roy C. Afflerbach (D)	39,811
	Tom Ritter (R)	16,915
EIGHTEENTH SENATORIAL DISTRICT		
Northampton	Jeanette F. Reibman (D)	35,521
	Richard T. Grucela (R)	24,988

TWENTIETH SENATORIAL DISTRICT		
Luzerne	Charles D. Lemmond, Jr. (R)	34,982
TWENTY-SECOND SENATORIAL DISTRICT		
Lackawanna	Robert J. Mellow (D)	38,900
	Donna Dunio (R)	25,591
TWENTY-FOURTH SENATORIAL DISTRICT		
Montgomery	Edwin G. Holl (R)	35,776
TWENTY-SIXTH SENATORIAL DISTRICT		
Delaware	F. Joseph Loeper (R)	48,991
	Dai Williams (D)	22,597
TWENTY-EIGHTH SENATORIAL DISTRICT		
York	Mike Bortner (D)	32,073
	Donald W. Dorr (R)	26,320
THIRTIETH SENATORIAL DISTRICT		
Blair	Robert C. Jubelirer (R)	36,964
	Alan R. Mikula (D)	19,394
THIRTY-SECOND SENATORIAL DISTRICT		
Fayette	J. William Lincoln (D)	43,521
THIRTY-FOURTH SENATORIAL DISTRICT		
Centre	J. Doyle Corman (R)	33,918
	John J. Elnitski (D)	24,659
THIRTY-SIXTH SENATORIAL DISTRICT		
Lancaster	Noah W. Wenger (R)	40,738
THIRTY-EIGHTH SENATORIAL DISTRICT		
Allegheny	Leonard J. Bodack (D)	38,127
	A. John Koehler (R)	15,042
FORTIETH SENATORIAL DISTRICT		
Allegheny	Melissa A. Hart (R)	34,783
	John W. Regoli (D)	33,113
FORTY-SECOND SENATORIAL DISTRICT		
Allegheny	Eugene F. Scanlon (D)	42,575
FORTY-FOURTH SENATORIAL DISTRICT		
Allegheny	Frank A. Pecora (R)	34,637
	Robert A. Polinsky (D)	32,351
FORTY-SIXTH SENATORIAL DISTRICT		
Washington	J. Barry Stout (D)	39,772
	William Hodgkiss (R)	18,050
FORTY-EIGHTH SENATORIAL DISTRICT		
Lebanon	David J. Brightbill (R)	37,349
	Michael F. Feeney (D)	22,896
FIFTIETH SENATORIAL DISTRICT		
Mercer	Robert D. Robbins (R)	36,248
	Charles W. Flynn (D)	26,031

Whereupon, the following named persons were declared duly elected Senators in the General Assembly of the Commonwealth of Pennsylvania:



Second District—Francis J. Lynch  
 Fourth District—Allyson Schwartz  
 Sixth District—H. Craig Lewis  
 Eighth District—Hardy Williams  
 Tenth District—Jim Greenwood  
 Twelfth District—Stewart J. Greenleaf  
 Fourteenth District—Raphael J. Musto  
 Sixteenth District—Roy C. Afflerbach  
 Eighteenth District—Jeanette F. Reibman  
 Twentieth District—Charles D. Lemmond, Jr.  
 Twenty-second District—Robert J. Mellow  
 Twenty-fourth District—Edwin G. Holl  
 Twenty-sixth District—F. Joseph Loeper  
 Twenty-eighth District—Mike Bortner  
 Thirtieth District—Robert C. Jubelirer  
 Thirty-second District—J. William Lincoln  
 Thirty-fourth District—J. Doyle Corman  
 Thirty-sixth District—Noah W. Wenger  
 Thirty-eighth District—Leonard J. Bodack  
 Fortieth District—Melissa A. Hart  
 Forty-second District—Eugene F. Scanlon  
 Forty-fourth District—Frank A. Pecora  
 Forty-sixth District—J. Barry Stout  
 Forty-eighth District—David J. Brightbill  
 Fiftieth District—Robert D. Robbins

### STATEMENT BY THE PRESIDENT

The PRESIDENT. For the record, the Chair has been informed by the Secretary of the Commonwealth that all of the Senators-elect have filed in the Secretary's Office the accounts and affidavits as required by the Act of June 3, 1937, P.L. 1333, Section 1632.

Before proceeding to the administration of the oaths of office, the Chair would like to request the cooperation of all news photographers and all individuals who would like to take pictures, so that during the actual ceremonies there will be no picture taking. Those Senators who are sworn in are asked to please, at the conclusion of the actual administration of the oaths of office, stay a few moments at the bar so that anybody who wishes to take a picture can do so. That is to say, we will interrupt the proceedings after the swearing-in to allow for an opportunity for all of you to take whatever pictures you like. Please do not take pictures during the actual ceremonies.

### ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT. The next order of business will be the administration of the oath of office to the newly elected Senators. It is a distinct honor and privilege to have with us today two very distinguished judges: Judge Robert L. Byer and Judge James R. Kelley of the Commonwealth Court of Pennsylvania, Judge Kelley being an alumnus of this very august Body.

These jurists have kindly consented to come here today to administer the oath of office to our Senators-elect and offi-

cers in accordance with Article VI, Section 3 of the Constitution of Pennsylvania.

We will now proceed to the administration of the oath of office to the Republican Senators-elect by Judge Byer.

Will the Republican Senators-elect present themselves in front of the rostrum. Please bring with you the Bibles which have been placed on your desks.

Would you all please rise.

I have the honor of presenting Judge Byer who will now administer the oath of office to the Republican Senators-elect.

Judge BYER. This is a very distinct honor for me.

Senators-elect, would you please place your left hand on your Bible and raise your right hand and repeat after me:

I, please state your names, do solemnly swear, that I will support, obey and defend the Constitution of the United States and the Constitution of the Commonwealth, and that I will discharge the duties of my office with fidelity.

Congratulations, Senators.

(Applause.)

The PRESIDENT. Would all the Senators and guests please be seated for a few moments while we allow photographs to be taken. Those individuals who wish to take photographs, please come forward at this time.

Would the Republican Senators please wait for a few moments to accommodate your public.

The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. Would the photographers bear with us and exit so that we can swear in the Democrats, after which we will invite you back.

Would the Senators and all the guests please be seated.

The next order of business will be the administration of the oath of office to the newly elected Democratic Senators. The oath will be administered to the Democratic Senators-elect by Judge Kelley.

Will all of the Democratic Senators-elect present themselves in front of the rostrum. Please bring with you the Bibles that have been placed at your desks.

Would you all please rise.

It is an honor to present Judge Kelley who will administer the oath of office to the Democratic Senators-elect.

Judge KELLEY. Mr. President, I share the same pride that Judge Byer does in performing and serving the perpetuation of this great Body. I also share the personal additional pleasure in having been one of the colleagues and serving in this great Body.

Would each of you put your left hand on the Bible and raise your right hand, please.

As I commence this, I will ask you to give your name as it was read by the Clerk in the certification of the record on the election. And likewise, the Constitution Article VI, Section 3 provides for the alternative of your swearing or affirming.

After I ask you to give your name, you will give your name as I requested and then it is your choice; you will say I affirm or swear.

Would you please repeat after me:

I, and state your name, do solemnly swear or affirm, that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

Sworn. Congratulations.

(Applause.)

The PRESIDENT. Would the other Members of the Senate and all the guests please be seated while photographs are now taken. Would the Democratic Senators please wait for a moment so they can get their pictures taken.

The Senate will be at ease.

(The Senate was at ease.)

### NOTIFICATION OF SPECIAL CEREMONY

The PRESIDENT. The Chair wishes to announce at this time that the oath of office was administered to the Honorable Robert C. Jubelirer on November 30, 1990, so that he could assume the duties of President pro tempore in accordance with Section 44 of the Act No. 428, Session of 1959.

The transcript of these proceedings will be entered in the Legislative Journal at this time.

(The following is the transcript of the administration of the oath of office.)

### RETURNS OF ELECTION OF SENATOR

The PRESIDENT. The Chair acknowledges its receiving the certified election returns from the Secretary of the Commonwealth for the 30th Senatorial District. The Chair has also been informed by the Secretary of the Commonwealth that Senator-elect Robert C. Jubelirer has also filed the accounts and affidavits as required by the Act of June 3, 1937, Public Law 1333, Section 1632.

The Secretary read the returns as follows:

### COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, AND THE MEMBERS OF THE SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,

### GREETINGS:

I have the honor to present the official results from the General Election held November 6, 1990, from the various county boards of elections for the Office of Senator in the General Assembly of the Thirtieth District of the Commonwealth of Pennsylvania, which remain of record in my office:

Robert C. Jubelirer  
Republican

Bedford County	7,746
Blair County	21,707
Fulton County	1,668
Huntingdon County	5,843

Therefore, Robert C. Jubelirer, having received 36,964 votes, was duly elected Senator in the General Assembly for said district.

In addition, I hereby certify that Robert C. Jubelirer has fully complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Day Expenses.

WITNESS my hand and seal of my office this twenty-eighth day of November, one thousand nine hundred and ninety, and of the Commonwealth the two hundred and fifteenth.

(SEAL)

CHRISTOPHER A. LEWIS  
Secretary of the Commonwealth

### ADMINISTRATION OF OATH OF OFFICE AS SENATOR

The PRESIDENT. The next order of business will be the administration of oath of office to Senator-elect Robert C. Jubelirer.

It is an honor to have with us today the Honorable David W. Craig, Judge of the Commonwealth Court of Pennsylvania, to administer the oath.

Please rise.

Judge CRAIG. Senator, would you put your hand on the Bible, raise your right hand and repeat after me, using your name or "I" in response.

I, Robert C. Jubelirer, do solemnly swear that I will support the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and that I will discharge the duties of my office as Senator and as President pro tempore of the Senate with fidelity.

(Applause.)

The PRESIDENT. The Chair directs the Secretary of the Senate to enter these proceedings in the Senate Journal on the first day of the next regular Session convening on January 1, 1991.

The purpose for which this meeting was called having been fulfilled, I now declare this meeting adjourned.

### QUORUM PRESENT

The PRESIDENT. The Clerk will now call the roll to determine if a quorum is present. Will the Senators please answer "present" when your name is called, and the Clerk will proceed.

The Clerk called the roll and the following Senators were present:

Second District—Francis J. Lynch  
Third District—Roxanne H. Jones  
Fourth District—Allyson Schwartz  
Fifth District—Frank A. Salvatore  
Sixth District—H. Craig Lewis  
Seventh District—Chaka Fattah  
Eighth District—Hardy Williams  
Ninth District—Clarence D. Bell  
Tenth District—Jim Greenwood  
Eleventh District—Michael A. O'Pake  
Twelfth District—Stewart J. Greenleaf  
Thirteenth District—Gibson E. Armstrong  
Fourteenth District—Raphael Musto  
Fifteenth District—John J. Shumaker  
Sixteenth District—Roy C. Afflerbach  
Seventeenth District—Richard A. Tilghman  
Eighteenth District—Jeanette F. Reibman  
Nineteenth District—Earl M. Baker  
Twentieth District—Charles D. Lemmond, Jr.  
Twenty-first District—Tim Shaffer

Twenty-second District—Robert J. Mellow  
 Twenty-third District—Roger A. Madigan  
 Twenty-fourth District—Edwin G. Holl  
 Twenty-fifth District—John E. Peterson  
 Twenty-sixth District—F. Joseph Loeper  
 Twenty-seventh District—Edward W. Helfrick  
 Twenty-eighth District—Michael E. Bortner  
 Twenty-ninth District—James J. Rhoades  
 Thirtieth District—Robert C. Jubelirer  
 Thirty-first District—John D. Hopper  
 Thirty-second District—J. William Lincoln  
 Thirty-third District—Terry Punt  
 Thirty-fourth District—J. Doyle Corman  
 Thirty-fifth District—William J. Stewart  
 Thirty-sixth District—Noah W. Wenger  
 Thirty-seventh District—D. Michael Fisher  
 Thirty-eighth District—Leonard J. Bodack  
 Thirty-ninth District—Gene Porterfield  
 Fortieth District—Melissa A. Hart  
 Forty-first District—Patrick J. Stapleton  
 Forty-second District—Eugene F. Scanlon  
 Forty-third District—Michael M. Dawida  
 Forty-fourth District—Frank A. Pecora  
 Forty-fifth District—Albert V. Belan  
 Forty-sixth District—J. Barry Stout  
 Forty-seventh District—James E. Ross  
 Forty-eighth District—David J. Brightbill  
 Forty-ninth District—Anthony B. Andrezeski  
 Fiftieth District—Robert D. Robbins

The PRESIDENT. Forty-nine Senators having answered to their names, a quorum is present.

### NEWLY ELECTED AND REELECTED SENATORS WELCOMED TO THE SENATE

The PRESIDENT. The Chair at this time would like to welcome all of the reelected Senators and all the newly elected Senators. We heard from Monsignor Servinsky just a few minutes before about the senate of ancient Rome, and I assure you that if you are seeking self aggrandizement as a Senator, you will be sorely disappointed. On the other hand, if you desire to serve others, you will find this to be a rewarding and a challenging experience. I wish all of you good luck in this coming Session, and I look forward to working with all of you.

### STATEMENT BY THE PRESIDENT

The PRESIDENT. Before taking up the next order of business, dealing with the election of the President pro tempore and several officers of the Senate, the Chair would like to continue the practice started a few Sessions ago that if there is, in fact, only one candidate for each of the several offices, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination. Is there any objection to the voice vote in the case that there be only one candidate? The Chair hears none.

### ELECTION OF PRESIDENT PRO TEMPORE

The PRESIDENT. The next order of business will be the election of a President pro tempore of the Senate for the 1991 Session. This is in accordance with Article II, Section 9, of the Constitution of Pennsylvania.

Senator LOEPER. Mr. President, our first and highly significant responsibility today is to elect for this Body a President pro tempore. I think if we reflect for a moment to the office of President pro tempore, Mr. President, we ask a great deal of the individual who holds that position. That individual must demonstrate fairness in presiding over events in this Chamber and remain dignified, gracious and thoughtful in difficult pressured circumstances to uphold the ideals and traditions of this institution, maintain and advance the professional services that allow us to better represent our constituents and be a faithful and diligent champion of this institution, of this branch of government and certainly to Pennsylvania as a whole. We are fortunate, Mr. President, to have had Senator Robert Jubelirer serve as President pro tempore for the past six years, whether it has been presiding over the Senate, meeting an individual Member's needs or promoting and defending this institution. He certainly has served this institution admirably. He has not just filled a ceremonial role but he has worked to achieve solutions for the Members of the Senate and for the people of Pennsylvania. I know, as we look back over the Senate record, Members on both sides of the aisle have been moved to pay tribute to his leadership, his judgment and dedication to that position. Senator Jubelirer is passionate in his commitment to this institution and has continually earned our trust and respect. It is a distinct privilege to nominate an outstanding Senator, leader and friend, Robert C. Jubelirer, to serve as President pro tempore of the Senate of Pennsylvania.

Senator MADIGAN. Mr. President, I rise to second the nomination of Senator Robert C. Jubelirer as President pro tempore of this Body.

In his previous years of service as President pro tempore, Senator Jubelirer has with diligence distinguished himself and this institution by faithfully administering the important duties this demanding role requires in a fair and judicious manner.

I am honored to second this nomination, Mr. President, knowing that in the selection of Senator Jubelirer we recognize the commitment that he has given this office. We assure the furtherance of what certainly is a deep and abiding concern for this institution and for the continuation of its long and meaningful traditions. Thank you, Mr. President.

Senator MELLOW. Mr. President, I think in seconding the nomination, I would have to start by repeating what the gentleman from Delaware, Senator Loeper, said, that this is the first order of business, actually, of the day because it places a very high degree of significance on the operation of the Senate as an institution.

I believe, Mr. President, that any of us who over the past three weeks have had the opportunity of reading the newspaper, have also had the opportunity of understanding that

institutionally there are some concerns as to the operation of the Pennsylvania State Senate. Our concerns, Mr. President, on this side of the aisle really do not deal with political considerations but, in fact, deal with considerations of the Senate as a Body of the 50 Members and, basically, in the operation of the Senate as an institution.

Mr. President, I would like to make a reflection in just three different areas in a very strong spirit of cooperation.

Mr. President, we on the Democrat side are very much so concerned about the standing committees and the way standing committees in the Senate are structured. Mr. President, for the past several years since I have been elected as the Democrat leader, we have talked over and over about the facilities and about the working conditions which our Members have to deal with, but I think, Mr. President, that we need other considerations given to some of those particular conditions that we have.

Mr. President, we have an abiding concern on this side of the aisle that as we develop into our legislative Calendar and into our legislative history for the Session, some strong consideration be given to bills that are sponsored by Members of the Democrat Party and not only bills that are sponsored by the Republican Party.

Mr. President, I am not saying that all of these particular things would come under the direction of the Office of the President pro tempore, but I think the President pro tempore can go ahead and he or she could establish policy within the framework that we have to operate to go ahead and to make the institution work in a better way.

It is with having said these things in a spirit of cooperation to try to rekindle that type of cooperation that is needed, I believe, to run the institution in the proper fashion, I stand before you seconding the nomination of Robert Jubelirer as President pro tempore of the Senate.

Senator LINCOLN. Mr. President, I rise with a great deal of pride today to be able to second the nomination of a person whom I have become pretty good friends with over the past few years. Surprisingly enough, people outside the circle of those of us in the Senate may not believe that because we are probably as adversarial toward one another as you could get at times, but I found Bob Jubelirer to be a person who does have a great deal of respect for the institution of the Senate. I have found him to be able to take off the mantle of partisanship and take on a bipartisan feeling whenever it meant something to the institution. I found him to be a very difficult adversary to get through, because even though I am doing this seconding with a great deal of pride, there is also a very large twinge within me that I wish I were nominating Bob Mellow.

But the finality of our election process is that last year's elections are over and the vitality of this political process is that there will be another one coming up ahead of us.

I think the opening prayer probably pointed out to us, even though we do not like to admit it at times, very clearly that we have a great deal of challenge ahead of us, the challenge of dealing with the problems of the society which we live in and which all fifty of us are obligated and dedicated to doing, but

I think Bob Jubelirer's challenge in the next two years is going to be even greater, because last year this election process brought about a lot of acrimony and bitterness and some very difficult days within the Senate Chamber itself. I think those things are not going to go away without a very good, strong leader. I think the challenge that Bob Jubelirer faces in the next six months or a year is to see that whenever we all leave here, whether it be a year from now or ten years from now, the Senate will still be here and that we will be doing things in a manner in which there is respect and pride for one another.

I believe that Bob can do that and I believe he will face the challenge and I am looking forward to spending another two to four years, whatever, and we are going to all be around here together. I say, Bob, good luck to you. I very happily second his nomination.

#### NOMINATIONS CLOSED

The PRESIDENT. Are there any other nominations or seconds? If not, the Chair will declare the nominations for President pro tempore closed. The candidate for the office of President pro tempore is the Honorable Robert C. Jubelirer of Blair County.

(A voice vote having been taken, the question was determined to be in the affirmative.)

The PRESIDENT. Robert C. Jubelirer is unanimously elected President pro tempore.

(Applause.)

#### COMMITTEE APPOINTED TO ESCORT PRESIDENT PRO TEMPORE-ELECT TO THE ROSTRUM

The PRESIDENT. The Chair takes pleasure in appointing the following committee to escort the President pro tempore to the rostrum for the administration of the oath of office: the gentleman from Delaware, Senator Bell; the gentleman from Bradford, Senator Madigan; and the gentleman from Lackawanna, Senator Mellow. Will the committee proceed to the performance of their duty.

(Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate.)

#### ADMINISTRATION OF OATH OF OFFICE TO PRESIDENT PRO TEMPORE-ELECT

The PRESIDENT. The oath of office will be administered to Senator Jubelirer by Judge Byer.

Please rise.

Judge BYER. Please place your left hand on the Bible, raise your right hand and repeat after me:

I, Robert C. Jubelirer, do solemnly swear, that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

Congratulations.

(Applause.)

REMARKS BY THE PRESIDENT  
PRO TEMPORE

The PRESIDENT. It is now an honor and a privilege to present your President pro tempore, the Honorable Robert C. Jubelirer of Blair County.

(Applause.)

The PRESIDENT pro tempore. Thank you, Lieutenant Governor Singel. Monsignor Servinsky, my old golfing buddy, it is good to have you here. You told it straight today—not always on the golf course, but you told it straight today. We are delighted to have you here. Honorable Judges Bob Byer, an old long-time friend, and Jim Kelley, one of the real decent, outstanding people who has graduated from our Body and gone on to higher service in the judicial system, we are delighted to have both of you back.

Distinguished guests, families and friends of the Senate, thank you all for joining us as we begin a new year, a new Session and hopefully a new era of progress for Pennsylvania.

It is always very special to me to have an opportunity to introduce members of my family, and at this time I would like to introduce my two sons, Andy and Jeff, who are here. Andy is from Harrisburg and Jeff is a sophomore at that great university up in the middle of the state, Pennsylvania State University, my alma mater.

I would like Andy and Jeff to please stand.

(Applause.)

The PRESIDENT pro tempore. I bring you greetings, those of you who have asked, How is your mother doing? Well, she is a lot better right now, I can tell you. She is a lot better, breathing a little easier that this time has come, and she is doing just fine. Octogenarian that she may be, she is my hero. She has been my inspiration and without her strong support I would not be here today. To Laurie and Chuck and Michelle who could not be here today, I know they would want to be and want to be remembered.

It is an honor. When I left you before the break at the end of the Session I said, today you honor me. I hope always I will honor you. It is an honor to receive the trust and confidence of your colleagues, Members of this absolutely most distinguished Body.

Time does not diminish the gratitude I feel or the recognition or the expectations that must be fulfilled. There are lessons about dignity, cooperation and communication that are taught in this Chamber, and I have taken those to heart and hope to benefit by them. We are never, ever too old to learn.

To Senator Joe Loeper, thank you so much for your generous words of nomination, but most important, for the special friendship that you have offered over so many years. To Roger Madigan, your warm words meant a great deal to me today. To Bob Mellow, sure we joust a lot, but when it comes to this institution today, I very much appreciate the fact that you as the leader of the Democratic Party in the Senate were one of the seconders. To Bill Lincoln, well, I do not think any two people have come farther than Bill Lincoln and Bob Jubelirer, who love to debate on the floor and who

have been political adversaries, but who have more respect for one another, who care more about this institution and probably two of the most emotional people in the Senate who have shown their love and care for the people who work here and the institution itself. Thank you for your kind words as well, Bill.

Over the past six years, counsel and friendship—and let me emphasize the word “friendship”—from the Members on both sides of the aisle meant a great deal. Today I reaffirm my commitment to fairly and diligently serve the Members in the institution of the Senate. It is what we inherited from our forefathers and it is what we will give to posterity.

I want to welcome the new Members. You are going to serve in the greatest institution of its kind anywhere. I think you will find it a very fulfilling experience. Let me say to each of you, as I have said to every Member of this Senate, my door is open, and if I can ever help personally or professionally, as I have done with many others, I would certainly welcome you.

In November the Senate bid farewell to several esteemed friends and colleagues. Today we have the privilege of welcoming their successors: Senator Mike Bortner from York, Senator Melissa Hart from North Hills of Allegheny County, Senator Bob Robbins from the Shenango Valley and Senator Allyson Schwartz from the City of Philadelphia. We welcome you. Freshman Senators are no longer regarded as novices, for those who survive the rigors of modern day campaigns are indeed battle-tested by the time they take the oath of office. We will benefit from your talents, your perspectives and your contributions.

This is a day of ceremony, one of few occasions. It is wonderful to see all the children and the grandchildren here enjoying the festive day—New Year's Day—a day of ceremony on few occasions when the Senate sticks to the script and refrains from endless debate and maneuver. By coincidence of the Calendar, this is a day of both oath taking and resolution making. In a broad sense, we all resolve to serve our constituents in our state with energy and fidelity.

There are challenges facing our state and our people that will require resolve, the resolve of action, not merely of words. There are consequential issues that will be resurrected and revisited. Priority will be given to putting a judicial reform amendment before the voters by the spring primary in May of 1991. New proposals will take their place on the legislative agenda as well. Over the past decade state government has taken an increasingly important role because of mandates handed us or responsibility shifted our way because of new or more assertive public demands and because of a rising commitment to ensuring Pennsylvania's recovery and competitive capability. This expansion of responsibility has come, not through added bureaucracy or stifling regulation, but through investment and programs and services that make a difference for individuals and for communities. Our challenge in the months ahead is to sustain progress despite the difficult financial times confronting each and every one of us. For the state to renege on commitments, to forego opportunities, to radically shift responsibilities would be to ill serve our citizens.



Incidentally, George Allen, who sadly passed away yesterday, was fired as head coach of the Washington Redskins despite a consistently winning record. When he was pressed for a reason, the owner explained, I gave him an unlimited budget and he exceeded it. Well, clearly, we are not in an era of unlimited budgets or infinite resources. It is not spending and taxing levels we must exceed, but standards of performance and productivity and, yes, accountability. We are reminded that we cannot afford to be careless, and that is an admonition we will heed. We also cannot afford to ignore the public insistence on education reform, retreat from the war on drugs or to sacrifice the momentum generated on environmental cleanup. We cannot afford to curtail services to the underprivileged or those with special needs or to mortgage the future through a political facade of false economy.

In these days of fierce competition of interest we can never fully satisfy all viewpoints, but we will endeavor to find the balance that most benefits the people. My experience through 16 years in this Senate has brought confidence in our capacity to act decisively and to respond prudently. Perhaps those who join us today know and appreciate that what happens here is different than what tends to be reported. Shortly after the conclusion of the last Session, my hometown paper criticized the General Assembly for lack of substantial production and for passing some less than illustrious measures, yet a subsequent editorial lauded the Governor's signature on bills they believe of great merit. Well, ladies and gentlemen, somehow they managed to miss where the abundance of quality legislation is initiated, where it is debated, where it is shaped and where it is adopted, and that is right here in the Senate and in the House of Representatives. Others write of legislative gridlock, but the volume and nature of the legislation we consider and approve gives lie to such contentions. The Senate has been a wellspring of ideas and ultimately a channel of bipartisan cooperation in the range of issues of consequence to economy, education, environment, and human services, and that will remain true in the Session ahead.

There has been some pointed criticism of the legislative profession in recent years. Well, sometime ago Justice Louis D. Brandeis described a profession as comprised of the knowledge derived from experience, the advancing and passing along of that knowledge, the enforcement of ethics and values, the cherishing of performance above reward and the moral imperative to serve others. I submit to you and to all the people of Pennsylvania that the men and women I have had the privilege of serving with have been professionals in the finest sense of the Brandeis description, individuals of stature dedicated, innovative, wise. These people, some gone, many yet here today, have helped bring the great Commonwealth of Pennsylvania forward and inspire pride in this great Commonwealth of yours and mine, a Commonwealth that we give to our children. The 50 Members here share a sense that we are not here just to oversee, but to achieve, be faithful to the duty to be responsive, the obligation to provide leadership, the expectation to decide in the public interest.

And so the support of our families and our friends reminds us of the true rewards of public service and the importance of public trust.

Ladies and gentlemen, friends, family, colleagues, I extend my sincere appreciation from the bottom of my heart for your continued confidence. It is a very, very special day because it is the beginning of a new year, and let me extend my wishes to each and every one of you, your families and friends a very, very happy and healthy 1991. Truly you have made this a most special day for me and my family. God bless you and happy new year.

(Applause.)

## ELECTION OF SECRETARY OF THE SENATE

The PRESIDENT. The next order of business is the election of a Secretary of the Senate.

Senator FISHER. Mr. President, many of the changes in the legislative process over the last decade have placed heavier demands than ever on our Senate support services. For the past nine and one-half years, Mark Corrigan has served as Secretary of the Senate in a thoroughly capable and professional manner. He has carried out the modernization of the many services provided by that office and helped us to fulfill our responsibilities as efficiently as possible. In his most visible role, that as Parliamentarian, Mark has demonstrated fairness, patience, knowledge and wisdom and has been able to provide the proper counsel and guidance at times of contention to all presiding officers, most importantly those of us who have served temporarily in that position, and he has provided that counsel and guidance in a truly nonpartisan and decisive fashion.

Through late nights, long days and pressure-packed Sessions Mark Corrigan has earned our confidence, our trust and our respect. It is my privilege, Mr. President, to nominate the honorable Mark R. Corrigan as Secretary of the Senate of Pennsylvania, and I would ask my colleagues for their unanimous support of that nomination.

Senator O'PAKE. Mr. President, as my colleague from Allegheny has so well pointed out, since 1981 Mark Corrigan has served the Senate and all of its Members with distinction. We know Mark for his professionalism and his responsiveness in administering the office of Secretary both on the floor of the Senate and off the floor. Mark runs that office in an even-handed and even-tempered manner. His experience, his hard work, his integrity and his commitment to the institution of the Senate are unquestioned. Some of us also know Mark for his active involvement in his church, St. Patrick's, and his community. He is indeed a man for all seasons and it is my pleasure on behalf of this side of the aisle to second the nomination of a well regarded, true professional, Secretary Mark R. Corrigan.

## NOMINATIONS CLOSED

The PRESIDENT. Are there other nominations or seconds?

If not, the Chair will declare the nominations for Secretary of the Senate closed. The candidate for the office of Secretary of the Senate is Mark R. Corrigan of Dauphin County.

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

The PRESIDENT. The Chair declares Mark R. Corrigan unanimously elected Secretary of the Senate.

(Applause.)

### **OATH OF OFFICE ADMINISTERED TO THE SECRETARY-ELECT**

The PRESIDENT. The Secretary-elect will now approach the rostrum in order that the oath of office may be administered. Once again we want to call on Judge Byer to administer the oath of office to the newly elected officer.

Please rise.

Judge BYER. Please place your left hand on your Bible and raise your right hand and repeat after me:

I, Mark R. Corrigan, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

Congratulations.

(Applause.)

### **ELECTION OF CHIEF CLERK OF THE SENATE**

The PRESIDENT. The next order of business is the election of the Chief Clerk of the Senate.

Senator WENGER. Mr. President, in March of 1986 Gary Crowell became the Chief Clerk of the Senate of Pennsylvania. Four and a half years of administering a multi-million dollar budget is no small task. His conduct during this time has won our admiration and our respect. I think his handling and his example of fiscal prudence and his professionalism have been outstanding. He is not only a highly professional and competent administrator, but he is a fine gentleman. He is personable and he is a very popular Chief Clerk. Mr. President, he deserves to be reelected. I am pleased at this time to nominate Gary Crowell to be the Chief Clerk of the Senate of Pennsylvania.

Senator LINCOLN. Mr. President, you talk about a tough job. Here is a guy who has to deal with 50 people who know they are right all the time, and he has to tell them how to spend their money. He has to make sure they do not do anything that will get them in trouble, and I found that getting an ex-marine may be the only person who could handle that. I think we have been fortunate in that we have an ex-marine in Gary Crowell who has decided to stay with us. I did not realize, Gary, that it has been four years, but time flies real quick when you are having a good time. That job becomes doubly more difficult because not only does he have to deal with the 50 of us, he also has a situation where there are 26 of one party and 24 of the other, which sometimes becomes part of his operation, unfortunately.

I have to say the four and a half years that I have been privileged to deal with Gary, I found him to be fair and I also found him to have the quality that it would take. If you are wrong, when you go to see him, you are going to know you are wrong because he is going to tell you, and I think that has kept a lot of us from having problems. Because we both served together on the Joint Legislative Audit Commission, I want to tell you with a great deal of pride, when we do that process, every year for a number of years now, there have been no exceptions for the Senate, and whenever there is an exception, that means that somebody has done something in their expenses that was not particularly within the rules and it takes a while to work that out. We have gone through audit after audit after audit now here in the Senate without even having any exceptions to begin the process with, and I think that is a tribute to Gary Crowell. I think it is a tribute to the people who have served here in the Senate in that they have enough respect for him and trust in him that they accept his decisions, and those decisions in the four and a half years or five years, or whatever it has been, Gary, have been good ones. I wish you well for the next two years, and I would urge you to continue to do the kind of job you have been doing and I know you will do in the future. With a great deal of respect for you personally and a great deal of pride, I second your nomination.

### **NOMINATIONS CLOSED**

The PRESIDENT. Are there any other nominations? Are there other seconds? If not, the Chair will declare the nominations for Chief Clerk of the Senate closed.

The candidate for the office of Chief Clerk of the Senate is Gary E. Crowell of Cumberland County.

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

The PRESIDENT. The Chair declares Gary E. Crowell unanimously elected Chief Clerk of the Senate.

(Applause.)

### **OATH OF OFFICE ADMINISTERED TO THE CHIEF CLERK-ELECT**

The PRESIDENT. The Chief Clerk-elect will now approach the rostrum in order that the oath of office may be administered. Once again we want to call on Judge Byer to administer the oath of office to the newly elected officer.

Please rise.

Judge BYER. Please place your left hand on your Bible and raise your right hand and repeat after me:

I, Gary E. Crowell, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

Congratulations.

(Applause.)



## SENATE RESOLUTIONS

### ADOPTION OF SENATE RULES

Senator LOEPER offered the following resolution (**Senate Resolution No. 1**), which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, That the Rules of the Senate during the 1990 Session be adopted for the government of this 175th and 176th Regular Sessions until amended, repealed or otherwise altered or changed.

### ADOPTION OF FINANCIAL OPERATING RULES OF THE SENATE

Senator LOEPER offered the following resolution (**Senate Resolution No. 2**), which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, That the Financial Operating Rules of the Senate for the government of the 175th and 176th Regular Sessions read as follows:

#### FINANCIAL OPERATING RULES OF THE SENATE

##### I. PERSONNEL

##### 1. Central Office.

The office of the Chief Clerk of the Senate shall serve as the central office of the Senate for all personnel and payroll matters.

##### 2. Employees of the Senate.

###### (a) Personnel Files.

Before any person is placed on any payroll of the Senate, there must be in the office of the Chief Clerk a payroll file containing:

- (1) Full name of employee.
- (2) Full address including county.
- (3) Date of employment/termination/or job transfer.
- (4) Actual functional job title or description to include general hours of work, general job responsibilities and job location.
- (5) The name of the Senator or Officer responsible for monitoring the employee's performance.
- (6) Letter of appointment signed by the authorizing Senator or Officer including a delineation of the account from which the employee is to be paid.
- (7) The current compensation level with signature approval of the authorizing Senator or Officer. Overtime payments may be authorized only in emergency maintenance and security situations with the signature approvals of the Senator or Officer responsible for monitoring performance, the authorizing Senator or Officer and the President Pro Tempore.

(8) All information necessary for tax withholding and benefit eligibility.

##### (9) Employment Eligibility Verification Form.

##### (b) Maintenance of the Personnel Files.

It is the responsibility of the Chief Clerk to develop procedures necessary to maintain this payroll file information on a current basis. All payroll changes shall be reflected by the next appropriate payroll period providing said change is received in the office of the Chief Clerk prior to processing of the payroll.

##### (c) Reclassification of Employees.

Any reclassification of employees under the Senate of Pennsylvania Pay Plan and Job Classifications shall be submitted by the Member or Officer authorizing such reclassification to the Committee on Management Operations for approval or disapproval. The Committee on Management Operations established a bi-partisan subcommittee of the members of the Committee on Management Operations to consider and approve or disapprove all such requests subject to an appeal by the Member or Officer for consideration of the reclassification by the Committee on Management Operations.

##### 3. Personal Service Contracts.

###### (a) Personal Contract Files.

For any person retained on a contractual basis by any Officer or Member of the Senate, there shall be in the office of the Chief Clerk a file containing:

(1) A copy of the contract signed by the authorizing Senator or Officer including:

(i) Full name, address, including county and social security number of person (or Federal tax identification number) from whom the services are contracted.

(ii) Duration of the contract. No contract may extend beyond the expiration of the term of the Member or Officer.

(iii) Cost of the contract and terms of payment.

(iv) Clear, detailed description of the type of service to be performed or product to be delivered.

(2) The name of the Senator or Officer responsible for monitoring the contractor's performance.

###### (b) Contract Review.

All personal service contracts shall be submitted to the Chief Clerk for review and approval regarding conformity with applicable laws and rules.

###### (c) Payment.

Payments under contract shall be made in accordance with provisions of the contract provided that a voucher for such payment is received in the office of the Chief Clerk before the applicable deadline date. Contractor performance shall be reviewed by the monitoring individual so named in the file (Rule I.3.(a)(2)), who under conditions of satisfactory performance and conformity to the contract shall approve the voucher prior to processing.

#### 4. Authorized Accounts.

Salaries, wages and related benefits shall be paid from accounts so authorized by the General Appropriation Act. Such accounts also may pay expenses related to personal service contracts.

### II. TRAVEL ALLOWANCES AND REIMBURSEMENTS

#### 1. Member Travel.

Travel allowances or reimbursements may be paid to a Member who is engaged in travel in the performance of legislative duties. Travel payments may be claimed in connection with the following:

(1) One round trip between home district and Harrisburg for each week a Member is in actual attendance at a session of the Legislature ("Session Mileage").

(2) Round trip travel between home district and Harrisburg for other legislative activities.

(3) All travel on intradistrict and interdistrict legislative business.

(4) All travel to attend committee meetings, hearings, conferences and seminars.

#### 2. Employee Travel.

Travel reimbursement may be paid to employees engaged in travel from their work place to the place of legislative business provided that the travel is necessary for the performance of official business. Except as provided in Rule II.3.(c), employees are not authorized to lease vehicles on a long-term basis, and no payments will be made with respect to long-term lease vehicle expenses incurred by employees. When away from the Harrisburg area and from their work place, employees may rent cars on a short-term basis for a period not in excess of that needed to carry out official business.

#### 3. Rental of Vehicle or Conveyance.

##### (a) Long-Term Rental.

A Member who leases a vehicle or conveyance on a long-term basis may be reimbursed for 95% of the cost of such lease payments, a net amount not to exceed such amount as may be authorized by the Senate Committee on Management Operations. Expenses attributable to insurance and operation of the vehicle or conveyance are not included in determining the cost of the lease. No lease reimbursements will be made for any period after a Member has left office. For rules regarding reimbursement of expenses of operation, see Rule II.4.(a)(3). No reimbursement is permitted for lease purchase agreements.

##### (b) Short-Term Rental of Vehicle or Conveyance.

A Member whose long-term rental is unavailable may be reimbursed 95% of actual expenses for a short-term rental. A Member or employee who rents a vehicle or conveyance on a short-term basis (other than a Member's temporary replacement of a long-term rental) may be reimbursed only on an actual cost basis for the cost of the rental payments and expenses of operation.

##### (c) Vehicle Rental by Chief Clerk.

The Chief Clerk is authorized to lease no more than three vehicles for the operation of the Senate. The actual expenses of the lease and operation shall be paid by the Senate's Incidental Expense Account.

#### 4. Allowable Transportation Expenses.

##### (a) General.

(1) Common or Chartered Carrier. A Member or employee may be reimbursed for reasonable actual costs of carriage when traveling by common or chartered carrier, including expenses for parking, taxis, limousines and tolls. Claims for payment based on miles travelled cannot be paid.

(2) Personal Vehicle and Noncommercial Conveyance. A Member or employee who uses a personal vehicle may be reimbursed on such mileage basis as may be established by the Senate Committee on Management Operations. Reimbursement for use of other noncommercial vehicles or noncommercial aircraft shall be made on such basis as may be established by the Senate Committee on Management Operations.

(3) Leased Vehicle. A Member who uses a vehicle leased on a long-term basis may elect to be reimbursed either on a mileage basis (Rule II.4.(a)(2)) or an actual cost basis. However, having elected to receive reimbursement on a mileage basis after having been reimbursed on an actual cost basis, the member shall offset against future expense claims an amount equal to the paid but unused portion of automobile insurance for that vehicle. Such Member may be reimbursed only for up to 95% of the actual vehicle operating expenses. Actual vehicle operating expenses shall include gasoline, oil, lubrication, repairs, tires, supplies, insurance, maintenance and other reasonable incidental items necessary to the operation of the vehicle. A Member may not be reimbursed for the use of a personal vehicle during any period of time that the Member is being reimbursed for a leased vehicle, except when the leased vehicle is unavailable for reasons beyond the control of the Member.

(4) Session Mileage. The mileage rate for Session Mileage payments under Rule II.1.(1) shall be as set forth by law.

##### (5) Out-of-State Travel.

(i) Nonmember Officers of the Senate and their employees may claim expenses for travel outside the Commonwealth, provided that such travel is approved in the manner described in Rule XI. All claims for Members' and employees' travel outside the Commonwealth shall be filed with the Office of the Chief Clerk in the manner described in Rule XI.

(ii) Members of the Senate may claim expenses for travel outside the Commonwealth provided that the travel is necessary to attend a conference, seminar or meeting regularly or specially scheduled by an

organization which conference, seminar or meeting has a legislative purpose. Members shall submit a copy of a registration and agenda, in addition to any other documentation required by these rules.

(iii) Members of the Senate may also claim expenses for travel outside the Commonwealth when the travel has a legislative purpose, but is not for attending a conference, seminar or meeting, provided the purpose is approved by the Committee on Management Operations, and provided further that approval is not required for legislative business in Washington, DC.

(b) No Duplication.

(1) Session Mileage. Members claiming reimbursement for actual expenses of leased vehicle operation shall reduce such claim by an amount equal to the "session mileage" entitlement for the same period. Likewise, a Member electing to travel to the session by common carrier shall reduce such claim by an amount to the "session mileage" entitlement.

(2) Reimbursement From One Source. If a Member or employee is entitled to reimbursement from more than one source for legislative business performed on behalf of more than one committee or group, payment shall be received from only one source.

5. Documentation.

(a) Expense Voucher.

All requests for travel payments must be made on an expense voucher showing:

(1) Dates of travel.

(2) Legislative purpose of travel described in reasonable specificity. For all claims involving out-of-state travel, the voucher must be supported by sufficient documentation to describe the legislative purpose of the travel. Claims for out-of-state travel shall also include such information as may be required under Section 4.(a).

(3) The number of miles travelled when claiming reimbursement on a mileage basis. Such mileage claims also should reflect an itinerary including point of origin, furthest destination, and intermediate points except travel within a Member's district.

(b) Receipts.

Receipts must be submitted to support the cost association with claims for:

(1) Travel by common or chartered carrier.

(2) Leased vehicle or conveyance operation.

Receipts for gasoline and maintenance shall include the license number of the vehicle and the location of the purchase. In addition, a copy of such lease and vehicle registration certificate must be on file with the Office of the Chief Clerk.

(3) Parking, limousine, toll charges and other miscellaneous incidental items when any of these items exceed \$10.

6. Authorized Accounts.

Travel payments can be made from any of the following accounts. Long-term vehicle or conveyance rental payments may be made from all accounts except (3) and (6). Authorized accounts are:

(1) Leadership Operations Accounts.

(2) Appropriations Committee Accounts.

(3) Legislative Management Committee Accounts, exclusive of expenses for leased car.

(4) Senators' Legislative Accountable Expense Accounts.

(5) Contingent Accounts.

(6) Senators' Mileage and Expense Accounts for "session mileage" travel.

(7) Senators' District Office Expense Accounts.

(8) Incidental Expense Account.

III. MEALS AND LODGING

1. General.

A Member may receive payments attributable to ordinary and necessary expenses for meals, lodging and incidental items provided that the Member is engaged in the performance of legislative duties. Depending on the nature and location of the activity, as explained below, payments may be made in one of the following forms: per diem allowance; reimbursement for actual costs incurred; or, in the case of lodging rental payments, a combination of partial per diem allowance and reimbursement of the cost of lodging rental.

2. Lodging Rental in the Harrisburg Area.

A Member who resides outside of Harrisburg and who rents lodging in the Harrisburg area may claim payments for the cost of the lodging lease and related expenses. No lodging rental payments will be made for any period after a Member's term expires.

3. Per Diem Allowance.

(a) Per Diem Entitlement.

A Member is entitled to receive a per diem allowance for each day the Member is in the performance of legislative duties while in the Harrisburg area (defined as within Dauphin County or otherwise within a 10-mile radius of the Capitol) or elsewhere in the Commonwealth but away from home. Specific legislative duties include attendance at sessions of the Senate, attendance at official committee meetings and participation in all other activities necessary or appropriate to the carrying out of the responsibilities of the Member.

(b) Types of Per Diem Allowance.

(1) Full Per Diem. A full per diem allowance not to exceed such amount as maybe established by the Senate Committee on Management Operations may be claimed as an allowance for meals and lodging.

(2) Partial Per Diem. A Member who claims the cost of lodging rental as provided in Rule III.2., may not receive a full per diem allowance except when the per diem

entitlement derives from attendance at official committee meetings outside of the Harrisburg area. When the per diem entitlement derives from the performance in the Harrisburg area of the specified legislative duties defined in Rule III.3.(a), a Member may receive a partial per diem allowance up to an amount established by the Senate Committee on Management Operations for meals and incidentals.

#### 4. Actual Costs.

A Member may claim actual costs for lodging, meals and other incidental items incurred in the performance of legislative duties. Expense claims for costs of lodging, meals and other incidental expenses incurred in the performance of legislative duties outside of the Commonwealth shall only be by claims for actual costs and shall not be through a claim of per diem.

#### 5. Employees' Travel.

If an employee is engaged in travel away from the normally assigned place of work necessary for the performance of official business, the employee may be reimbursed for reasonable actual cost of lodging, meals and other incidental items. For rules regarding Out-of-State travel, see Rule XI.

#### 6. Payment From One Source.

If a Member is entitled to a meal and lodging claim from more than one source for legislative business performed on behalf of more than one committee or group, payments shall be received from only one source.

#### 7. Review.

All authorized and approved meals and lodging claims shall be reviewed for inadvertent duplication by the Office of the Chief Clerk prior to processing and payment.

#### 8. Record Keeping.

Where a per diem allowance or reimbursement is paid by a legislative service agency cofunded between both Houses of the General Assembly, a copy of the approved claim shall be furnished to the Office of the Chief Clerk.

#### 9. Documentation.

##### (a) Per Diem Allowance.

For payment of a per diem allowance, a Member must submit a voucher showing the date, the legislative activity in which the Member was engaged on that date, and the location of the activity.

##### (b) Actual Expenses of a Member or an Employee.

For payment of actual expenses, a Member or employee must submit a voucher showing the date, amount, place and the legislative activity in which the Member or employee was engaged and must submit a vendor or credit card receipt or invoice for each item exceeding \$10.

##### (c) Lodging Rental.

A copy of each lease must be on file with the Office of the Chief Clerk. A Member must submit a voucher and, if appropriate, an invoice or receipt for any related expenses.

#### 10. Authorized Accounts.

##### (a) Incidental Expense Account.

Payments shall be made from the Incidental Expense Account for authorized Per Diem Allowances only for attendance at sessions of the Senate during which roll call votes are recorded.

##### (b) Accountable Expense Account.

Payments shall be made from Senator's Legislative Accountable Expense Account for lodging rental payment.

##### (c) Other Accounts.

Payment may be made from the following accounts for other authorized per diem meal and lodging claims:

- (1) Leadership Operations Accounts.
- (2) Appropriations Committee Accounts.
- (3) Legislative Management Committee Accounts.
- (4) Senators' Legislative Accountable Expense Accounts.
- (5) Contingent Accounts.
- (6) Senators' District Office Expense Accounts, meals only.
- (7) Incidental Expense Account.

#### IV. EQUIPMENT AND FURNISHING CONTROL AND INVENTORY

##### 1. Office of Chief Clerk Sole Agent.

The Office of the Chief Clerk shall act as the sole agent for improvements or renovations to Senate facilities at the Capitol Complex and for the purchase, rental, control and inventory of durable equipment, furniture and furnishings with a useful life of one year or more and a cost greater than the limit established by the Committee on Management Operations for utilization in both the Capitol and District Offices. Nonrecoverable items including, but not limited to, carpeting, draperies and air conditioners for use in and improvements or renovations to district office facilities shall be purchased pursuant to standards developed by the Senate Committee on Management Operations. The Chief Clerk shall serve as the sole agent for the purchase of United States and Pennsylvania flags.

##### 2. Approval of Purchase or Rental.

All requests for the purchase or rental of such equipment, furniture and furnishings must be reviewed and approved by the Chief Clerk. When due for renewal, rental contracts entered into prior to July 1, 1981 shall be reviewed by the Chief Clerk and if approved funded only as provided in Rule IV.8.

##### 3. Inventory.

All approved requests shall be processed by the office of the Chief Clerk, which shall maintain a full and current inven-

tory of all durable equipment, furniture and furnishings secured on behalf of a Member, Officer or employee of the Senate.

#### 4. Lowest Available Price.

The Chief Clerk shall take all necessary and reasonable steps to ensure that the purchase or rental of durable equipment, furniture and furnishings with a useful life of one year or more and a cost greater than the limit established by the Committee on Management Operations shall be transacted at the lowest available price for the quality, compatibility and service of the items being purchased or leased.

#### 5. Educational or Informational Literature.

The Secretary of the Senate shall provide for the publication and dissemination of educational or informational literature pertaining to the Senate of Pennsylvania, the Commonwealth of Pennsylvania or the Government of the United States.

#### 6. Public Records.

The records of the Secretary of the Senate and the Chief Clerk shall be considered public records and be available for public inspection in the manner similar to that provided in these Rules.

#### 7. Documentation Required.

##### (a) Request for Purchase or Rental Showing:

- (1) Date of request.
- (2) Item requested.
- (3) By whom request made.
- (4) Purpose.
- (5) Signature approvals.
- (6) Record of Rule IV.4. actions taken.

##### (b) Vendor's invoice or receipt detailing:

- (1) Date of purchase or rental.
- (2) Vendor's identity.
- (3) Description of item purchased or rented.
- (4) Length of rental contract when applicable.
- (5) Cost and payment terms of the purchase or rental.

#### 8. Authorized Accounts.

(a) Legislative and Printing Expense Account as provided in General Appropriations Act.

(b) The account as provided in the General Appropriations Act for the purchase of flags.

(c) Senators District Office Expense Accounts and Senators Legislative Accountable Expense Accounts for the purchase of flags and for the rental of durable equipment, furniture and furnishings.

### V. DISTRICT OFFICE EXPENSES

#### 1. Authorized Expenses.

Expenses authorized shall include:

(1) Aggregate office rental and utilities other than telephone totaling up to such monthly amount for one or more offices as may be established by the Senate Committee on Management Operations. Whenever a Member or any of his immediate family has an equity interest in a district office, the Member shall obtain an independent appraisal of the office rental cost which shall be filed with the Chief Clerk.

- (2) Insurance
- (3) Printing services.
- (4) Telephone and answering services.
- (5) Postage and mailing services.
- (6) Publications and subscriptions.
- (7) Nondurable supplies.
- (8) Member and employee parking.
- (9) Janitorial maintenance and cleaning services.

#### 2. Documentation Required.

A copy of the district office lease indicating the amount and payment terms shall be filed with the office of the Chief Clerk. Such copy may be referenced on the voucher and serve as appropriate documentation of the expense. Vouchers appropriately documenting expenses and legislative purpose for each expenditure. Receipts or invoices shall be included for all expenditures in excess of \$25 per occurrence.

#### 3. Authorized Accounts.

Accounts authorized include:

- (1) Senators' Legislative Accountable Expense Accounts.
- (2) Senators' District Office Expense Accounts.

### VI. CAPITOL OFFICE EXPENSES

#### 1. Authorized Expenses.

Expenses authorized shall include:

- (1) Utility services.
- (2) Insurance.
- (3) Printing services.
- (4) Telephone and answering services.
- (5) Postage and mailing services.
- (6) Publications and subscriptions.
- (7) Nondurable supplies.
- (8) Employee parking.
- (9) Janitorial maintenance and cleaning services.
- (10) Other items authorized for expenses as defined in the General Appropriations Act.

#### 2. Documentation Required.

Documentation required shall include vouchers appropriately documenting expenses and legislative purpose for each expenditure. Receipts or invoices shall be included for all expenditures in excess of \$25 per occurrence.

#### 3. Authorized Accounts.

Accounts authorized include:

- (1) Legislative Printing and Expense Account.
- (2) Postage Account of Chief Clerk (for postage only).
- (3) Senators' Legislative Accountable Expense Accounts.
- (4) Contingent Accounts and Incidental Expense Accounts.
- (5) Leadership Operations Accounts, exclusive of office rental.
- (6) Appropriations Committee Accounts, exclusive of office rental.
- (7) Legislative Management Committee Accounts, exclusive of office rental.

## VII. OFFICIAL EXPENSES

### 1. General.

While engaged in the performance of legislative duties, a Member, Officer or employee expressly authorized by a Member may claim actual expenses as set forth below.

### 2. Participation in Conferences and Seminars.

Expenses, such as registration fees, incurred in participating in legislative conferences and seminars may be claimed. Related travel expenses incurred are discussed in Rule II. Related meals and lodging expenses incurred are discussed in Rule III.

### 3. Conducting Meetings.

Expenses attributable to conducting legislative meetings may be claimed. Such expenses may include: food and refreshment, meeting room rental, and incidental items.

### 4. Entertainment.

Expenses incurred in connection with business entertainment may be claimed. Such expenses may include: meals, refreshments, and related items which are ordinary to the performance of a Member's legislative duties, and for which there is a legislative purpose. In general, these entertainment expenses will be incurred during, immediately preceding or immediately following a substantial and bona fide legislative business discussion.

### 5. Documentation.

#### (a) Participation in Conferences and Seminars.

Vouchers shall show the amount, date, place and legislative purpose. Registration or other receipts must be attached.

#### (b) Conducting Meetings.

Vouchers shall show or reference to records which show the amount, date, place and legislative purpose. Restaurant, hotel, or credit card receipt or invoices must be attached.

#### (c) Entertainment.

Vouchers shall show or reference to records which show the amount, date, place, legislative purpose and if claimed by a Member, the portion of the amount attributable to his enter-

tainment expense. Restaurant, hotel or credit card receipt or invoices must be attached.

#### (d) Claims by Nonofficer Employees.

Vouchers involving any official expenses claimed by non-officer employees shall reflect the formal authorization by a Member.

### 6. Authorized Accounts.

Payments shall be made from the following accounts:

- (1) Leadership Operations Accounts.
- (2) Appropriations Committee Accounts.
- (3) Legislative Management Committee Accounts.
- (4) Senator's Legislative Accountable Expense Accounts.
- (5) Senator's District Office Expense Accounts.
- (6) Contingent Accounts.
- (7) Incidental Expense Account.

## VIII. SPECIAL EXPENSES

### 1. Authorized Expenses.

Expenses authorized include:

(1) Flowers, baskets of fruit or other appropriate items or memorial contributions to designated charities not to exceed \$35. Recipients are limited to instances of death or illness for Members, Officers, employees or their immediate families, or former Members or their immediate families or dignitaries including both incumbent or former elected or appointed officials or their immediate families.

(2) Rental of common carrier and other expenditures inherent thereto for attendance at funerals of a Member or members of a Member's immediate family, former Members, dignitaries, or Officers.

### 2. Documentation Required.

Documentation required shall include receipt, vendor invoice and general invoice showing: recipient, instance, description of items delivered, date delivered and cost.

### 3. Authorized Accounts.

Payment shall be made only from Contingent Accounts or the Incidental Expense Account.

## IX. MISCELLANEOUS EXPENSES OF STANDING AND SPECIAL COMMITTEES

### 1. Committee Proceedings.

Rental of meeting rooms and hearing facilities and payments to qualified court reporters or stenographers to record the proceedings authorized by the chairman of a standing or special committee of the Senate, including the cost of transcripts. Witnesses served with a subpoena to testify before such proceedings shall be paid witness fees and travel expenses as provided by Section 5903 of the Judicial Code.

### 2. Printing and Mailing.

Committee printing and mailing costs for mailings relating to legislative business.

### 3. Publications and Subscriptions.

Publications and subscriptions.

### 4. Documentation Required.

Vouchers or vendors receipts or invoices stating vendor's name, services or amount of postage, date, place, and total amount due or paid. Postage purchases shall require a receipt stamped by the Postmaster.

### 5. Authorized Accounts.

Accounts authorized include:

- (1) Legislative Management Committees Accounts.
- (2) Leadership Operation Accounts.
- (3) Appropriations Committee Accounts.

## X. COMMITTEE ON MANAGEMENT OPERATIONS

### 1. Duties.

In addition to duties imposed by law or otherwise by these rules, the duties of the Senate Committee on Management Operations shall be:

(1) To arbitrate a decision of the Secretary or Chief Clerk of the Senate relating to these Rules, in the event that a Member, Officer or employee shall disagree with a decision of the Secretary or Chief Clerk of the Senate.

(2) To make a final decision in case of a dispute on a question of legislative intent or legislative purpose regarding an expenditure.

(3) To make a continuing review of these Rules as to expenditures and the reporting of expenditures, and, from time to time, to make such recommendations as are appropriate.

### 2. Records.

A record of the committee's decisions shall be maintained. The Chief Clerk shall be responsible for maintaining such records.

## XI. OUT-OF-STATE TRAVEL

### 1. Request for Approval.

No nonmember Officer of the Senate or any employee of any nonmember Officer shall be reimbursed nor shall any of his or her expenses be paid for any travel outside the Commonwealth unless such travel has been approved by a majority of the membership of the Committee on Management Operations. All requests for such approval shall be made on forms, provided by the Chief Clerk, and shall include information relating to the destination, the estimated cost of such travel, the number of days involved, and the relationship that the travel has to the duties of the Officer or employee making the request. In the case of an employee, the request shall also be approved by the Officer.

### 2. Approval of Request.

All Members of the committee who approve such travel shall indicate their approval by signing the request form. Should any Member disapprove of the request, he or she shall note such disapproval on the form and provide an explanation.

### 3. Filing of Request.

All such requests, whether approved or disapproved, shall be filed with the office of the Chief Clerk and shall be made available for public information on request to the Office of the Chief Clerk.

### 4. Time Limit for Filing.

A copy of any request for reimbursement or for the payment of any expenses relating to out-of-state travel by a Senator or employee assigned to a Senator shall be filed with the Office of the Chief Clerk within 30 days of such travel. Copies of these requests shall be made available for public information on request of the Office of the Chief Clerk.

## XII. LIST OF EMPLOYEES

### 1. Publication and Distribution.

(1) The Chief Clerk shall have published quarterly and shall mail to each Member's residence a listing of all employees of the Senate or any of its Officers, Committee Chairmen, and Members and all persons holding purchase of service contracts with the Senate or any of its Officers, Committee Chairmen and Members. The list for employees shall contain the full name of the employee, county of residence, the job title of the employee, the compensation of the employee, and the name of the Senator or Officer for such employee. For individuals holding purchase of service contracts with the Senate, the list shall contain the name of the contractor, the address of the contractor, a statement of the nature of the duties of the contractor, and the fee of the contractor as well as the name of the Senator or Officer responsible for monitoring the performance of the contractor.

(2) The list shall be submitted by February 1, for the quarter ending December 31; by May 1, for the quarter ending March 31; by August 1, for the quarter ending June 30; and by November 1, for the quarter ending September 30. Said list shall also be updated on a monthly basis including additions and deletions and shall be available for public inspection in the office of the Chief Clerk.

### 2. Public Inspection of Vouchers and Requisitions.

All vouchers and requisitions relating to all expenditures, expenses, disbursements and other obligations out of all appropriated funds of the Senate shall be available for public inspection during regular business hours in the office of the Chief Clerk or at such other location within the Capitol as the Chief Clerk shall prescribe.

### 3. Request to Review Vouchers and Requisitions.



All requests to review payroll and independent contractor records of the Senate or any other vouchers or requisitions for funds appropriated to the Senate shall be made to the Chief Clerk, in writing, at least three working days prior to the date on which the review is requested. The request shall be signed by the party who will be making the review and it shall indicate the name of the organization or entity employing such individual. The Chief Clerk shall establish a time during normal business hours for the review to occur and he shall provide that the review shall not interfere with the necessary functioning of the Chief Clerk's Office.

#### 4. Photocopies of Records.

Photocopies of financial records maintained in the office of the Chief Clerk shall be limited to the vouchers which are normally submitted by the Members on a monthly basis. Cost of copies will be determined by the Chief Clerk.

#### 5. Monthly Accounting of Other Disbursements.

For any appropriation to any Officer or Member for which the records are not maintained in the office of the Chief Clerk, the Officer or Member receiving the appropriation shall monthly file with the Chief Clerk an accounting of all disbursements made from the fund which shall include a separate listing for each expenditure and the address of the payee and which shall include as a minimum the information required for public review by this section. Such accounting shall be filed monthly in the office of the Chief Clerk not later than 15 days after the end of the month. Such accounting shall be open for public inspection as in the case of other records provided for herein.

### XIII. PERSONNEL POLICIES

#### 1. Preparation of Rules and Regulations.

The Senate Committee on Management Operations created pursuant to Section 1.1 of Act No. 417 of 1967 is authorized to prepare and adopt rules and regulations for uniform personnel policies and procedures, job specification and pay plans including periodic increments for Senate Officers and employees.

#### 2. Approval of Rules and Regulations.

Each such rule or regulation or any amendment thereto shall be prepared in resolution form and shall be placed on the Senate calendar for final approval or disapproval. The committee may when approved by at least four members of the committee and by both Floor Leaders implement such rules and regulations pending final Senate consideration of them. Such resolution shall have the force and effect of law in accordance with its terms when it has been approved by the full Senate.

### XIV. ACCOUNTING AND OPERATIONS MANUAL

#### 1. Preparation and Approval.

The Chief Clerk shall prepare an Accounting and Operations Manual with separate sections applicable to Members and their employees and fund custodians. This Manual shall

be submitted to the Senate Committee on Management Operations for its approval.

#### 2. Distribution.

Upon approval applicable sections of the Accounting and Operations Manual shall be distributed to all Members and Officers. A complete manual shall be forwarded to the Legislative Audit Advisory Commission.

#### 3. Maintenance and Updating.

The Chief Clerk shall be responsible for maintaining and updating this manual as a result of revisions or amendments promulgated by the Senate Committee on Management Operations or the Subcommittee of the Committee on Rules and Executive Nominations.

### XV. DURATION TO RULES

These rules shall be in full force and effect until altered, changed, amended or repealed as provided herein.

### XVI. CHANGES TO RULES

The consent of a majority of the Senators elected shall be necessary to alter, change or amend these rules.

### XVII. PROCEDURE FOR CHANGING RULES

All alterations, changes or amendments to these rules shall be by resolution which shall not be considered until first referred to and reported from the Committee on Rules and Executive Nominations.

### ANNOUNCEMENT OF MAJORITY AND MINORITY LEADERSHIP

The PRESIDENT. The Chair has been informed by the Majority caucus that they have elected as Majority Leader, Senator F. Joseph Loeper of Delaware County; as Whip, Senator D. Michael Fisher of Allegheny County; as Caucus Chairman, Senator Noah W. Wenger of Lancaster County; as Caucus Secretary, Senator Frank A. Salvatore of Philadelphia County; as Majority Policy Committee Chairman, Senator David J. Brightbill of Lebanon County; and as Caucus Administrator, Senator John D. Hopper of Cumberland County.

The Chair has also been informed by the Minority caucus that they have elected as Minority Leader, Senator Robert J. Mellow of Lackawanna County; as Whip, Senator J. William Lincoln of Fayette County; as Caucus Chairman, Senator Leonard J. Bodack of Allegheny County; as Caucus Secretary, Senator Michael A. O'Pake of Berks County; as Minority Policy Committee Chairman, Senator Patrick J. Stapleton of Indiana County; and as Caucus Administrator, Senator Jeanette F. Reibman of Northampton County.

### STATEMENT BY THE PRESIDENT

The PRESIDENT. We are now ready to notify the House that the Senate is organized.

**SENATE RESOLUTION****NOTIFICATION TO THE HOUSE**

Senator ROBBINS offered the following resolution which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, That a committee of three Senators be appointed to inform the House of Representatives that the Senate is organized in Regular Session and ready to proceed to business.

**APPOINTMENT OF COMMITTEE  
TO NOTIFY THE HOUSE**

The PRESIDENT. Pursuant to the resolution just adopted, the Chair wishes to announce the following committee to notify the House that the Senate is organized: the gentleman from Franklin County, Senator Terry L. Punt; the gentleman from Mercer County, Senator Robert D. Robbins; and the gentleman from York County, Senator Michael E. Bortner.

That committee will convene and leave immediately to discharge its duties.

**SENATE RESOLUTION****NOTIFICATION TO HIS EXCELLENCY,  
THE GOVERNOR**

Senator GREENWOOD offered the following resolution which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, That a committee of three Senators be appointed to wait upon His Excellency, the Governor, and inform him that the Senate is convened and organized in Regular Session and ready to receive any communications he may be pleased to make.

**APPOINTMENT OF COMMITTEE  
TO NOTIFY THE GOVERNOR**

The PRESIDENT. Pursuant to the resolution just adopted, the Chair wishes to announce the following committee to notify the Governor: the gentleman from Centre County, Senator J. Doyle Corman; the gentleman from Luzerne County, Senator Charles D. Lemmond; and the gentle woman from Philadelphia County, Senator Allyson Schwartz.

Will the committee please convene and leave immediately to discharge its duties.

**SENATE RESOLUTION****THANKS OF SENATE TENDERED TO THE  
HONORABLE ROBERT L. BYER FOR  
ADMINISTERING OATH OF OFFICE TO  
NEWLY ELECTED REPUBLICAN SENATORS**

Senator HART offered the following resolution which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, That the thanks of the Senate is hereby tendered to the Honorable Robert L. Byer, Judge of the Commonwealth Court of Pennsylvania, for his services in qualifying the newly elected Republican Senators.

**STATEMENT BY THE MINORITY LEADER**

Senator MELLOW. Mr. President, on behalf of Senator Schwartz, I would like to offer the following resolution, but before I do that, Mr. President, I would also like the record to indicate that the more things change, the more they stay the same. I would like to thank Senator Kelley for his swearing in of the new Members of the Senate and also for his interpretation of the Constitution. We appreciate that tremendously.

**SENATE RESOLUTION****THANKS OF SENATE TENDERED TO THE  
HONORABLE JAMES R. KELLEY FOR  
ADMINISTERING OATH OF OFFICE TO  
NEWLY ELECTED DEMOCRATIC SENATORS**

Senator MELLOW, on behalf of Senator SCHWARTZ, offered the following resolution which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, That the thanks of the Senate is hereby tendered to the Honorable James R. Kelley, Judge of the Commonwealth Court of Pennsylvania, for his services in qualifying the newly elected Democratic Senators.

**DISTINGUISHED GUESTS WELCOMED  
TO THE SENATE**

The PRESIDENT. The Chair would take a moment to explain that there is a specific reason why there is not an item on the agenda entitled "Introductions" and the reason is because there are so many distinguished visitors among us. We are very grateful for the presence of so many of you who have come today to witness this auspicious occasion, most notably wives, husbands, supporters from districts, and so on. The Chair also took note of several Congressmen in our midst. I will venture forth and say that Congressman Gekas is with us. Congressman-elect Santorum is with us. The Chair earlier noticed Congressman Ridge and Congressman Murtha in various parts of the Capitol today. Some of the staff from Congressman Gray's office are to our right, and to all of the other dignitaries—city councilmen, former Senators and others who are with us today—we thank you very much. Having dispensed with the majority of the introductions, the Chair would very much like to call upon the gentleman from Lackawanna, Senator Mellow, for an especially appropriate and important introduction.

Senator MELLOW. Mr. President, it is not the first time we have had the opportunity of having this gentleman attend

one of our Sessions or even attend a swearing-in ceremony. I think more importantly this year than probably ever in the last 15 years, because of the problems we are having in our country and because of what is taking place with "Desert Shield" in Saudi Arabia, I think it is important that I have the opportunity of introducing a gentleman who has been able to distinguish himself above and beyond. In fact, Mr. President, I believe it was President Truman who said that if he had the opportunity of being President of the United States or the recipient of the Congressional Medal of Honor, he would choose the latter. I would like to present to the Body the recipient of the Congressional Medal of Honor from Lackawanna County and from my hometown of Peckville, Mr. Gino Merli, who is seated over here.

(Applause.)

## SENATE CONCURRENT RESOLUTIONS

### RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, January 14, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, January 14, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

### JOINT SESSION

Senator BRIGHTBILL offered the following resolution which was read, considered and adopted:

In the Senate, January 1, 1991

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Monday, January 14, 1991 at 2:30 P.M. in the Hall of the House of Representatives for the purpose of witnessing the opening, counting and computing the official returns of the election for Governor and Lieutenant Governor, held on Tuesday, November 6, 1990, in the several counties of the Commonwealth and to elect a Director of the Legislative Reference Bureau.

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

### TELLER TO COMPUTE AND COUNT VOTE FOR GOVERNOR AND LIEUTENANT GOVERNOR

Senator GREENLEAF offered the following resolution which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, That the gentleman from Philadelphia County, Senator Salvatore, be appointed Teller on the part of the Senate for the purpose of witnessing the opening, computing and counting the votes for Governor and Lieutenant Governor.

## SENATE CONCURRENT RESOLUTION

### INAUGURAL COMMITTEE

Senator LOEPER offered the following resolution (Senate Concurrent Resolution No. 3), which was read, considered and adopted:

In the Senate, January 1, 1991.

RESOLVED, (the House of Representatives concurring), That the President Pro Tempore of the Senate be and is hereby authorized to appoint a committee of sixteen Senators to act in conjunction with a committee of twenty Members of the House of Representatives to be appointed by the Speaker, to make necessary arrangements for the inauguration of the Governor-elect to wait upon His Excellency; and be it further

RESOLVED, That the inaugural ceremonies take place at twelve o'clock noon on the third Tuesday of January, the fifteenth instant, 1991, on the front steps of the Main Capitol Building.

Ordered That the Secretary of the Senate present the same to the House of Representatives for concurrence.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### DISTRICT JUSTICE

December 4, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jayne F. Duncan, Esquire, 271 Stone Mill Drive, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 2-3-09, to serve until the first Monday of January, 1992, vice Harold E. Greiner, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE BRANDYWINE BATTLEFIELD PARK COMMISSION

December 5, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eugene L. DiOrto, 201 Walnut Street, Coatesville 19320, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

December 5, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cuyler H. Walker, Rolling Plains Farm, Wollaston Road, Unionville 19375, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until June 24, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER**

December 11, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Burke, Jr., R. R. 2, Box 244, Sugarloaf 18249, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Angeline L. Lamana, Hazleton, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS**

December 13, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William H. Reed, Jr. (Public Member), 8017 Thon Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until April 11, 1991 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Judith C. Lieberman, Allentown, resigned.

ROBERT P. CASEY.

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

December 14, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frances P. Fuge, 106 West Broad Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Donald Kirts, Ed.D., Easton, resigned.

ROBERT P. CASEY.

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

December 14, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Alexander, M.D., 1417 Old Mill Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until March 11, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

December 14, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marcia J. Eldred, 2423 Wynnefield Drive, Havertown 19083, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 11, 1991, and until her successor is appointed and qualified, vice Francis R. Grady, Camp Hill, resigned.

ROBERT P. CASEY.

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

December 14, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Victor F. Greco, M.D., E-Z Acres, R. R. 1, Drums 18222, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 11, 1993, and until his successor is appointed and qualified, vice William G. Fisher, West Chester, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

December 14, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Rauscher, 307 Lodge Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 25, 1994, and until his successor is appointed and qualified, vice Dwayne Cooper, Ohioville, whose term expired.

ROBERT P. CASEY.

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

December 17, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Snigar, R. D. 1, Pleasant Mount 18453, Wayne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
PHILIPSBURG STATE GENERAL HOSPITAL

December 17, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, June Roxbey, R. D. 1, Box 244, Philipsburg 16866, Clearfield County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Philipsburg State General Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Dennis G. Shealer, Philipsburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

December 19, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn C. Marboe, 705 West Hamilton Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Jane B. Troup, Lewisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
LABOR RELATIONS BOARD

December 21, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendell W. Young, III, 210 East Courtland Street, Philadelphia 19120, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

December 27, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Albert, 417 Culbertson Avenue, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-2-10, to serve until the first Monday of January, 1992, vice Michael S. Moschetti, mandatory retirement.

ROBERT P. CASEY.

PROTHONOTARY AND CLERK OF COURTS,  
VENANGO COUNTY

December 28, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn McLaughlin, 8 Gateway Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as Prothonotary and Clerk of Courts in and for the County of Venango, to serve until the first Monday of January, 1992, vice Donald F. Fischer, resigned.

ROBERT P. CASEY.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

### COMMITTEE DESIGNATION UNDER REGULATORY REVIEW ACT

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

#### SENATE OF PENNSYLVANIA

January 1, 1991

To: Mark R. Corrigan  
Secretary of the Senate

From: Senator ROBERT C. JUBELIRER  
President Pro Tempore

Subject: Committee Designation under  
Regulatory Review Act

Pursuant to the provisions of Act 181 of 1981, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for purpose of regulatory review as authorized in the act.

Standing committees for any departmental boards, commissions, committees, and other agencies not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive Nominations shall be the designated standing committee for purpose of regulatory review for any other agency not specifically listed herein.

#### AGENCY

#### COMMITTEE

Governor and Office of the Governor	State Government
Attorney General and Office of the Attorney General	Judiciary

Auditor General and Office of Auditor General	Finance	Commission	sources and Energy
State Treasurer and Treasury Department	Finance	Environmental Hearing Board	Environmental Resources and Energy
Adjutant General and Department of Military Affairs	Military and Veterans Affairs	Environmental Quality Board	Environmental Resources and Energy
Secretary and Department of Aging	Aging and Youth	Harness Racing Commission	State Government
Secretary and Department of Agriculture	Agriculture and Rural Affairs	Higher Education and Assistance Agency	Education
Secretary and Department of Banking	Banking and Insurance	Higher Education Facilities Authority	State Government
Secretary and Department of Commerce	Community and Economic Development	Historical and Museum Commission	State Government
Secretary of the Commonwealth and Department of State	State Government	Horse Racing Commission	Labor and Industry
Secretary and Department of Community Affairs, exclusive of housing programs	Local Government	Human Relations Commission	State Government
Secretary and Department of Community Affairs, housing programs	Urban Affairs and Housing	Independent Regulatory Review Commission	Labor and Industry
Secretary and Department of Corrections	Judiciary	Industrial Board	Rules and Executive Nominations
Secretary and Department of Education	Education	Joint Committee on Documents	Labor and Industry
Secretary and Department of Environmental Resources	Environmental Resources and Energy	Labor Relations Board	Law and Justice
Secretary and Department of General Services	State Government	Liquor Control Board	Banking and Insurance
Secretary and Department of Health	Public Health and Welfare	Medical Professional Liability	Agriculture and Rural Affairs
Commissioner and Department of Insurance	Banking and Insurance	Catastrophic Loss Fund	Community and Economic Development
Secretary and Department of Labor and Industry	Labor and Industry	Milk Marketing Board	Finance
Secretary and Department of Public Welfare	Public Health and Welfare	Milrite Council	Law and Justice
Secretary and Department of Revenue	Finance	Municipal Employees Retirement Board	Public Health and Welfare
Commissioner and PA State Police	Law and Justice	Municipal Police Officers Training Commission	Judiciary
Secretary and Department of Transportation	Transportation	Nursing Home Loan Agency	Judiciary
Secretary and Office of Administration	State Government	PA Commission on Crime and Delinquency	State Government
General Counsel and Office of General Counsel	Judiciary	PA Commission for Women	Environmental Resources and Energy
Secretary and Office of Budget	Appropriations	PA Emergency Management Agency	Urban Affairs and Housing
Executive Board	State Government	PA Energy Development Authority	Community and Economic Development
Arbitration Panel for Health Care	Banking and Insurance	PA Housing Finance Agency	Environmental Resources and Energy
Armory Board	Military and Veterans Affairs	PA Industrial Development Authority	Community and Economic Development
Board of Ben Franklin Partnership Fund	Community and Economic Development	PA Infrastructure Investment Authority	Environmental Resources and Energy
Board of Claims	Finance	PA Minority Business Development Authority	Community and Economic Development
Board of Finance and Revenue	Finance	PA Public Television Network Commission	State Government
Board of Governors of State System of Higher Education	Education	Public School Employees Retirement Board	Finance
Board of Pardons	Judiciary	Public Utility Commission	Consumer Protection and Professional Licensure
Board of Probation and Parole	Law and Justice	Securities Commission	Banking and Insurance
Civil Service Commission	State Government	State Athletic Commission	State Government
PA Commission on Sentencing	Judiciary	State Board of Education	Education
Council on the Arts	State Government	State Employees Retirement Board	Finance
Crime Victims Compensation Board	Judiciary	State Ethics Commission	Rules and Executive Nominations
Delaware River Basin	Environmental Re-	State Health Care Hearing Board	Public Health and Welfare
		State Public School Building Authority	Education
		State Tax Equalization Board	Finance
		Turnpike Commission	Transportation

Underground Storage Tank Indemnification Board	Environmental Re- sources and Energy
Unemployment Compensation Board of Review	Labor and Industry
Veterans' Commission	Military and Veterans Affairs
Workmen's Compensation Appeals Board	Labor and Industry
Architects Licensure Board	Consumer Protection and Professional Licensure
Auctioneers Examiners Board	Consumer Protection and Professional Licensure
Barber Examiners Board	Consumer Protection and Professional Licensure
State Board of Chiropractic	Consumer Protection and Professional Licensure
State Board of Cosmetology	Consumer Protection and Professional Licensure
State Board of Dentistry	Consumer Protection and Professional Licensure
Funeral Directors Board	Consumer Protection and Professional Licensure
Landscape Architects Board	Consumer Protection and Professional Licensure
State Board of Medicine	Consumer Protection and Professional Licensure
Motor Vehicles Manufacturers, Dealers and Salesmen Board	Consumer Protection and Professional Licensure
State Board of Nursing	Consumer Protection and Professional Licensure
Nursing Home Administrators	Consumer Protection and Professional Licensure
Occupational Therapy Education and Licensure Bd.	Consumer Protection and Professional Licensure
State Board of Optometry	Consumer Protection and Professional Licensure
State Board of Osteopathic Medical Examiners	Consumer Protection and Professional Licensure
State Board of Pharmacy	Consumer Protection and Professional Licensure
State Board of Physical Therapy	Consumer Protection and Professional Licensure
State Board of Podiatry	Consumer Protection and Professional Licensure
State Board of Psychology	Consumer Protection and Professional Licensure
State Board of Accountancy	Consumer Protection and Professional Licensure
Real Estate Commission	Consumer Protection

Registration Board for  
Professional Engineers

State Board of Examiners  
in Speech-Language  
and Hearing

PA State Board of  
Veterinary Medicine

State Board of Social  
Work Examiners

and Professional  
Licensure  
Consumer Protection  
and Professional  
Licensure  
Consumer Protection  
and Professional  
Licensure  
Consumer Protection  
and Professional  
Licensure  
Consumer Protection  
and Professional  
Licensure

From time to time it may be necessary to redesignate agencies which may not be included in the above designations. You will be advised when those designations are made.

### REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator PUNT. Mr. President, I have the honor to report that the committee appointed by the President pro tempore to inform the House of Representatives that the Senate is convened and organized in regular Session has performed its duty.

The PRESIDENT. The Chair thanks the gentleman.

Senator LOEPER. Mr. President, it is my understanding that we are yet awaiting a committee from the House to announce that the House is organized and that committee is on its way here. I would ask that we would stand at ease until they arrive.

The PRESIDENT. The Chair suspects that the committee is on its way.

### REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator CORMAN. Mr. President, I have the honor to report that the committee appointed by the President pro tempore to inform the Governor the Senate is convened and organized in regular Session has performed its duties.

The PRESIDENT. The Chair thanks the gentleman for doing an outstanding job. It is necessary to await the formal notification from the House that they are, in fact, organized. Some Senators would doubt that premise in any case.

### HOUSE NOTIFIES SENATE IT IS ORGANIZED

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present a committee on behalf of the House of Representatives.

The PRESIDENT. Would you bring the committee forth.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the Chairman of the committee, the Honorable Joseph Preston.



Representative PRESTON. Mr. President, we have been appointed as a committee by the House to inform the Senate the House is organized and ready to proceed with the business of the Session.

The PRESIDENT. The Chair thanks the gentleman for discharging his duties and thanks the gentleman for that information.

### **UNFINISHED BUSINESS**

#### **CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Vivian Baumgardner by Senator Bortner.

Congratulations of the Senate were extended to James Mazzotta by Senator Hart.

Congratulations of the Senate were extended to Robert M. Bullock by Senator Hopper.

Congratulations of the Senate were extended to William Christopher Cummings and to Robert E. Petrie by Senator Robbins.

#### **CONDOLENCE RESOLUTION**

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

Condolences of the Senate were extended to the family of the late Thomas B. Ickes by Senator Jubelirer.

#### **ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, January 14, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 1:45 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JANUARY 14, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 2

### SENATE

MONDAY, January 14, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, we pause at the beginning of this legislative Session to pray for the citizens of this nation, especially for those currently stationed in the Persian Gulf. We ask that You direct our thoughts and actions according to Your desire, that all may begin and end from You and by You be brought to a successful completion. Amen.

The PRESIDENT pro tempore. The Chair thanks the Chaplain of the Senate for his most appropriate prayer.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 1, 1991.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### JOINT SESSION

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
Harrisburg

January 3, 1991

The Honorable Robert E. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Capitol  
Harrisburg, Pennsylvania 17120  
Dear Senator Jubelirer:

If it meets with the approval of the General Assembly, I would like to address the members in Joint Session on Monday afternoon, January 28, at a time convenient to the General Assembly.

Sincerely,

ROBERT P. CASEY  
Governor

#### JOINT SESSION

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
Harrisburg

January 8, 1991

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

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session on Wednesday, February 6, 1991, at a time convenient to the General Assembly.

Sincerely,

ROBERT P. CASEY  
Governor

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

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

January 2, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond Sannie, 2638 Columbia Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until April 6, 1991 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Masi, Erie, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEHIGH COUNTY

January 3, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. Wallitsch, Esquire, 2930 Woods Hollow Lane, Allentown 18103, Lehigh County, Forty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1992, vice The Honorable Maxwell E. Davison, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

January 4, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Rocky Brown, III, 23 West Eighth Street, Chester 19013, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-1-21, to serve until the first Monday of January, 1992, vice William L. Brown, Jr., deceased.

ROBERT P. CASEY.  
DISTRICT JUSTICE

January 4, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David J. Murphy, Esquire, 1 Scott Lane, Aston, 19014, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-2-38, to serve until the first Monday of January, 1992, vice Henry J. Silva, resigned.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF PARDONS

January 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. Menniti, Ph.D., 605 Colonial View Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. DeMatte, D.C., 1151 Interchange Road, Lehighton 18235, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Louis P. Latimer, D.C., Carbondale, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas F. Torbik, 5 Irving Place, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1995, and until his successor is appointed and qualified, vice Ronald S. Mintz, Esquire, Horsham, whose term expired.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
CRAWFORD COUNTY

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony Joseph Vardaro, Esquire, 654 Park Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Crawford County, to serve until the first Monday of January, 1992, vice The Honorable P. Richard Thomas, mandatory retirement.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
LEBANON COUNTY

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Charles Tylwalk, Esquire, 231 East Penn Avenue, Cleona 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Thomas Gates, resigned.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hugh F. Mundy, Esquire, 74 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Bernard J. Podcasy, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Eugene H. Clarke, Jr., mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE STATE  
BOARD OF NURSING

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sister Rita Moriarty, S.C.C., R.N., Divine Providence Hospital, 1100 Grampian Boulevard, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS

January 10, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sydney Marie Avent, Esquire (Public Member), 6712 Anderson Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF THE  
UNIVERSITY OF PITTSBURGH—OF  
THE COMMONWEALTH SYSTEM  
OF HIGHER EDUCATION

January 10, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Chappano, 712 Filbert Street, Pittsburgh 15232-2404, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh—of the Commonwealth System of Higher Education, to serve until October 5, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

DISTRICT JUSTICE

January 10, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steve A. Divietro, 3800 Farmersville Road, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Magisterial District 3-2-09, to serve until the first Monday of January, 1992, vice Walter F. Auch, Jr., mandatory retirement.

ROBERT P. CASEY.

CORRECTIONS TO NOMINATIONS BY THE  
GOVERNOR REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,  
LEHIGH COUNTY

January 8, 1991.

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

Please note the nomination dated January 3, 1991 for the appointment of Thomas A. Wallitsch, Esquire, 2930 Woods Hollow Lane, Allentown 18103, Lehigh County, Forty-eighth Senatorial District, as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1992, vice The Honorable Maxwell E. Davison, resigned, should be corrected to read:

Thomas A. Wallitsch, Esquire, 2930 Woods Hollow Lane, Allentown 18103, Lehigh County, Sixteenth Senatorial District, as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1992, vice The Honorable Maxwell E. Davison, resigned.

MEMBER OF THE HEALTH CARE  
POLICY BOARD

January 10, 1991.

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

Please note the nomination dated December 14, 1990 for the appointment of Marcia J. Eldred, 2423 Wynnefield Drive, Havertown 19083, Delaware County, Twenty-sixth Senatorial District, as a member of the Health Care Policy Board, to serve until March 11, 1991 and until her successor is appointed and qualified, vice Francis R. Grady, Camp Hill, resigned, should be corrected to read:

Marcia J. Eldred, 2423 Wynnefield Drive, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member

of the Health Care Policy Board, to serve until March 11, 1991 and until her successor is appointed and qualified, vice Francis R. Grady, Camp Hill, resigned.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTIONS

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

Joint Session.

Senate Concurrent Resolution No. 3.

## STANDING COMMITTEES APPOINTED

The PRESIDENT pro tempore. The Chair wishes to announce that he has appointed the Standing Committees for the 1991-1992 Session.

### STANDING COMMITTEES OF THE SENATE OF PENNSYLVANIA SESSIONS OF 1991-1992

#### AGING AND YOUTH—10

HOPPER, Chairman  
GREENWOOD, Vice Chairman

Rhoades	Robbins	Belan
Salvatore	Andrezeski*	Schwartz
Punt	Jones	Jubelirer, ex-officio

#### AGRICULTURE AND RURAL AFFAIRS—10

HELFRICK, Chairman  
WENGER, Vice Chairman

Rhoades	Punt	Andrezeski
Madigan	Stapleton*	Bortner
Peterson	O'Pake	Jubelirer, ex-officio

#### APPROPRIATIONS—20

TILGHMAN, Chairman  
BELL, Vice Chairman

Holl	Brightbill	Lewis
Corman	Shumaker	Stout
Loeper	Armstrong	Williams
Fisher	Peterson	Musto
Rhoades	Fumo*	Jubelirer, ex-officio
Shaffer	Stapleton	
Wenger	Scanlon	

#### BANKING AND INSURANCE—10

HOLL, Chairman  
CORMAN, Vice Chairman

Hopper	Salvatore	Lewis
Loeper	Scanlon*	Dawida
Pecora	O'Pake	Jubelirer, ex-officio

### COMMUNITY AND ECONOMIC DEVELOPMENT—10

SHAFFER, Chairman  
PETERSON, Vice Chairman

Pecora	Hart	Porterfield
Punt	Schwartz*	LaValle
Baker	Jones	Jubelirer, ex-officio

### CONSUMER PROTECTION AND PROFESSIONAL LICENSURE—10

BELL, Chairman  
SHUMAKER, Vice Chairman

Greenleaf	Baker	Lynch
Shaffer	Afflerbach*	Andrezeski
Armstrong	Reibman	Jubelirer, ex-officio

#### EDUCATION—10

RHOADES, Chairman  
HART, Vice Chairman

Greenleaf	Madigan	Afflerbach
Shumaker	Fattah*	Bortner
Armstrong	Reibman	Jubelirer, ex-officio

### ENVIRONMENTAL RESOURCES AND ENERGY—10

BRIGHTBILL, Chairman  
HELFRICK, Vice Chairman

Holl	Greenwood	Stout
Greenleaf	Musto*	Lincoln
Rhoades	Stapleton	Jubelirer, ex-officio

#### FINANCE—10

ARMSTRONG, Chairman  
TILGHMAN, Vice Chairman

Fisher	Robbins	Porterfield
Helfrick	Dawida*	Schwartz
Lemmond	Fattah	Jubelirer, ex-officio

#### GAME AND FISHERIES—10

ROBBINS, Chairman  
MADIGAN, Vice Chairman

Helfrick	Peterson	Stewart
Rhoades	Porterfield*	Bortner
Brightbill	Scanlon	Jubelirer, ex-officio

### INTERGOVERNMENTAL AFFAIRS—10

BAKER, Chairman  
LEMMOND, Vice Chairman

Loeper	Salvatore	Lincoln
Hopper	O'Pake*	Bodack
Pecora	Mellow	Jubelirer, ex-officio

#### JUDICIARY—10

GREENLEAF, Chairman  
BRIGHTBILL, Vice Chairman

Hopper	Lemmond	Fumo
Fisher	Lewis*	Williams
Shumaker	Reibman	Jubelirer, ex-officio

**LABOR AND INDUSTRY—10**

MADIGAN, Chairman  
PUNT, Vice Chairman

Wenger	Robbins	Bodack
Greenwood	Belan*	Musto
Baker	Lynch	Jubelirer, ex-officio

**LAW AND JUSTICE—10**

SHUMAKER, Chairman  
GREENLEAF, Vice Chairman

Fisher	Hart	Stewart
Salvatore	Lynch*	Belan
Madigan	Scanlon	Jubelirer, ex-officio

**LOCAL GOVERNMENT—10**

PECORA, Chairman  
BAKER, Vice Chairman

Corman	Hart	Stewart
Madigan	Bortner*	Porterfield
Lemmond	Andrezeski	Jubelirer, ex-officio

**MILITARY AND  
VETERANS AFFAIRS—10**

PUNT, Chairman  
PECORA, Vice Chairman

Hopper	Robbins	Bodack
Helfrick	LaValle*	Belan
Lemmond	Stapleton	Jubelirer, ex-officio

**PUBLIC HEALTH AND WELFARE—10**

PETERSON, Chairman  
HOPPER, Vice Chairman

Corman	Hart	Afflerbach
Brightbill	Williams*	Dawida
Greenwood	Jones	Jubelirer, ex-officio

**RULES AND EXECUTIVE  
NOMINATIONS—15**

LOEPER, Chairman  
FISHER, Vice Chairman

Bell	Brightbill	Fumo
Holl	Salvatore	Lincoln
Tilghman	Armstrong	Williams
Shaffer	Mellow*	Jubelirer,
Wenger	O'Pake	ex-officio

**STATE GOVERNMENT—10**

LEMMOND, Chairman  
SHAFFER, Vice Chairman

Bell	Punt	Lewis
Tilghman	Stewart*	Bodack
Wenger	O'Pake	Jubelirer, ex-officio

**TRANSPORTATION—10**

CORMAN, Chairman  
HOLL, Vice Chairman

Bell	Baker	Bodack
Shaffer	Stout*	LaValle
Peterson	Lincoln	Jubelirer, ex-officio

**URBAN AFFAIRS AND HOUSING—10**

GREENWOOD, Chairman  
SALVATORE, Vice Chairman

Tilghman	Hart	Dawida
Pecora	Jones*	Schwartz
Robbins	Fattah	Jubelirer, ex-officio

\*Minority Chairman

**COMMITTEE ON ETHICS  
AND OFFICIAL CONDUCT**

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

**SENATE OF PENNSYLVANIA**

January 14, 1991

To: Mark R. Corrigan  
Secretary of the Senate

From: Senator ROBERT C. JUBELIRER  
President Pro Tempore

Subject: Committee on Ethics  
and Official Conduct

In accord with the provisions of Senate Rule XXXVII, as President Pro Tempore of the Senate and as appropriate upon the recommendation of the Minority Leader, I hereby appoint the following Senators to serve as members of the Committee on Ethics and Official Conduct:

Senator David J. Brightbill, Chairman  
Senator Eugene F. Scanlon, Vice Chairman  
Senator Tim Shaffer  
Senator Roger A. Madigan  
Senator Robert J. Mellow  
Senator Vincent J. Fumo

**LEGISLATIVE LEAVES**

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

The PRESIDENT pro tempore. Senator Fisher has requested a temporary Capitol leave for Senator Shumaker. Without objection, that leave will be granted.

Senator BODACK. Mr. President, I would ask for temporary legislative leave for Senator Lincoln and a temporary Capitol leave for Senator Fattah.

The PRESIDENT pro tempore. Senator Bodack has requested a legislative leave for Senator Lincoln and a temporary Capitol leave for Senator Fattah. There being no objection, those leaves will be granted.

**LEAVES OF ABSENCE**

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

Senator BODACK asked and obtained leaves of absence for Senator AFFLERBACH, Senator FUMO, Senator JONES, Senator LYNCH and Senator WILLIAMS, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTIONS****RECESS ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, January 14, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, January 28, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, January 28, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

**YEAS—44**

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

**NAYS—0**

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

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

**JOINT SESSION**

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, January 14, 1991.

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Monday, January 28, 1991, at 2:30 p.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Robert P. Casey; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

**HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION**

The PRESIDENT pro tempore. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present to you a committee on behalf of the House of Representatives.

The PRESIDENT pro tempore. Will you bring the committee forth, please.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the Chairman of the committee, the Honorable Representative Thomas Tigue.

Mr. TIGUE. Mr. President, we are a committee of the House appointed to inform the Senate that the House is ready to receive the Members of the Senate for a Joint Session and to escort the Senate to the Hall of the House.

The PRESIDENT pro tempore. The Chair thanks Chairman Tigue and the committee from the House.

**RECESS**

The PRESIDENT pro tempore. The Members of the Senate will please form a line at the center aisle immediately behind the Sergeant-at-Arms and the House committee, in order that we may proceed to the Joint Session.

The Chair now declares a recess of the Senate for one-half hour or the length of the Session.

**AFTER RECESS**

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

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

**UNFINISHED BUSINESS****CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mike Maggio by Senator Andrezski.

Congratulations of the Senate were extended to Mr. and Mrs. Abraham Nissley, Mr. and Mrs. Henry Toews, Mr. and Mrs. Royal A. Travitz, Mr. and Mrs. John M. Ressel, Mr. and Mrs. A. Preston Smith, Mr. and Mrs. Henry E. Staub, Mr. and Mrs. Benjamin Funk, Mr. and Mrs. Vearl Booth, Mr. and Mrs. J. Musser Hershey, Alice Dittenbaugh, Blaine Norris, Nathaniel Bowman, John C. Donnelly, Anna Witmer Brackbill, J. David Williams and to Gerald S. Lestz by Senator Armstrong.

Congratulations of the Senate were extended to Keith Johnson by Senator Baker.

Congratulations of the Senate were extended to Dave Carlson and to Robert A. Pardick by Senator Belan.



Congratulations of the Senate were extended to Mr. and Mrs. Elwood Hicken, Mr. and Mrs. John W. Harper and to Mr. and Mrs. John Sperratore by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. John Derkach, Mr. and Mrs. Adam Picciafoco and to Mr. and Mrs. George L. Brown, Sr. by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. George Kemp, Adam W. Holtzinger, Michael R. Cruse and to Brian Sechrist by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Donald B. Fisher by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Karschner, Mr. and Mrs. Samuel H. Reinard, Mr. and Mrs. Palmer Snook, Laura Farley, Corporal James Vincent Dearing, Erick Johnston, Derek Walker, Bob Kerin, Jason Stephens and to Scott Long by Senator Corman.

Congratulations of the Senate were extended to Shawn Wooden, Rabbi Harold B. Waintrup, J. Leo Schlank, Margaret H. George, Daniel F. Hunt, Catherine Louise Telle Tarman Dunlap and to Immaculate Conception Church of Jenkintown by Senator Greenleaf.

Congratulations of the Senate were extended to Anthony Taliani, Jr. by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Lynn, Sr., Mr. and Mrs. Clyde D. Bower, Sr., Mr. and Mrs. Karl Bauman, Mr. and Mrs. L. Peter Fisher, Mr. and Mrs. Gordon Ridall, Mr. and Mrs. Joseph DeLuca, Mr. and Mrs. Guido Pisani, Mr. and Mrs. Frank Van Devender, Mr. and Mrs. William Haas, Mr. and Mrs. Edward Francis, Sr., Mr. and Mrs. George J. Kanuer, Travis J. Hess, Esther Swank and to Ignatz Mandrick by Senator Helfrick.

Congratulations of the Senate were extended to Charles H. Allebach, Jr. by Senator Holl.

Congratulations of the Senate were extended to Jennifer Cummins by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Christian Smollinger, Wendell R. Hunt and to Clifford L. Jones by Senator Lemmond.

Congratulations of the Senate were extended to Charles F. Lewandowski by Senator Lincoln.

Congratulations of the Senate were extended to Joel N. Bloom, Andy Brackbill, Jon Sollenberger, Gerard D. Paradis and to Saint Andrew the Apostle Church of Drexel Hill by Senator Loeper.

Congratulations of the Senate were extended to Ken Clothier and to George Wesner by Senator Lynch.

Congratulations of the Senate were extended to Mr. and Mrs. Richard S. Stetts, Mr. and Mrs. George H. Dauber, Mr. and Mrs. Harold McWatters, Mary Hannah Lay, Williamsport High School Marching Millionaires, Hughesville High School Marching Band and to the Lycoming College Football Team by Senator Madigan.

Congratulations of the Senate were extended to Brian Perri, Jason Jorge Vesko, Edmund F. Scacchitti, Anthony Coloma, Mason C. Linn, Kevin Fagan and to Joe Amato by Senator Mellow.

Congratulations of the Senate were extended to David M. Dudzinski, Helen Shinko, Boy Scout Troop 33 of Wilkes-Barre and to Hanover Area High School Varsity Football Team by Senator Musto.

Congratulations of the Senate were extended to Greg Skrepenak and to Raghib Ismail by Senators Musto and Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Arch Scapes, Lisle E. Williams and to Janet Black by Senator Pecora.

Congratulations of the Senate were extended to Harold Maynard and to Michael A. Christensen by Senator Peterson.

Congratulations of the Senate were extended to the Katherine Mabis McKenna Foundation by Senator Porterfield.

Congratulations of the Senate were extended to DECA Chapter of the Franklin County Vocational-Technical School by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Kopinga by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Quinton P. Jones, Mr. and Mrs. John Dolena, Mr. and Mrs. Stanley McLaughlin, Mr. and Mrs. James Koch, Paul D. Heck, Ruth Lobien and to the Junior Reserve Officers Training Corps of Panther Valley High School of Lansford by Senator Rhoades.

Congratulations of the Senate were extended to Robert J. Mullen by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Kinkela, Mr. and Mrs. Arthur Double, Mr. and Mrs. Glenn A. Wheeler, Mr. and Mrs. Richard Claire, Mr. and Mrs. Levi Hartzel, Mr. and Mrs. Loyal R. Mitchell, Daniel Lewis Palmer and to Charles Gerald Cogley by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Hoffner, Mr. and Mrs. Jay C. Bowman, Mr. and Mrs. Eugene S. Freet, Elsie I. Sebastian and to Pearl R. Engleman by Senator Shumaker.

Congratulations of the Senate were extended to Williams Valley Football Team of Tower City by Senators Shumaker and Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Harold S. Rankin, Ralph E. and Mary E. Durbin and to Clarion Area Jaycees by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Earl V. Pigford, Mr. and Mrs. William Nyswaner, Mr. and Mrs. Gaylord R. Danley, Mr. and Mrs. Clyde Bane, David B. Rubenstein and to Mark E. Rubenstein by Senator Stout.

Congratulations of the Senate were extended to Dominick Richard Daddona and to Daniel N. Ehart by Senator Tilghman.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Thomas E. Hicks by Senator Bortner.

Condolences of the Senate were extended to the family of the late Ian A. McGain II by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late Robert Paul Mauk by Senator Jubelirer.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. Richard W. Wand as a member of the Citizens Advisory Council to the Department of Environmental Resources.

Mr. Peter DePaul as a Commonwealth Trustee of Temple University.

Honorable D. Donald Jamieson as a Commonwealth Trustee of Temple University.

Senator Noah W. Wenger as a member of the Chesapeake Bay Commission.

Mr. Herbert J. Hutton, Esquire, as a Commonwealth Trustee of Lincoln University.

Honorable Roy W. Wilt as a member of the State Ethics Commission.

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

Senator Roger A. Madigan as a member of the Public School Employees Retirement Board.

Senator Vincent J. Fumo as a member of the Public School Employees Retirement Board.

### TELLER'S REPORT OF PROCEEDINGS OF JOINT SESSION OF SENATE AND HOUSE OF REPRESENTATIVES FOR THE OPENING, COUNTING AND PUBLISHING OF VOTE FOR GOVERNOR AND LIEUTENANT GOVERNOR AND THE ELECTION OF A DIRECTOR OF THE LEGISLATIVE REFERENCE BUREAU

Senator LOEPER. Mr. President, the President and Members of the Senate and the Speaker and Members of the House of Representatives met in the Hall of the House of Representatives on this day, and the President of the Senate, Mark S. Singel, in pursuance of the Constitution and laws of this Commonwealth, did then and there proceed to open and count and publish the official returns of the election of Governor and Lieutenant Governor, held on the sixth day of November, Anno Domini one thousand nine hundred and ninety in the City of Philadelphia and the several counties of the Commonwealth.

Also, Mr. President, I wish to report that during the Joint Session of the Senate and the House of Representatives, in accordance with the provisions of section two of the Act

approved the seventh day of May, one thousand nine hundred and twenty-three (P.L. 158), entitled, "An Act creating a Legislative Reference Bureau, providing for the election of the Director by the General Assembly, designating the officers and employes of such bureau, defining their duties, fixing their salaries, abolishing the present Legislative Reference Bureau, and making an appropriation," the Senate and House of Representatives in Joint Session today assembled elected John W. Hartman as Director of the Legislative Reference Bureau and that the oath of office was administered to John W. Hartman by the Lieutenant Governor, The Honorable Mark S. Singel.

The PRESIDENT. The Chair thanks the gentleman for that particularly illuminating report.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, January 15, 1991, at 10:15 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:25 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JANUARY 15, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 3

### SENATE

TUESDAY, January 15, 1991.

The Senate met at 10:15 a.m., Eastern Standard Time.

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

The PRESIDENT pro tempore. Let me first clarify the program. I am the President pro tempore of the Senate, Senator Robert Jubelirer of Blair County who will be presiding over this ceremony, and the Lieutenant Governor will not have to preside over his own swearing in, so I call that correction to your attention.

Let me welcome each and every one of you to this ceremony, and I am sure that it will be a most enjoyable day for all of us.

The Chair requests the Sergeant-at-Arms to direct the standees in the rear of the Chamber to the gallery where there is standing room. This is necessary in order to keep these doorways open to facilitate the coming and going of the official parties participating in today's ceremony.

The Senate will come to order.

### PRAYER

The Chaplain, Reverend LARRY CHOTTINER, Pastor of Westmont Presbyterian Church, Johnstown, offered the following prayer:

And let us pray.

Almighty and Sovereign God, on this day we lift our thanks for the grace and guidance that has borne us to this moment. Our lives unfold under Your watchful care. Enriched by Your masterful hand, we have been endowed with blessings beyond our imagination. Fashioned in the mystery of Your love, we are the inheritors of a hope that remains undefiled and unfaded. We celebrate Your presence in the midst of this assembly and pray that what we do is to Your praise and to Your glory.

O God of peace, our minds this day are filled with many issues. Even as You are present with us, so also You are present with those that wage the struggle to find peace in our world. For our leaders, our diplomats, our soldiers, even for those that we call our enemies, may You give us cause on this day to beat our swords into plowshares and so avoid the treachery of war. Hear us we pray.

And as this Senate convenes today, may You lead each man and woman who serves here in the ways of justice and of

mercy. May You grant to each a full measure of wisdom and an even fuller measure of courage to stand against the wiles of temptation and evil. For the Governor and the Lieutenant Governor we pray, be with them as they assume these special tasks a second time. Grant them Your blessings, that in the exercise of their continued duties, they may be a light to the path of others. Be with us all as each faithfully discharges the responsibilities of government, and insured with this sacred trust, help each to pass on to the next generation a vital Commonwealth prepared to embrace them and their dreams.

For the people of Pennsylvania and the confidence they have placed in those chosen to lead, we also on this day lift our thanks, and it is not as an afterthought, but effective government reflects a strong relationship between leaders and those they lead. And so it is for their many faces, their daily tasks and the wealth of life they represent that we are grateful to You, our Creator.

O God, our faithful God, O fountain of life and light ever flowing, without whom nothing exists, keep us calm, keep us faithful. Hold us in Your powerful hand and help us to love and so find joy in its abundance, for it is in thankfulness that we pray to You, O God. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Chottiner who, of course, is the guest today of Lieutenant Governor Singel, as well as Senator Stewart.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 14, 1991.

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

### LEGISLATIVE LEAVES

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

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Fattah and Senator Porterfield. The Chair hears no objection. The leaves will be granted.

**LEAVES OF ABSENCE**

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

Senator MELLOW asked and obtained leaves of absence for Senator AFFLERBACH, Senator FUMO, Senator LYNCH and Senator WILLIAMS, for today's Session, for personal reasons.

**SENATE RESOLUTION****COMMITTEE TO WAIT UPON  
THE LIEUTENANT GOVERNOR-ELECT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, January 15, 1990.

RESOLVED, That a committee of two Senators be appointed to wait upon the Honorable Mark S. Singel, Lieutenant Governor-elect and escort him to the Senate Chamber to take the Oath of Office and assume the duties of the Office of Lieutenant Governor and President of the Senate.

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

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

**YEAS—45**

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

**NAYS—0**

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

**SENATE COMMITTEE APPOINTED  
PURSUANT TO SENATE CONCURRENT  
RESOLUTION NO. 3**

The PRESIDENT pro tempore. Pursuant to Senate Concurrent Resolution No. 3, as President pro tempore of the Senate I have appointed the following Members of the Senate to represent the Senate of Pennsylvania as a committee participating in the inaugural ceremonies for Robert P. Casey, Governor-elect of the Commonwealth of Pennsylvania:

The gentleman from Delaware, Senator F. Joseph Loeper, Chairman; the gentleman from Allegheny, Senator D. Michael Fisher; the gentleman from Lancaster, Senator Noah W. Wenger; the gentleman from Philadelphia, Senator Frank A. Salvatore; the gentleman from Cumberland, Senator John D. Hopper; the gentleman from Bradford, Senator Roger A. Madigan; the gentleman from Chester, Senator Earl M. Baker; the gentleman from Mercer, Senator Robert D. Robbins; the lady from Allegheny, Senator Melissa A. Hart; the gentleman from Lackawanna, Senator Robert J. Mellow; the gentleman from Fayette, Senator J. William Lincoln; the gentleman from Allegheny, Senator Leonard J. Bodack; the gentleman from Berks, Senator Michael A. O'Pake; the gentleman from Indiana, Senator Patrick J. Stapleton; the lady from Northampton, Senator Jeanette F. Reibman; and the gentleman from Beaver, Senator Gerald J. LaValle.

**COMMITTEE APPOINTED TO WAIT UPON  
THE LIEUTENANT GOVERNOR-ELECT**

The PRESIDENT pro tempore. The President pro tempore has appointed the following committee to escort Lieutenant Governor-elect Mark S. Singel and his official party to the Senate Chamber:

The gentleman from Delaware, Senator F. Joseph Loeper, Chairman; and the gentleman from Lackawanna, Senator Robert J. Mellow.

The committee will leave immediately and proceed to the office of the Lieutenant Governor.

At this time the Senate will be at ease.

(The Senate was at ease.)

**GOVERNOR AND MRS. ROBERT P. CASEY  
PRESENTED TO SENATE**

The PRESIDENT pro tempore. The Governor-elect of the Commonwealth of Pennsylvania and Mrs. Casey are entering the Chamber. Would the Senate please rise and give them a round of applause.

(Applause.)

**REPORT OF COMMITTEE TO WAIT UPON  
THE LIEUTENANT GOVERNOR-ELECT**

The PRESIDENT pro tempore. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the committee which was appointed by you to wait upon the Lieutenant Governor-elect.

The PRESIDENT pro tempore. Please bring the committee and guests forward.

(Applause.)

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the Chairman of the committee, Senator Loeper.

Senator LOEPER. Mr. President, the committee appointed by you to wait upon and escort the Lieutenant Governor-elect and his party to the Senate Chamber has performed its duty. The Lieutenant Governor-elect Mark S. Singel is present and prepared to take the oath of office.

The PRESIDENT pro tempore. The Chair thanks the committee for performing its duty and asks the committee to escort the Lieutenant Governor-elect and his party to the rostrum.

Please proceed. The committee is discharged with the thanks of the Senate.

You all may be seated.

The PRESIDENT pro tempore. Before we begin our inaugural ceremonies today, the Chair would request the full cooperation of Members and guests. We have quite a lot to do and most of the ceremony is indeed on a timed basis. So, when instructions are given, I would respectfully ask that you comply with them as expeditiously as possible. The Chair thanks Members and guests.

### INAUGURAL CEREMONY OF LIEUTENANT GOVERNOR-ELECT MARK S. SINGEL

The PRESIDENT pro tempore. The hour having arrived for the administration of the oath of office to the Lieutenant Governor-elect, the Senate will come to order.

The ceremony will be opened with the invocation, which will be offered by The Most Reverend Thomas Dolinay, Archbishop of the Byzantine Catholic Archdiocese of Pittsburgh.

#### INVOCATION

The Chaplain, The Most Reverend THOMAS DOLINAY, Archbishop of the Byzantine Catholic Archdiocese of Pittsburgh, offered the following prayer:

O God, Who has gifted our country with a freedom so lacking in many parts of the world today, a freedom that many can only secretly long for, send down Your Holy Spirit upon Mark Singel as he assumes his second term as the Lieutenant Governor of the Commonwealth of Pennsylvania.

May the spirit of truth guide him as he strives to serve the people of this state. Let neither race nor origin of nationality or religious persuasion of any deter him as he serves his fellow citizens in this State of Pennsylvania. May he ever have charity and compassion towards the less fortunate members of our society.

With Your help, our Heavenly King, may he dispense his awesome duties with honor and distinction. In a day when the cynical speak disparagingly of our political structure, may the light of Mark Singel's integrity shine brightly.

We also pray for his wife and family, that they stand by his side fully understanding the high purposes of his office. O God, please accept these petitions we offer You this day. Amen.

The PRESIDENT pro tempore. Thank you, Your Excellency, for your beautiful prayer.

#### REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. This is an announcement to those of you who wish to take photographs. Before proceeding to the administration of the oath of office to Lieutenant Governor-elect Mark S. Singel, the Chair would like to ask for the cooperation of the news photographers and others who would like to take pictures, so that during the actual ceremony there will be no picture taking.

At the conclusion of the administration of the oath of office, there will be a short pause in the proceedings so that the news photographers and others who so desire will, indeed, be able to take photographs. The rest of us will be at ease for a few minutes at that time. Again, your cooperation is very much appreciated and welcomed.

#### CERTIFICATE OF ELECTION OF LIEUTENANT GOVERNOR-ELECT

The PRESIDENT pro tempore. At this time the Clerk of the Senate will read the Certificate of Election of the Honorable Mark S. Singel, Lieutenant Governor-elect of the Commonwealth of Pennsylvania.

The Certificate of Election was read by the Clerk as follows:

Commonwealth of Pennsylvania  
January 14, 1991

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the fourteenth day of January, A.D., one thousand nine hundred and ninety-one, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Lieutenant Governor of this Commonwealth, and publish the same in the presence of both houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth, and upon counting the votes by a Teller appointed on the part of each house, it appeared that The Honorable Mark S. Singel had the highest number of votes; whereupon the said Honorable Mark S. Singel was declared to have been duly elected Lieutenant Governor of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

MARK S. SINGEL  
President of the Senate

ROBERT W. O'DONNELL  
Speaker of the  
House of Representatives

FRANK A. SALVATORE  
Teller on the part  
of the Senate

WILLIAM R. LLOYD, JR.  
Teller on the part of the  
House of Representatives

#### ADMINISTRATION OF OATH OF OFFICE TO LIEUTENANT GOVERNOR-ELECT

The PRESIDENT pro tempore. The oath of office to the Honorable Mark S. Singel will be administered by Chief Justice Robert N. C. Nix, Jr. of the Supreme Court of Pennsylvania.

Please rise.

Chief Justice NIX. Will you place your left hand on the Bible and raise your right hand and repeat after me.

I, Mark S. Singel, do solemnly swear, that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, so help me God.

I congratulate you.

(Applause.)

#### GAVEL PRESENTED TO LIEUTENANT GOVERNOR MARK S. SINGEL

The PRESIDENT pro tempore. Members of the Senate, ladies and gentlemen, friends and family of Mark Singel, it is now my honor, and frankly a very happy privilege to present the gavel of authority of the Senate to my neighbor from Johnstown, Pennsylvania, the Honorable Mark S. Singel, Lieutenant Governor of the Commonwealth of Pennsylvania.

Governor, let me offer my first congratulations.

(Applause.)

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

The PRESIDENT. Thank you. Thank you very much.

#### INAUGURAL ADDRESS OF LIEUTENANT GOVERNOR MARK S. SINGEL

The PRESIDENT. Your Grace, your Excellencies, Reverend Clergy, venerable Sisters, Governor Casey, Governor Kline, Mr. Speaker, distinguished colleagues, honored guests, family and friends:

Calvin Coolidge in his succinct style, once said: "We have been a most blessed people. We ought to be a most thankful people."

I stand before you—my family, my friends, my colleagues—for the second time, most thankful for the opportu-

nity to serve the people of this great Commonwealth in the days ahead. Your love and support enrich me in the good moments and they sustain me in the bad. That nourishment is especially important now in these troubled times. Today 400,000 American men and women are positioned in a desert half a world away, praying for peace, prepared for war. Pennsylvania has made its own very deep personal commitment by sending to the Persian Gulf companies of our finest soldiers.

Over the past few months I have had the privilege of meeting with many of our troops as they have departed for duty overseas. As I shook their hands and looked into their faces, I was consistently impressed with the dedication of Pennsylvania's service men and women and very proud of their resolve. They are laborers and professionals from every corner of this state. They are the husbands and wives, fathers, mothers, daughters and sons of Pennsylvania, and they deserve to know that we support them and wish for them a safe and speedy return.

(Applause.)

These are troubled times on the domestic front as well. While we wait and watch with our President in his foreign policy initiatives, the time has come to separate from a policy of neglect that has imperiled states and local governments throughout the nation.

Edward Arlington Robinson asked:

"Are we in anguish or complacency

Not looking far enough ahead

To see by what mad couriers we are led?"

Ten years of massive deficit spending at the national level, a tripling of the annual federal debt and the abandonment of programs for social progress have left numerous states facing staggering potential shortfalls.

The New York Times reported just recently that Washington used to provide 25 percent of state and local budgets. It now provides less than 17 percent. States now bear the burdens of the poor and disabled, infrastructure building and repairs and a host of other services vital to a safe environment, a healthy economy and a sane, compassionate society, but it is neither appropriate nor productive today to waste our energies laying blame. Today, as the deadline for decision in the Middle East approaches, today as the chill winds of economic recession buffet this state and this nation, we must call upon the reservoir of resolve that Pennsylvanians possess.

On this, the birthday of the Reverend Dr. Martin Luther King, Jr., we note that he reminded us that "the ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

Some have suggested that the luster has dimmed somewhat from Pennsylvania's star. To those critics, I say, we have faced worse. To those skeptics, I say, observe as we seize opportunity from even this crisis. And to you, Governor Casey, I say, I stood with you in the good times; you can count on me to stand with you in these tough times.

(Applause.)

What constantly reassures us is what de Tocqueville saw over 100 years ago: "The people reign in the American political world as the Deity does in the universe. They are the cause and the aim of all things; everything comes from them and everything is absorbed in them."

The goodness and strength of the people of Pennsylvania themselves underlay our confidence that we will prevail together. It is important that those of us who hold the public trust do not diminish that goodness and that strength through self-interest or excessive partisanship. Let us be honest about it. There have been occasions on the campaign trail, in the caucus rooms, on this very floor, where the interests of the people have been subverted by other influences. While we all share some of that blame, I must say that I am particularly distressed by the willingness of this political community to divide itself along dubious philosophical lines. Identifying oneself as a Republican or a Democrat is competitive enough. Locking ourselves into labels like "conservative" or "liberal" invites intransigence and a thoughtless adherence to narrow dogma that is counterproductive. I believe that it is possible to reflect the traditional values of family and self-reliance and economic restraint that are thought to be the mainstays of conservatism while, at the same time, sharing the desire for fairness and progress that burns in the hearts of so-called liberals. I believe that this is what the Commonwealth and the country needs now more than ever. For my part, I seek the moderation of the Apostle Paul. I will continue to look for pragmatic solutions, unbounded by factional thought. I will seek to blend the best instincts of the entire political spectrum into a philosophy that assures the common ground of opportunity for all of those whom we serve. If we just drop the barriers a bit, if we recognize our common purpose and not the lines we have drawn so pugnaciously between us, we would then realize what Abraham Lincoln did in his inaugural address: "...we are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

Finally, a story as told by John Greenleaf Whittier. On May 17, 1780, a "horror of great darkness" fell upon all of New England. The sky was "black with ominous clouds." Birds fell silent. Men prayed. Many thought it was the end of the world.

"...in the old state house, dim as ghosts,  
Sat the lawgivers of Connecticut,  
Trembling beneath their legislative robes.  
'It is the Lord's Great Day! Let us adjourn'"

Then rose the venerable Abraham Davenport with a strong and steady voice:

"...this may well be  
the Day of Judgement which the world awaits;  
But be it so or not, I only know  
My present duty, and my Lord's command  
To occupy till He comes. So, at the post  
Where He hath set me in His providence,  
I choose, for one, to meet Him face to face.  
Simple duty hath no place for fear."

In these troubled times, let us perform our respective duties without labels, without prejudice or malice and, most importantly, without fear.

I thank you very much for your kind attention.  
(Applause.)

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

## SENATE AT EASE

The PRESIDENT pro tempore. At this time, if we could ask the cooperation of the Members and guests, we will take a brief pause or recess so that those who wish to take photographs may have that opportunity to do so.

The Senate will stand at ease.  
(The Senate was at ease.)

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

The PRESIDENT. Would the photographers please adjourn to the rear of the Chamber. Would the Members please take their seats. Would all the participants in the festivities please be seated.

As the Governor and his family leave, the Chair would take the opportunity to thank all of them for their presence.

## DISTINGUISHED GUESTS AND FAMILY PRESENTED TO SENATE

The PRESIDENT. I would like to take this opportunity to thank all of you for your patience and indulgence. There are far too many luminaries in the audience to begin to make introductions, but we do have with us, in addition to the Governor and Mrs. Casey, statewide officials. We have Attorney General Ernie Preate.

(Applause.)

The PRESIDENT. Our Treasurer, Catherine Baker Knoll.  
(Applause.)

The PRESIDENT. Our Auditor General, Barbara Hafer.  
(Applause.)

The PRESIDENT. We have a number of Commissioners. Commissioner Pete Flaherty from Allegheny County is with us.

(Applause.)

The PRESIDENT. Miss Jean Milko from Allegheny County is with us as well.

(Applause.)

The PRESIDENT. Governor and Mrs. Ernie Kline. Welcome and thank you all very much for coming.

(Applause.)

The PRESIDENT. The majority of the cabinet is with us as well. Forgive me for not identifying each of you individually. Suffice it to say that I am delighted you are here and very proud of everything you are doing for this Casey-Singel team.

(Applause.)



(Applause.)

The PRESIDENT. We have a number of other luminaries from the City of Philadelphia. The City Controller, my very good friend Jonathan Saidel, and his lovely mother are here.

(Applause.)

The PRESIDENT. Frank DeGarcia, our City Councilman from the City of Harrisburg, is here.

(Applause.)

The PRESIDENT. It is going to be impossible, turning to my right, to identify all of my family and friends. Suffice it to say that I am delighted to have my mother and father with me.

(Applause.)

The PRESIDENT. And many of my brothers and sisters, my nephews and nieces and my cousins are here.

(Applause.)

The PRESIDENT. Before we get on with the proceedings for the day, let me introduce to the Members of the Senate and all of the guests who are here today what I consider to be the finest staff in Harrisburg today. Ladies and gentlemen, the office of the Lieutenant Governor and also some of my folks who work on my political endeavors as well. Would you please rise and take a bow, everybody from my staff.

(Applause.)

The PRESIDENT. I thank you all very much for coming. We will now move on so that we can be on time for the main event of the day, the inauguration of the Governor.

#### BENEDICTION

The PRESIDENT. This ceremony has been concluded. The Chair will now call upon Monsignor Thomas Smith, Pastor of St. Paul's Church in Annville, to pronounce the benediction.

Please rise.

The Chaplain, Monsignor THOMAS SMITH, Pastor of St. Paul's Church, Annville, offered the following prayer:

Let us pray.

Almighty God, we have come to the conclusion of the inauguration of Your servant Mark Singel as Lieutenant Governor of Pennsylvania. The speeches are nearly over, and as we move on to other affairs we ask Your blessing on his work. There are many problems to be solved in our Commonwealth, and he will need Your direction both in the Senate and in his other duties. Keep his eyes fixed on Your will. Give him the endurance which is needed when duties loom large. Give him concern for the people of our Commonwealth. Help him as he strives to balance his duties as husband, as father and civil servant to the millions of citizens who will count on him.

Send us all from this Chamber ready to celebrate today and ready to work tomorrow, that our Commonwealth can reflect Your plans for Your kingdom on earth. May Your Holy Spirit give him clear vision to see what is best for all of us. Give him health, happiness and peace of mind. We ask this, Father, through Christ our Lord. Amen.

The PRESIDENT. I would like to take a moment to thank Monsignor Smith for his inspiring words, which I am fortunate to hear regularly on Sundays.

#### PRESIDENT PRO TEMPORE ROBERT C. JUBELIRER REQUESTED TO PRESIDE

The PRESIDENT. I would like to call Senator Robert Jubelirer back to the podium to conclude the activities in the Senate Chamber today.

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

#### COMMITTEE TO ESCORT DIGNITARIES FROM SENATE CHAMBER

The PRESIDENT pro tempore. The Chair, once again, congratulates Lieutenant Governor Singel and thanks him for his words. The Senate will be at ease while the Lieutenant Governor and his party leave the Chamber. All other Senators and visitors please remain seated.

I now call upon the gentleman from Delaware, Senator Loeper, and the gentleman from Lackawanna, Senator Mellow, to come forward and escort the official party here on the rostrum and those here on my left to the rear of the Senate Chamber.

(Applause.)

#### ANNOUNCEMENT CONCERNING INAUGURAL COMMITTEE

The PRESIDENT pro tempore. We are now ready to proceed to the inaugural ceremonies for Governor-elect Casey. We are going to move from here in groups. As I call your group, please follow instructions carefully so that we may keep within our time schedule and, I might add, thank you. We are doing quite well. Until your group is called, I ask that you remain in your seats.

Would all Members of the Senate now go to your offices, or wherever, to get your coats and return back to the Senate Chamber as soon as possible so the Senate may move as a body to the Governor's Inauguration. Members of the Senate are now dismissed to get their coats and come back to the Senate. Everybody else please remain seated.

We thank you again for your cooperation and wish you all a very happy and healthy new year.

I now ask that all remaining visitors leave the Senate Chamber.

On behalf of Lieutenant Governor Singel and the Members of the Senate, I want to thank you for being so patient this morning.

#### DEPARTURE FOR INAUGURATION

The PRESIDENT pro tempore. The time having arrived for the Members of the Senate to go to the inaugural ceremonies, the Members of the Senate will line up in pairs at the center rear gate.

You will line up in the following order: Sergeant-at-Arms; the Secretary; Chief Clerk; Members of the Senate and their wives.

The Chair declares a recess of the Senate until 1:00 p.m.

### AFTER RECESS

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

### UNFINISHED BUSINESS

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mary T. Schlager by Senator Afflerbach.

Congratulations of the Senate were extended to Ernest John Vasil by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. John C. Adams by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. John Kashey by Senator Bodack.

Congratulations of the Senate were extended to Tyson V. Harding and to the Seton-LaSalle High School Football Team of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Sherman Taylor, Mr. and Mrs. Henry Fenstermaker and to Margaret M. Reese by Senator Helfrick.

Congratulations of the Senate were extended to Wilbur James Napper, Sr. by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Emmert F. Snyder, Mr. and Mrs. Robert Banks, Mr. and Mrs. Paul J. Casey, Mr. and Mrs. Norbert S. Gonsman, Sr., Mr. and Mrs. Herbert Imler, Mr. and Mrs. Marvin P. Jodon, Mr. and Mrs. Lewis Kopac, Mr. and Mrs. Leon P. Loose, Mr. and Mrs. Roy D. Lynn, Sr., Mr. and Mrs. Charles R. Shoenfelt, Reverend and Mrs. William A. Slick, Mr. and Mrs. Clairmont C. Treese, Mr. and Mrs. Thomas E. Young and to Mr. and Mrs. Leo E. Walter by Senator Jubelirer.

Congratulations of the Senate were extended to Dr. Charles A. McLaughlin by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Paul A. Lucas, Sr. by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Galbraith by Senator Reibman.

Congratulations of the Senate were extended to Sophia C. Otto by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard Hoover and to Mr. and Mrs. Clinton Hoe by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Mike Pavlock and to Mr. and Mrs. Charles Levkulich by Senator Stout.

### PETITIONS AND REMONSTRANCES

(The following prepared statement was made a part of the record at the request of the gentleman from Washington, Senator STOUT:)

December 6, 1990

UNIONTOWN, PA—Senate Minority Whip, J. William Lincoln was recently honored with the 1990 Penn State-Fayette Campus Outstanding Alumnus Award, according to Dr. John D. Sink, Campus Executive Officer.

The "Outstanding Alumnus/Alumna of the Fayette Campus" Award, established in 1985, honors former students of the Campus whose subsequent professional achievement warrants special recognition by their alma mater. Bill Lincoln, 32nd District State Senator for Fayette and Somerset Counties, and Democratic Whip in the Pennsylvania State Senate is the sixth recipient of this award.

James William Lincoln was born October 27, 1940, in Lemont Furnace, (Fayette County) Pennsylvania, to Phillip Maxwell and Catherine Elizabeth (Goodwin) Lincoln. In 1958, Bill graduated from Connellsville Area High School, and spent his early career as a salesman, while raising four sons with his wife, the former Sandra Joan Gambone.

In 1970, he was elected District Magistrate. While actively engaged in raising his sons and supporting his family, Bill found time to attend Penn State-Fayette for two years. Between 1969 and 1971 he was a "Dean's List" student majoring in pre-law/education. It is an experience he cherishes, and his continued support for education in general and higher education in particular testify to his commitment.

Bill was elected to the Pennsylvania House of Representatives in 1973, where he served until 1978 when he was elected to the Pennsylvania Senate. During his years in the House, he was active in supporting educational and environmental issues, interests that he continues in the Senate.

In 1979, he took his seat in the Pennsylvania Senate. For the next decade, he rose steadily in the leadership of the Senate, serving as Chairman of the Environmental Resources and Energy Committee and as a Member of the Education Committee. In 1985, he was elected Whip of the Democratic Caucus.

As Whip, he led the fight for increased funding for Pennsylvania's Schools, for an \$18,500 minimum salary for teachers, for expanding the scope of the Pennsylvania Higher Education Assistance Agency, for the Pennsylvania Infrastructure Investment Authority and for increasing the minimum wage.

Bill is Chairman of the Joint Legislative Air and Water Pollution Control and Conservation Committee, a Member of the Board of the Pennsylvania Higher Education Assistance Agency, and a Member of the State Transportation Advisory Committee, the Senate Transportation Committee, the Senate Environmental Resources and Energy Committee, the Legislative Audit Advisory Commission and the Mining and Reclamation Advisory Board.

Throughout his political career, as he has accepted honors and garnered more prestige, Bill has never forgotten some

basic lessons learned in Fayette County. He has never forgotten his roots, he has aggressively represented our interests in Harrisburg and throughout the state. He has never forgotten the importance of education, to himself and to people of all ages, everywhere. He has never forgotten the need to preserve and protect our environment. And he has never forgotten the importance to each and every one of us of a decent job at a decent salary.

In 1988 Bill Lincoln was elected a member of the Penn State-Fayette Campus Advisory Board and serves on its Academic Affairs Committee. Through his leadership, the Legislature passed, and Governor Casey signed into law, \$7.1 million for new building construction at the Fayette Campus!

The ultimate measure of any university is the accomplishments of its alumni. Bill Lincoln certainly epitomizes the unique achievements that a Penn State education makes possible. He proves the point that what a society invests in the education of its citizens is returned many-fold in their later achievements.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

January 14, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret H. Hamilton (Public Member), 1036 Liberty Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

January 14, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Jennings, 1715 Capouse Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice George N. Pegula, Olyphant, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

January 14, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen M. Kauffman (Public Member), 4604 Harwich Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF PODIATRY

January 14, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas H. Coleman, M.D., 97 Lincoln Avenue, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTIONS

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

Recess Adjournment.

Joint Session.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointments:

Michael S. Long as Staff Administrator for the Majority Caucus.

Senator J. Doyle Corman reappointed as a member of the Local Government Commission.

Senator John J. Shumaker as a member of the Capitol Preservation Committee.

Senator Roger A. Madigan as a member of the Advisory Council for the Deaf and Hearing Impaired.

Senator Clarence D. Bell as a member of the Legislative Budget and Finance Committee.

Senator James J. Rhoades as a member of the Education Commission of the States.

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**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, January 28, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:10 p.m., Eastern Standard Time.



## LEGISLATIVE JOURNAL

MONDAY, JANUARY 28, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 4

## SENATE

MONDAY, January 28, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

## PRAYER

The Chaplain, Reverend THOMAS J. SCANLON, Pastor of Resurrection of Our Lord Church, Philadelphia, offered the following prayer:

Remembering we are in God's presence, we pray.

God, our Heavenly Father, You are the first beginning and the last end of all that is. In You we live and move and have our being.

We thank You for the continual blessings You lavish upon us. We ask Your pardon for the times we have been ungrateful, for the times we have failed to be the instruments of Your peace and love in Your kingdom.

We pray that You stir up the gifts You have given us so that we may honestly and sincerely work in our elected positions as Senate Members to realize through our legislative efforts a Commonwealth based on truth which protects all human life, born and unborn; a Commonwealth that acknowledges and respects the God who has given us our local districts, our keystone state, our beloved country; a Commonwealth that persistently pursues justice for all, love and care among its citizens and a peace that can only come from knowing, loving and serving the God in whom we live and move and have our being. Amen.

The PRESIDENT. The Chair thanks Father Scanlon who is the guest this day of Senator Salvatore.

## JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 15, 1991.

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

## COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR  
REFERRED TO COMMITTEE

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

MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD

January 16, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul S. DiLorenzo, 3404 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD

January 16, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret McAndrew Petruska, 1853 Graham Boulevard, Pittsburgh 15235, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified.

ROBERT P. CASEY.

## MEMBER OF THE BOARD OF CLAIMS

January 16, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis G. O'Brien, 3431 Alinda Circle, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 1998, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

January 16, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank S. Beal, 190 Crestvue Manor Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice William H. Combs, Bryn Mawr, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

January 16, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Larie Pinte, 7035 Meadville Road, Girard 16417, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Vivian W. Piasecki, Haverford, resigned.

ROBERT P. CASEY.

**SECRETARY OF REVENUE**

January 16, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen Healy McNulty, 523 Harding Street, New Cumberland 17070-1237, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice David L. Donahoe, Pittsburgh, resigned.

ROBERT P. CASEY.

**ADJUTANT GENERAL**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Major General Gerald T. Sajer, 101 North 17th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Adjutant General, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

**SECRETARY OF AGING**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Linda M. Rhodes, 6300 Jackson Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for reappointment as Secretary of Aging, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

**SECRETARY OF AGRICULTURE**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Boyd E. Wolff, R. D. 2, Box 218, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as Secretary of Agriculture, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

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

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frances P. Fuge, 106 West Broad Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Donald Kirts, Ed.D., Easton, resigned.

ROBERT P. CASEY.

**SECRETARY OF BANKING**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sarah W. Hargrove, Old City Hall, Apartment 124, 423 Walnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Banking, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

**SECRETARY OF COMMUNITY AFFAIRS**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Karen A. Miller, 120 North 11th Street, Reading 19601, Berks County, Eleventh Senatorial District, for reappointment as Secretary of Community Affairs, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.



## SECRETARY OF CORRECTIONS

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Joseph D. Lehman, Manor House, Grounds of SCI Camp Hill, Lisburn Road, Camp Hill 17001-0598, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Corrections, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRIME VICTIM'S  
COMPENSATION BOARD

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lucille M. Trench, 158 Lowell Court, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1995, and until her successor is appointed and qualified, vice O. Frank DeGarcia, Harrisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Philomena A. Dymond, 1302 Ridgeview Drive, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward J. Manley, 10 Lakeside Drive, Clarks Summit 18643, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lewis G. Steinberg, Esquire, R. D. 1, Crestmont, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

ROBERT P. CASEY.

## SECRETARY OF EDUCATION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Donald M. Carroll, Jr., 440 Woodcrest Drive, Mechanicsburg, 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Education, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

## SECRETARY OF ENVIRONMENTAL RESOURCES

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Arthur A. Davis, 12 Beaver Branch Road, Pennsylvania Furnace 16865, Centre County, Thirtieth Senatorial District, for reappointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF FARVIEW STATE HOSPITAL

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Snigar, R. D. 1, Pleasant Mount 18453, Wayne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

ROBERT P. CASEY.

## SECRETARY OF GENERAL SERVICES

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable David L. Jannetta, 312 Logan Boulevard, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as Secretary of General Services, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

INSURANCE COMMISSIONER

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Constance B. Foster, 823 East Phil-Elena Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

SECRETARY OF LABOR AND INDUSTRY

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Harris L. Wofford, Jr., 407 Old Gulph Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn C. Marboe, 705 West Hamilton Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Jane B. Troup, Lewisburg, resigned.

ROBERT P. CASEY.

SECRETARY OF PUBLIC WELFARE

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable John F. White, Jr., 8016 Gilbert Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for reappointment as Secretary of Public Welfare, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

SECRETARY OF TRANSPORTATION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Howard Yerusalem, 2206 Dover Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Transportation, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Campbell, 140 Lafayette Street, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel B. Ellis, 3907 Brookdale Avenue, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John D. Erb, 424 Madison Avenue, Hatboro 19040, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony N. B. Garvan, Ph.D., Box 304, Spring House 19477, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert A. Giagnacova, 12 St. James Place, Yardley 19067, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ann Hawkes Hutton, Shadyside, M.R., Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandra Kelly, 1 Rittenhouse Square, 135 South 18th Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Beverly W. Magill, Box 56, Lurgan Road, R. D. 2, New Hope 18938, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Peter Babnis, 280 Concord Road, Hermitage 16148, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gabriel L. I. Bevilacqua, 1000 Susan Road, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barry J. Buskey, 312 North 31st Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, L. Robert Kimball, 619 West Horner Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julia L. Maietta, 130 Anderson Avenue, Curwensville 16833, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE INDUSTRIAL BOARD**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Oscar R. Martinez, 265 Mathers Road, Ambler 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**COMMISSIONER OF THE  
PENNSYLVANIA STATE POLICE**

January 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lieutenant Colonel Glenn A. Walp, 154 Market Street, Highspire 17034, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Ronald M. Sharpe, Harrisburg, resigned.

ROBERT P. CASEY.

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

January 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur Loch, Loch's Mobilehome Sales and Park, 500 Madison Avenue, Hyde Crest, Reading 19605, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

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

January 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert G. Pickerill, 6 Alexandria Place, Blakely 18447, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

January 16, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the reappointment of William R. Alexander, M.D., 1417 Old Mill Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, as a member of the Health Care Policy Board, to serve until March 11, 1994, and until his successor is appointed and qualified.

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

ROBERT P. CASEY.

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

January 16, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the appointment of Victor F. Greco, M.D., E-Z Acres, R. R. 1, Drums 18222, Luzerne County, Fourteenth Senatorial District, as a member of the Health Care Policy Board, to serve until March 11, 1993, and until his successor is appointed and qualified, vice William G. Fisher, West Chester, whose term expired.

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

ROBERT P. CASEY.

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

January 17, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the appointment of Frances P. Fuge, 106 West Broad Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Donald Kirts, Ed.D., Easton, resigned.

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

ROBERT P. CASEY.

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

January 17, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 17, 1990 for the appointment of Charles Snigar, R. D. 1, Pleasant Mount 18453, Wayne County, Twentieth Senatorial District, as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

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

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER**

January 17, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 19, 1990 for the appointment of Evelyn C. Marboe, 705 West Hamilton Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Jane B. Troup, Lewisburg, resigned.

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

ROBERT P. CASEY.

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

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

**SECRETARY OF ENVIRONMENTAL RESOURCES**

January 18, 1991.

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

Please note the nomination dated January 17, 1991 for the appointment of The Honorable Arthur A. Davis, 12 Beaver Branch Road, Pennsylvania Furnace 16865, Centre County, Thirtieth Senatorial District, as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, should be corrected to read:

The Honorable Arthur A. Davis, 25 West Circle Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

**APPOINTMENTS BY  
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Frank A. Salvatore as a member of the Municipal Police Education and Training Commission.

Senator Roger A. Madigan as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Noah W. Wenger as a member of the Legislative Audit Advisory Commission.

Senator Tim Shaffer as a member of the Board of the Ben Franklin Partnership Fund.

Senator John D. Hopper as a member of the State Transportation Advisory Committee, Children's Trust Fund Board and the Intra-governmental Council on Long-Term Care.

Senator James Greenwood as a member of the Board of Directors of the Energy Development Authority, Joint Legislative Air and Water Pollution Control and Conservation Committee, the Children's Trust Fund Board and Board of Directors of the Pennsylvania Higher Education Assistance Agency.

Senator John E. Peterson as a member of the Hardwoods Development Council, the Board of Directors of the Center for Rural Pennsylvania, the Joint Legislative Air and Water Pollution Control and Conservation Committee, the Advisory Council of the Pennsylvania Soldiers and Sailors Home and the Board of Directors of the Pennsylvania Infrastructure Investment Authority.

Senator John J. Shumaker as a member of the Advisory Committee on Probation.

Senator D. Michael Fisher as a member of the Pennsylvania Commission on Crime and Delinquency.

Senator Melissa A. Hart as a member of the Pennsylvania Heritage Affairs Commission.

Senator Doyle Corman as a member of the Interstate Rail Passenger Advisory Council.

Senator Earl M. Baker as a member of the Board of the General State Authority.

Senator David J. Brightbill as a member of the Environmental Quality Board.

Senator Gibson Armstrong as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency.

Senator F. Joseph Loeper as a member of the Board of Governors of the State System of Higher Education.

Senator Robert C. Jubelirer as a member of the Advisory Council of the Hollidaysburg Veterans Home.

**APPOINTMENTS BY  
MINORITY WHIP**

The PRESIDENT. The Chair wishes to announce the Minority Whip has made the following appointments:

Senator J. William Lincoln as a member of the Joint State Government Commission and the Senate Committee on Management Operations.



Senator Vincent J. Fumo as a member of the Legislative Data Processing Committee.

## BILLS INTRODUCED AND REFERRED

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

January 15, 1991

Senators GREENLEAF, JUBELIRER, BELL, SHUMAKER, HELFRICK, SALVATORE, PUNT, MADIGAN, STOUT, WENGER, LYNCH, LEWIS, JONES, PORTERFIELD and O'PAKE presented to the Chair SB 1, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Which was committed to the Committee on JUDICIARY, January 15, 1991.

Senators JUBELIRER, HOPPER, FISHER, PETERSON, CORMAN, SHUMAKER, GREENWOOD, MADIGAN, SALVATORE, SHAFFER, HELFRICK, LOEPER, HOLL, WENGER, GREENLEAF, ANDREZESKI, PUNT, LEWIS and HART presented to the Chair SB 2, entitled:

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

Which was committed to the Committee on EDUCATION, January 15, 1991.

Senators PETERSON, WILLIAMS, BAKER, DAWIDA, CORMAN, ARMSTRONG, JONES, ROBBINS, HOPPER, STOUT, GREENWOOD, SCANLON, AFFLERBACH, MELLOW, BELL, BRIGHTBILL, FISHER, MADIGAN, WENGER, STAPLETON, LEWIS, ANDREZESKI, LAVALLE, SCHWARTZ, BORTNER, REIBMAN, PORTERFIELD, LEMMOND, STEWART, SHUMAKER and SHAFFER presented to the Chair SB 3, entitled:

An Act establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; and providing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 15, 1991.

Senators HELFRICK and LOEPER presented to the Chair SB 4, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and assistance.

Which was committed to the Committee on JUDICIARY, January 15, 1991.

Senators LOEPER, JUBELIRER, PETERSON, BRIGHTBILL, WENGER, SALVATORE, LEMMOND, MADIGAN, SHAFFER, SHUMAKER, AFFLERBACH, CORMAN, HOPPER, REIBMAN, RHOADES and BAKER presented to the Chair SB 5, entitled:

An Act amending Title 50 (Mental Health) of the Pennsylvania Consolidated Statutes, adding provisions relating to mental health and mental retardation services and procedures; and making repeals.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 15, 1991.

Senator HOLL presented to the Chair SB 6, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments on account of building costs; and imposing powers and duties on the Department of Education.

Which was committed to the Committee on EDUCATION, January 15, 1991.

Senator HOLL presented to the Chair SB 7, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a motor vehicle theft prevention program.

Which was committed to the Committee on BANKING AND INSURANCE, January 15, 1991.

Senator HOLL presented to the Chair SB 8, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a driver's duty when meeting or overtaking a school bus.

Which was committed to the Committee on TRANSPORTATION, January 15, 1991.

Senator HOLL presented to the Chair SB 9, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 15, 1991.

Senator HOLL presented to the Chair SB 10, entitled:

An Act providing for the designation by taxpayers on State income tax forms for the use of certain sums for cancer research and providing for the appropriation of the sums; and making a repeal.

Which was committed to the Committee on FINANCE, January 15, 1991.

Senator HOLL presented to the Chair SB 11, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the production of a driver's license or evidence to avoid certain penalties.

Which was committed to the Committee on TRANSPORTATION, January 15, 1991.

Senator HOLL presented to the Chair **SB 12**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for times when lighted head lamps must be displayed.

Which was committed to the Committee on TRANSPORTATION, January 15, 1991.

Senator HOLL presented to the Chair **SB 13**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for title washing and impersonating a notary public; further providing for tampering with odometers; and imposing penalties.

Which was committed to the Committee on TRANSPORTATION, January 15, 1991.

Senator HOLL presented to the Chair **SB 14**, entitled:

An Act imposing restrictions and prohibitions on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; providing for the powers and duties of the Environmental Quality Board; and imposing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 15, 1991.

Senator HOLL presented to the Chair **SB 15**, entitled:

An Act establishing a loan forgiveness program for certain professional nurses.

Which was committed to the Committee on EDUCATION, January 15, 1991.

Senator BELL presented to the Chair **SB 16**, entitled:

An Act amending the act of July 12, 1972 (P. L. 847, No. 187), entitled "Strikebreaker Employment Act," further providing for prohibitions.

Which was committed to the Committee on LABOR AND INDUSTRY, January 15, 1991.

Senator BELL presented to the Chair **SB 17**, entitled:

An Act amending the act of July 12, 1972 (P. L. 847, No. 187), entitled "Strikebreaker Employment Act," further defining "strikebreaker."

Which was committed to the Committee on LABOR AND INDUSTRY, January 15, 1991.

Senator BELL presented to the Chair **SB 18**, entitled:

An Act amending the act of July 31, 1941 (P. L. 616, No. 261), entitled "Employment Agency Law," further providing for prohibited acts and penalties.

Which was committed to the Committee on LABOR AND INDUSTRY, January 15, 1991.

Senator BELL presented to the Chair **SB 19**, entitled:

An Act amending the act of June 2, 1937 (P. L. 1198, No. 308), entitled "Labor Anti-Injunction Act," further providing for lawful picketing during labor strikes.

Which was committed to the Committee on LABOR AND INDUSTRY, January 15, 1991.

Senator BELL presented to the Chair **SB 20**, entitled:

An Act requiring employers to maintain certain benefits for striking employees who are replaced; and providing remedies.

Which was committed to the Committee on LABOR AND INDUSTRY, January 15, 1991.

January 22, 1991

Senator BELL presented to the Chair **SB 21**, entitled:

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), entitled "Pennsylvania Labor Relations Act," further providing for unfair labor practices.

Which was committed to the Committee on LABOR AND INDUSTRY, January 22, 1991.

Senator BELL presented to the Chair **SB 22**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding from the sales and use tax the sale or transfer of ownership rights of any animal by nonprofit kennels.

Which was committed to the Committee on FINANCE, January 22, 1991.

Senator BELL presented to the Chair **SB 23**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting certain persons from the requirement that motorcycle riders wear protective headgear.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator BELL presented to the Chair **SB 24**, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045, No. 397), entitled, as amended, "The Support Law," providing that no lien shall be imposed against the real property of persons receiving assistance.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 22, 1991.

Senator BELL presented to the Chair **SB 25**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," providing for cost-of-living increases in the amount of compensation payable to any employee.

Which was committed to the Committee on LABOR AND INDUSTRY, January 22, 1991.

Senators GREENLEAF, BELL, SHUMAKER, MADIGAN, REIBMAN, HELFRICK and LAVALLE presented to the Chair **SB 26**, entitled:

An Act amending the act of July 1, 1987 (P. L. 187, No. 24), entitled "An act requiring retail gasoline dealers to post gasoline additive information;....," requiring the Department of Agriculture to establish standards relating to octane levels and additives, to develop a testing program and to enforce the standards established; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 22, 1991.

Senators GREENLEAF and LAVALLE presented to the Chair **SB 27**, entitled:



An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating auxiliary driving lamps.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senators GREENLEAF, BELL, REIBMAN, MADIGAN, SHUMAKER, STOUT and SALVATORE presented to the Chair **SB 28**, entitled:

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

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, January 22, 1991.

Senator HOLL presented to the Chair **SB 29**, entitled:

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), entitled "Volunteer Firemen's Relief Association Act," further providing for the expenditure of the funds of a volunteer firemen's relief association; and making an editorial change.

Which was committed to the Committee on FINANCE, January 22, 1991.

Senator HOLL presented to the Chair **SB 30**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the placement of signs at railroad grade crossings.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator HOLL presented to the Chair **SB 31**, entitled:

An Act amending the act of October 18, 1988 (P. L. 756, No. 108), entitled "Hazardous Sites Cleanup Act," restricting sites from areas where livestock is raised.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 22, 1991.

Senator HOLL presented to the Chair **SB 32**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for limitations on overtaking on the left and for maximum speed limits; limiting rules and regulations of the Pennsylvania Turnpike Commission; and providing for erection of traffic-control devices at high-accident areas.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator HOLL presented to the Chair **SB 33**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the defense of official immunity.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senator HOLL presented to the Chair **SB 34**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, authorizing certain State employees who are veterans to convert medical coverage after retirement.

Which was committed to the Committee on FINANCE, January 22, 1991.

Senator HOLL presented to the Chair **SB 35**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for persons required to stop at the scene of an accident.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator HOLL presented to the Chair **SB 36**, entitled:

An Act amending the act of December 27, 1965 (P. L. 1237, No. 502), entitled "An act establishing regional correctional facilities administered by the Bureau of Correction as part of the State correctional system;....," providing for county-earned early release programs.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senator HOLL presented to the Chair **SB 37**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the identification of drivers of vehicles.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator HOLL presented to the Chair **SB 38**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the disposition of a delinquent child for an offense involving a motor vehicle.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senators GREENLEAF and WENGER presented to the Chair **SB 39**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the liability of employees of local agencies; and making repeals.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senators GREENLEAF and SALVATORE presented to the Chair **SB 40**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senators GREENLEAF and BELL presented to the Chair **SB 41**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, renaming the Superior Court.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senators GREENLEAF and BELL presented to the Chair **SB 42**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing the Judicial Inquiry and Review Board to issue advisory opinions.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senators GREENLEAF and LAVALLE presented to the Chair **SB 43**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for reports of an overdose of or a reaction to a controlled substance.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senator BELL presented to the Chair **SB 44**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for the appointment of the Pennsylvania State Fire Commissioner.

Which was committed to the Committee on STATE GOVERNMENT, January 22, 1991.

Senator BELL presented to the Chair **SB 45**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for non-voting student representatives on school boards.

Which was committed to the Committee on EDUCATION, January 22, 1991.

Senator BELL presented to the Chair **SB 46**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the declaration and payment of estimated tax by estates and trusts.

Which was committed to the Committee on FINANCE, January 22, 1991.

Senator BELL presented to the Chair **SB 47**, entitled:

An Act amending the act of June 21, 1939 (P. L. 566, No. 284), entitled "The Pennsylvania Occupational Disease Act," changing references to "workmen's" to "workers'."

Which was committed to the Committee on LABOR AND INDUSTRY, January 22, 1991.

Senator BELL presented to the Chair **SB 48**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of a computer.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senator BELL presented to the Chair **SB 49**, entitled:

An Act providing for government-wide computer security; and providing for the training in security matters of persons who are involved in the management, operation and use of State computers and State computer systems.

Which was committed to the Committee on STATE GOVERNMENT, January 22, 1991.

Senator BELL presented to the Chair **SB 50**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the penalty for driving without a license.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator BELL presented to the Chair **SB 51**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for special tax provisions for certain persons who have attained 65 years of age.

Which was committed to the Committee on FINANCE, January 22, 1991.

Senator BELL presented to the Chair **SB 52**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the use of radar by local police officers who meet certain qualifications.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator BELL presented to the Chair **SB 53**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on interstate highways.

Which was committed to the Committee on TRANSPORTATION, January 22, 1991.

Senator HOLL presented to the Chair **SB 54**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," establishing the Pennsylvania Liability Underwriting Services Plan for placement of commercial liability insurance; and providing for financial disclosure.

Which was committed to the Committee on BANKING AND INSURANCE, January 22, 1991.

Senator HOLL presented to the Chair **SB 55**, entitled:

An Act establishing a lead poisoning control program; providing for the powers and duties of the Department of Health with respect to lead poisoning control; granting limited civil immunity to physicians and certain other persons; and requiring reports of cases of lead poisoning.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 22, 1991.

Senator HOLL presented to the Chair **SB 56**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further regulating admission of health service doctors to health service plans.

Which was committed to the Committee on BANKING AND INSURANCE, January 22, 1991.

Senator HOLL presented to the Chair **SB 57**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, limiting punitive damages in civil actions.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senator HOLL presented to the Chair **SB 58**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the arbitration limit.

Which was committed to the Committee on JUDICIARY, January 22, 1991.

Senator HOLL presented to the Chair **SB 59**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further regulating eligible hospital plan offerings.

Which was committed to the Committee on **BANKING AND INSURANCE**, January 22, 1991.

Senator HOLL presented to the Chair **SB 60**, entitled:

An Act establishing the Nursing Education Assistance Board; and providing for the powers and duties of the board.

Which was committed to the Committee on **EDUCATION**, January 22, 1991.

#### January 23, 1991

Senator HOLL presented to the Chair **SB 61**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for securing loads on vehicles; and requiring certain loads to be covered.

Which was committed to the Committee on **TRANSPORTATION**, January 23, 1991.

Senators **GREENWOOD, AFFLERBACH, DAWIDA, PORTERFIELD, SALVATORE, STEWART, BRIGHTBILL, REIBMAN, LYNCH, HOLL, SCHWARTZ, SHAFFER** and **MADIGAN** presented to the Chair **SB 62**, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), entitled "The Dental Law," further defining the term "dental hygienist."

Which was committed to the Committee on **CONSUMER PROTECTION AND PROFESSIONAL LICENSURE**, January 23, 1991.

Senator HOLL presented to the Chair **SB 63**, entitled:

An Act providing for permits for certain landfills and incinerators.

Which was committed to the Committee on **ENVIRONMENTAL RESOURCES AND ENERGY**, January 23, 1991.

Senator BELL presented to the Chair **SB 64**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," changing references to "workmen's" to "workers'."

Which was committed to the Committee on **LABOR AND INDUSTRY**, January 23, 1991.

Senator BELL presented to the Chair **SB 65**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for additional veterans' homes.

Which was committed to the Committee on **MILITARY AND VETERANS AFFAIRS**, January 23, 1991.

Senator BELL presented to the Chair **SB 66**, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," imposing a restriction on investments.

Which was committed to the Committee on **FINANCE**, January 23, 1991.

Senator BELL presented to the Chair **SB 67**, entitled:

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

Which was committed to the Committee on **FINANCE**, January 23, 1991.

Senator BELL presented to the Chair **SB 68**, entitled:

An Act amending the act of February 17, 1906 (P. L. 45, No. 11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," imposing a restriction on investments.

Which was committed to the Committee on **FINANCE**, January 23, 1991.

Senator BELL presented to the Chair **SB 69**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, imposing a restriction on investments.

Which was committed to the Committee on **FINANCE**, January 23, 1991.

Senator BELL presented to the Chair **SB 70**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, limiting the power of the commission to deregulate certain public utilities.

Which was committed to the Committee on **CONSUMER PROTECTION AND PROFESSIONAL LICENSURE**, January 23, 1991.

Senator BELL presented to the Chair **SB 71**, entitled:

An Act providing for the licensing of liquor licensees to conduct games of chance, for the licensing of persons to distribute games of chance, for the registration of manufacturers of games of chance, and for suspensions and revocations of licenses and permits; requiring records; providing for local referendum by electorate; and prescribing penalties.

Which was committed to the Committee on **FINANCE**, January 23, 1991.

Senator HOLL presented to the Chair **SB 72**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing that no tax shall be imposed on sales by volunteer firemen's, ambulance or rescue organizations.

Which was committed to the Committee on **FINANCE**, January 23, 1991.

Senator HOLL presented to the Chair **SB 73**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further regulating hospital plan offerings.

Which was committed to the Committee on **BANKING AND INSURANCE**, January 23, 1991.

Senator HOLL presented to the Chair **SB 74**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," adding definitions relating to preferred provider organizations.

Which was committed to the Committee on BANKING AND INSURANCE, January 23, 1991.

Senator HOLL presented to the Chair **SB 75**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the purchase of automobiles; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, January 23, 1991.

Senator HOLL presented to the Chair **SB 76**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the administrative duties of the State Employees' Retirement Board.

Which was committed to the Committee on FINANCE, January 23, 1991.

Senator HOLL presented to the Chair **SB 77**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a tax credit.

Which was committed to the Committee on FINANCE, January 23, 1991.

Senator HOLL presented to the Chair **SB 78**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for expense reports of candidates and late filing fees for the reports.

Which was committed to the Committee on STATE GOVERNMENT, January 23, 1991.

Senator HOLL presented to the Chair **SB 79**, entitled:

An Act to provide for leaving the Pennsylvania Turnpike at other than established interchanges under emergency conditions.

Which was committed to the Committee on TRANSPORTATION, January 23, 1991.

Senator HOLL presented to the Chair **SB 80**, entitled:

An Act prohibiting the interference by a fund-collecting organization with certain functions of an agency receiving funds collected in its name.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 23, 1991.

#### January 28, 1991

Senator HOLL presented to the Chair **SB 81**, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," changing the definition of "agricultural reserve."

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, January 28, 1991.

Senator HOLL presented to the Chair **SB 82**, entitled:

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

who are eligible for medical assistance; and providing for a long-term care program for certain persons.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 28, 1991.

Senator HOLL presented to the Chair **SB 83**, entitled:

An Act providing a first priority lien for the producer of farm products.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, January 28, 1991.

Senator HOLL presented to the Chair **SB 84**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further regulating absentee ballots.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senator HOLL presented to the Chair **SB 85**, entitled:

An Act restricting publication of Auditor General reports.

Which was committed to the Committee on FINANCE, January 28, 1991.

Senator HOLL presented to the Chair **SB 86**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighted head lamps on school buses.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 87**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment of members of the Pennsylvania Public Utility Commission.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator HOLL presented to the Chair **SB 88**, entitled:

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," reducing minimum age requirements of minors who sell newspapers or merchandise in public places.

Which was committed to the Committee on LABOR AND INDUSTRY, January 28, 1991.

Senator HOLL presented to the Chair **SB 89**, entitled:

An Act conferring the powers of police officers on sheriffs and their deputies in certain instances.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senator HOLL presented to the Chair **SB 90**, entitled:

An Act establishing within the Department of Health a commission for the prevention of rape; imposing upon the commission certain powers and duties; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 28, 1991.

Senator HOLL presented to the Chair **SB 91**, entitled:

An Act amending the act of June 22, 1964 (Sp. Sess., P. L. 131, No. 8), entitled "Project 70 Land Acquisition and Borrowing Act," further providing for in-lieu-of-tax payments; and making editorial changes.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 28, 1991.

Senator HOLL presented to the Chair **SB 92**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the detention of dependent children.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senator HOLL presented to the Chair **SB 93**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the identification of lessees of motor vehicles.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 94**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the identification of drivers of vehicles.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 95**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for lobbying expenses.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator HOLL presented to the Chair **SB 96**, entitled:

An Act requiring certain institutions of higher education to accept transferring students' credits.

Which was committed to the Committee on EDUCATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 97**, entitled:

An Act amending the act of September 30, 1961 (P. L. 1778, No. 712), entitled, as amended, "Lobbying Registration and Regulation Act," further providing for registration for lobbying by State employees; and providing penalties.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senator HOLL presented to the Chair **SB 98**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for the selection of officers and directors.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senator HOLL presented to the Chair **SB 99**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the information on registration plates.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 100**, entitled:

An Act amending the act of May 5, 1927 (P. L. 817, No. 412), entitled, as amended, "An act authorizing and regulating the growth, sale, and distribution of forest tree seedlings, transplants, shrubs and vines by the Department of Forests and Waters;....," removing certain restrictions on the sale of trees, shrubs or vines.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 28, 1991.

Senator HOLL presented to the Chair **SB 101**, entitled:

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further providing for the termination, evaluation and review of agencies.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senator BELL presented to the Chair **SB 102**, entitled:

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), entitled, as amended, "Professional Engineers Registration Law," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 103**, entitled:

An Act amending the act of December 14, 1982 (P. L. 1227, No. 281), entitled "Architects Licensure Law," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 104**, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 105**, entitled:

An Act amending the act of May 26, 1947 (P. L. 318, No. 140), entitled, as amended, "The C.P.A. Law," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 106**, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1527, No. 535), entitled "Landscape Architects' Registration Law," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 107**, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," further providing for the number of members constituting a quorum of the commission.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 108**, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), entitled, as amended, "Cosmetology Law," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 109**, entitled:

An Act amending the act of January 14, 1952 (1951 P. L. 1898, No. 522), entitled, as amended, "Funeral Director Law," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 110**, entitled:

An Act amending the act of December 27, 1974 (P. L. 995, No. 326), entitled "Veterinary Medicine Practice Act," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator BELL presented to the Chair **SB 111**, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), entitled, as amended, "Barbers' License Law," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senators GREENLEAF, REIBMAN and GREENWOOD presented to the Chair **SB 112**, entitled:

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

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senators GREENLEAF, WENGER, REIBMAN, HELFRICK, O'PAKE, BRIGHTBILL, SHAFFER, HOPPER and ANDREZESKI presented to the Chair **SB 113**, entitled:

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

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senator HOLL presented to the Chair **SB 114**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, including various workers in the definition of "correction officer"; and making an editorial correction.

Which was committed to the Committee on FINANCE, January 28, 1991.

Senator HOLL presented to the Chair **SB 115**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of a school bus for nonschool purposes.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 116**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring that certain burns be reported.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senator HOLL presented to the Chair **SB 117**, entitled:

An Act requiring certain buildings to have public restrooms available; and providing penalties.

Which was committed to the Committee on LABOR AND INDUSTRY, January 28, 1991.

Senator HOLL presented to the Chair **SB 118**, entitled:

An Act prohibiting certain persons and corporations from bidding on municipal contracts.

Which was committed to the Committee on LOCAL GOVERNMENT, January 28, 1991.

Senator HOLL presented to the Chair **SB 119**, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, imposing restrictions on the commission concerning refusal of gifts, devises and bequests of real property.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senator HOLL presented to the Chair **SB 120**, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted, "Regulatory Review Act," extending the time for review by the commission and by legislative committees.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senator HOLL presented to the Chair **SB 121**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing a check-off of one dollar of income tax paid to endow the arts; making an appropriation; and making a repeal.

Which was committed to the Committee on FINANCE, January 28, 1991.



Senator HOLL presented to the Chair **SB 122**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," making kindergarten attendance noncompulsory under certain circumstances.

Which was committed to the Committee on EDUCATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 123**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for qualifications of Governor's appointee as Secretary of Education.

Which was committed to the Committee on EDUCATION, January 28, 1991.

Senators BRIGHTBILL, WENGER, HOPPER, JUBELIRER, SHUMAKER, MADIGAN, JONES, HELFRICK, HOLL, STEWART, HART, SALVATORE, REIBMAN, SHAFFER, DAWIDA, CORMAN, AFFLERBACH, PUNT, ROBBINS, O'PAKE, BAKER, FISHER and STAPLETON presented to the Chair **SB 124**, entitled:

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

Which was committed to the Committee on FINANCE, January 28, 1991.

Senator BELL presented to the Chair **SB 125**, entitled:

An Act making appropriations to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for the purchase of State flags to be sent to Pennsylvanians serving in Operation Desert Shield.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 28, 1991.

Senator BELL presented to the Chair **SB 126**, entitled:

An Act relating to insurance; establishing the Pennsylvania Insurance Commission to replace the Insurance Department; providing for the appointment of insurance commissioners to replace the Insurance Commissioner, for the powers and duties of the commission and the commissioners, for administrative law judges, the Office of Counsel, the Office of Trial Staff and the Bureau of Consumer Services, for the jurisdiction of the commission as to insurance matters and regulating proceedings before it and for certain actions by the Office of Consumer Advocate; and making repeals.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1991.

Senator BELL presented to the Chair **SB 127**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," extending the powers and duties of the Office of Consumer Advocate to matters relating to insurance; making editorial changes; and making an appropriation.

Which was committed to the Committee on BANKING AND INSURANCE, January 28, 1991.

Senator BELL presented to the Chair **SB 128**, entitled:

An Act amending the act of December 22, 1983 (P. L. 327, No. 85), entitled "Auctioneer and Auction Licensing Act," further providing for the number of members constituting a quorum of the board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 28, 1991.

Senator FATTAH presented to the Chair **SB 129**, entitled:

An Act allocating a percentage of Motor License Fund moneys for certain mass transit purposes.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senators FATTAH and REIBMAN presented to the Chair **SB 130**, entitled:

An Act providing for the establishment of the Human Development Action Fund and the Human Development Action Commission; providing for the prevention of substance abuse and for programs of education and family counseling for substance abuse, for the prevention, education and treatment programs for acquired immune deficiency syndrome (AIDS), and for the prevention and resolution of problems for the homeless, including job preparation and permanent housing; and making a repeal.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 28, 1991.

Senator FATTAH presented to the Chair **SB 131**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the establishment of a Child Development Authority and Family Services Districts in cities of the first class.

Which was committed to the Committee on AGING AND YOUTH, January 28, 1991.

Senator FATTAH presented to the Chair **SB 132**, entitled:

An Act providing for a temporary drug cases division of the Court of Common Pleas of Philadelphia County, for an expansion of the number of judgeships in the Court of Common Pleas of Philadelphia County in order to staff the new division, for comprehensive drug-abuse screening of arrestees in any county having a drug cases division, for drug treatment services for persons awaiting trial in any county having a drug cases division, for eligibility for probation without verdict and disposition in lieu of trial or criminal punishment for drug-dependent defendants in any county having a drug cases division, for mandatory drug-abuse treatment for treatable drug-dependent offenders convicted in any county having a drug cases division; and making repeals.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senators GREENLEAF, LYNCH and SHAFFER presented to the Chair **SB 133**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to provide that a verdict may be rendered by not less than five-sixths of the jury in certain criminal cases.

Which was committed to the Committee on JUDICIARY, January 28, 1991.



Senators GREENLEAF, REIBMAN, SHUMAKER, HELFRICK, LYNCH, SHAFFER and ANDREZESKI presented to the Chair **SB 134**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing civil immunity for persons who complete forms for certain groups.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senators GREENLEAF, PORTERFIELD, BAKER, HELFRICK, LYNCH, SHAFFER and CORMAN presented to the Chair **SB 135**, entitled:

An Act regulating private prisons; providing for contracts with and licensing of private prisons and for the status of employees of private prisons; and imposing powers and duties on the Department of Corrections.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senators GREENLEAF, HELFRICK, LYNCH, SHAFFER and ANDREZESKI presented to the Chair **SB 136**, entitled:

An Act establishing the Statewide Organized Crime Task Force and providing for its powers and duties; and making an appropriation.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senators GREENLEAF, HELFRICK, LYNCH, SHAFFER and ANDREZESKI presented to the Chair **SB 137**, entitled:

An Act establishing the Organized Crime Control Council; and making an appropriation.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senators RHOADES, REIBMAN, SALVATORE, SCANLON, HOLL, BELL, HART, BRIGHTBILL, LYNCH, BELAN, CORMAN, GREENWOOD, AFFLERBACH, BAKER, SCHWARTZ and O'PAKE presented to the Chair **SB 138**, entitled:

An Act providing for the establishment, organization and operation of an administrative body to be known as the State Education Improvement Task Force; providing for its powers and duties; and making appropriations.

Which was committed to the Committee on EDUCATION, January 28, 1991.

Senators RHOADES, HELFRICK, SCANLON, SALVATORE, HOLL, BELL, WENGER, STAPLETON, JONES, JUBELIRER, LYNCH, CORMAN, GREENWOOD, AFFLERBACH and ROBBINS presented to the Chair **SB 139**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments to technical institutes.

Which was committed to the Committee on EDUCATION, January 28, 1991.

Senators RHOADES, SCANLON, REIBMAN, SALVATORE, SHUMAKER, BELL, HART, LEWIS, JONES, LYNCH, BELAN, PUNT, AFFLERBACH, FISHER and O'PAKE presented to the Chair **SB 140**, entitled:

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

Which was committed to the Committee on FINANCE, January 28, 1991.

Senators RHOADES, BELL, SHAFFER, LYNCH, PUNT and FISHER presented to the Chair **SB 141**, entitled:

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

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senators RHOADES, SHUMAKER, HOLL, BELL, HART, JONES, LYNCH and BELAN presented to the Chair **SB 142**, entitled:

An Act providing for the Office of State Inspector General in the Office of General Counsel; and providing for the powers and duties of the office.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senators RHOADES, REIBMAN, SALVATORE, SHUMAKER, PORTERFIELD, BELL, LYNCH and AFFLERBACH presented to the Chair **SB 143**, entitled:

An Act regulating lobbying; providing for further duties of the State Ethics Commission; requiring the registration of lobbyists and the submission of certain reports; providing penalties; and making repeals.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senators RHOADES, REIBMAN, SALVATORE, HELFRICK, HOLL, BELL, DAWIDA, LYNCH and FISHER presented to the Chair **SB 144**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," requiring that references to a legally qualified electoral opponent which are incorporated in broadcast advertising be uttered by the candidate whose campaign committee sponsors the advertisement.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senators RHOADES, SHUMAKER, STOUT, SALVATORE, SCANLON, HELFRICK, REIBMAN, PORTERFIELD, BELL, HART, STAPLETON, LYNCH, BELAN, CORMAN, LEMMOND, AFFLERBACH and FISHER presented to the Chair **SB 145**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for alternate security for performance of contracts.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 1991.

Senators RHOADES, STOUT, BRIGHTBILL, SCANLON, SALVATORE, HELFRICK, SHUMAKER, PORTERFIELD, HART, STAPLETON, LYNCH, BELAN, MUSTO, CORMAN, LEMMOND, AFFLERBACH, FISHER and O'PAKE presented to the Chair **SB 146**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for tax credits.

Which was committed to the Committee on FINANCE, January 28, 1991.

Senators RHOADES, SALVATORE, STOUT, HELFRICK, SHUMAKER, PORTERFIELD, STAPLETON, LYNCH, MUSTO, CORMAN, LEMMOND and AFFLERBACH presented to the Chair **SB 147**, entitled:

An Act making an appropriation to the Department of Environmental Resources for allocation to the Bureau of Topographic and Geologic Survey to conduct coal-related research.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 28, 1991.

Senator HOLL presented to the Chair **SB 148**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," exempting sales of Christmas trees by charitable organizations from the sales tax.

Which was committed to the Committee on FINANCE, January 28, 1991.

Senator HOLL presented to the Chair **SB 149**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for an exclusion from sales tax with regard to isolated transactions by charitable, volunteer and religious organizations and nonprofit educational institutions.

Which was committed to the Committee on FINANCE, January 28, 1991.

Senators SHUMAKER, FISHER, SHAFFER, AFFLERBACH, REIBMAN, HART, SALVATORE and BORTNER presented to the Chair **SB 150**, entitled:

An Act requiring the filing of municipal ordinances in certain municipal offices or in the county law library or courthouse.

Which was committed to the Committee on LOCAL GOVERNMENT, January 28, 1991.

Senator HOLL presented to the Chair **SB 151**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senator HOLL presented to the Chair **SB 152**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driver's license examinations and expiration and renewal of drivers' licenses.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 153**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding child restraint seats from the sales tax.

Which was committed to the Committee on FINANCE, January 28, 1991.

Senator HOLL presented to the Chair **SB 154**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," changing certain penalties; and denying probation in certain instances.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senator HOLL presented to the Chair **SB 155**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding provisions relating to operation of and safety requirements for frozen desserts trucks; and providing penalties.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 156**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, relating to the reduction of certain speed limits.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senator HOLL presented to the Chair **SB 157**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the use of voter registration lists for juror selection.

Which was committed to the Committee on JUDICIARY, January 28, 1991.

Senators BAKER, HELFRICK, JUBELIRER, SCANLON, BRIGHTBILL, LYNCH, HART, BELAN and AFFLERBACH presented to the Chair **SB 158**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

Which was committed to the Committee on TRANSPORTATION, January 28, 1991.

Senators BAKER, WENGER, HELFRICK, LYNCH, HART and AFFLERBACH presented to the Chair **SB 159**, entitled:

An Act creating the Local Infrastructure and Environmental Fund and the Distressed Municipalities Fund; imposing duties on the Department of Revenue; and providing for return of a portion of sales and income tax revenues to certain municipalities.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, January 28, 1991.

Senators BAKER, WENGER, HELFRICK, LYNCH and HART presented to the Chair **SB 160**, entitled:

An Act requiring the Department of Revenue to establish a special task force to collect certain data relating to sales and income taxation by municipalities.

Which was committed to the Committee on FINANCE, January 28, 1991.

### BILL IN PLACE

Senator MELLOW presented to the Chair a bill.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I ask for a temporary Capitol leave for Senator Baker.

Senator LINCOLN. Mr. President, I ask for a legislative leave for the day for Senator Afflerbach and a temporary Capitol leave for Senator Jones.

The PRESIDENT. Senator Fisher asks temporary Capitol leave for Senator Baker. Senator Lincoln asks legislative leave for Senator Afflerbach and a temporary Capitol leave for Senator Jones. The Chair hears no objection. Those leaves will be granted.

### LEAVE OF ABSENCE

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

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Judiciary to meet during today's Session in the Rules room to consider Senate Bill No. 1.

### LEGISLATIVE LEAVE CANCELLED

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

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, January 28, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 4, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, February 4, 1991,

unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—49

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

#### NAYS—0

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

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

### ANNOUNCEMENT BY THE MAJORITY LEADER

Senator LOEPER. Mr. President, at this time, quickly before we go to Joint Session with the House, I would ask that the recessed meeting of the Committee on Judiciary take place in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Senator Loeper has asked that the Members of the Committee on Judiciary please convene immediately in the room at the rear of the Senate Chamber. The Chair is assuming that will be a very brief meeting.

### COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The President pro tempore of the Senate has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: the gentleman from Cumberland, Senator John D. Hopper; the gentle lady from Allegheny, Senator Melissa A. Hart; and the gentleman from Berks, Senator Michael A. O'Pake.

Would Senator Hopper, Senator Hart and Senator O'Pake please convene and discharge your duties immediately.

### HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present a committee on behalf of the House of Representatives.

The PRESIDENT. Would you bring the committee forth, please.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the chairman of the escort committee from the House, Representative Anthony M. DeLuca.

Mr. DELUCA. Mr. President, we are a committee of the House appointed to inform the Senate that the House is ready to receive the Members of the Senate in Joint Session and to escort the Members of the Senate to the Hall of the House.

The PRESIDENT. The Chair is delighted to welcome Chairman DeLuca and the committee from the House. Thank you for discharging your duties in such a competent and pleasant manner.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair first recognizes the gentle lady from Philadelphia, Senator Jones, who is here, and her temporary Capitol leave will be cancelled.

### ANNOUNCEMENT BY THE MAJORITY LEADER

Senator LOEPER. Very quickly, Mr. President, for the information of the Members, if I could have their attention for a moment, it would be the intent of the Majority to go to the House in Joint Session. Immediately following the adjournment of that Joint Session, I would ask all Members of the Republican caucus to report to our first floor caucus room with the intention of, upon completion of our caucus, simply coming to the floor to adjourn for the day without any additional votes. I would just ask the Members of the Republican caucus, after the Joint Session, to report to our caucus room on the first floor. I anticipate no further votes today other than the adjournment vote.

### ANNOUNCEMENT BY THE MINORITY LEADER

Senator MELLOW. Mr. President, upon the conclusion of the Joint Session, I would like the Democrat Members to know that we will not be having a caucus today. They will be free to go about their business of the day since there will be no further roll calls and their appearance on the floor, in fact, will not be necessary.

### SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. Would the Members of the Senate please form a line in the center aisle immediately behind the Sergeant-at-Arms and the House committee in order that we may proceed to the Joint Session.

### RECESS

The PRESIDENT. The Chair now declares a recess of the Senate for one-half hour.

### AFTER RECESS

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

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

### UNFINISHED BUSINESS REPORT FROM COMMITTEE

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

#### SB 1 (Pr. No. 1)

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

### SENATE RESOLUTION

#### MEMORIALIZING THE GOVERNOR TO PROCLAIM THE WEEK OF JANUARY 27 THROUGH FEBRUARY 2, 1991, AS "CATHOLIC SCHOOLS WEEK"

Senators SALVATORE, FISHER, SCANLON, STOUT, AFFLERBACH, JUBELIRER, O'PAKE, REIBMAN, BELAN, PETERSON, MELLOW, MUSTO, HART, BELL, SHUMAKER, LAVALLE, ANDREZESKI and LOEPER offered the following resolution (Senate Resolution No. 12), which was read, considered and adopted:

In the Senate, January 28, 1991.

#### A RESOLUTION

Memorializing the Governor to proclaim the week of January 27 through February 2, 1991, as "Catholic Schools Week."

WHEREAS, Strongly committed to the traditional tenets of an education that both challenges the mind and builds the character, Catholic Schools have played a vital role in America's educational structure; and

WHEREAS, Unerringly dedicated to the belief that education involves not only the child but also the family and the parish, Catholic Schools have continually sought to offer opportunities to our children that they might not otherwise know; and

WHEREAS, Catholic Schools have consistently offered quality education to almost a quarter of a million Pennsylvania

students every year while saving State and local taxpayers more than \$1 billion dollars a year. Steeped in traditions that enhance the building of self-esteem and self-confidence through a strong recognition of self-worth, Catholic Schools continually strive to offer academic opportunities that keep pace with an ever-changing society. Ever challenged to accept the responsibilities they will face as tomorrow's leaders, students in Catholic Schools learn that effective leaders must first learn to serve the needs of others; and

WHEREAS, Through the dedication of teaching staffs that are truly committed to the values that have made Catholic Schools such a unique educational opportunity, Pennsylvania's 900 Catholic Schools have achieved a dropout rate that is less than 3% a year, while seeing about 80% of their graduates go on to college; and

WHEREAS, During the week of January 27 through February 2, 1991, Catholic Schools across this Commonwealth will celebrate "Catholic Schools Week" to promote the value of a parochial school education, with January 30 being celebrated as Catholic School Appreciation Day; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the Governor to proclaim January 27 through February 2, 1991, as "Catholic Schools Week" in Pennsylvania, and encourage all Pennsylvanians to recognize the importance of parochial schools in providing our children with the solid values and academic skills they will need in becoming responsible citizens of our Commonwealth.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Frank Figaski by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Lester Garner, Mr. and Mrs. Erwin Wohlfeil, Mr. and Mrs. Walter Linard, Mr. and Mrs. Lester L. Hoover, Mr. and Mrs. David L. Mowery, Mr. and Mrs. Robert Crissman, Mr. and Mrs. Donovan Smith and to Mrs. and Mrs. Robert A. Moore by Senator Armstrong.

Congratulations of the Senate were extended to Patricia Ann Robbins and to Freedom Valley Girl Scout Council of Valley Forge by Senator Baker.

Congratulations of the Senate were extended to Ron Michaels by Senator Belan.

Congratulations of the Senate were extended to Jeffrey T. Ried, David P. Gallagher, Edwin K. Burns, Matthew T. Graham and to Valerie Peery by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Bienemann and to Mr. and Mrs. Patsy Graziano by Senator Bodack.

Congratulations of the Senate were extended to Mary Louise Hendrix and to Ethel M. Laws by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Donald C. Stevenson by Senator Corman.

Congratulations of the Senate were extended to Darling Gregory and to Steven Parker by Senator Fattah.

Congratulations of the Senate were extended to Carl R. Streams Elementary School of Upper St. Clair by Senator Fisher.

Congratulations of the Senate were extended to Jeffrey Alan Elckhoff by Senator Greenwood.

Congratulations of the Senate were extended to Frances Ambrose, Eleanor Kowalewski and to Nancy J. Woods by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Hewitt E. Line and to Donald A. Snow by Senator Hopper.

Congratulations of the Senate were extended to Temple of Divine Love Church of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Anthony Wayne Elementary School of Ambridge by Senator LaValle.

Congratulations of the Senate were extended to Patricia H. Williams and to Fred Hemmler by Senator Lemmond.

Congratulations of the Senate were extended to the Honorable Robert J. Hourigan by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Mamie by Senator Lewis.

Congratulations of the Senate were extended to Jeffrey L. Kelley and to Gabriella Erjavec by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Bubb, Mr. and Mrs. Paul M. Lovell, Mr. and Mrs. Lewis A. Willits, Mr. and Mrs. Donn F. Jenkins, Mr. and Mrs. Charles Reaser, Mr. and Mrs. Jered A. Quigel, Dawn S. Yates and to Estella R. Davis by Senator Madigan.

Congratulations of the Senate were extended to Thomas Knoll and to Elna Gromlich by Senator Mellow.

Congratulations of the Senate were extended to Raymond F. Kownacki by Senator Musto.

Congratulations of the Senate were extended to Donald E. Ziegler, Jr. and to Barbara Coffin by Senator O'Pake.

Congratulations of the Senate were extended to James Eric Langer by Senator Pecora.

Congratulations of the Senate were extended to Rosie Rissinger by Senator Punt.

Congratulations of the Senate were extended to Kevin L. Cupples, Vincent Luettgen, Cathy S. Billington and to Bethlehem Catholic High School Football Team by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Metro Kerrick, Mr. and Mrs. Howard Bollinger, Mr. and Mrs. V. Joseph Rita, Mr. and Mrs. Lloyd C. Bailey, Marian High School Football Team of Tamaqua and to Saint George Lithuanian Roman Catholic Church by Senator Rhoades.

Congratulations of the Senate were extended to Walter G. Lazusky, Dominic A. Perry, Jonathan T. Truchan and to Matthew R. Thiry by Senator Robbins.

Congratulations of the Senate were extended to Greater Northeast Philadelphia Chapter of UNICO National by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent Signoriello, Mr. and Mrs. Phillips W. Reed, Mr. and Mrs. Harry L. Twentier, Mr. and Mrs. Luther Burrell Bowser, Mr. and Mrs. Charles A. Peiffer, Mr. and Mrs. John W. Davis, Mr. and Mrs. Alfred G. Yates, Mr. and Mrs.

Victor Franke, Mr. and Mrs. Kenneth R. Lytle, Mr. and Mrs. Leslie Crocker, Mr. and Mrs. Charles R. Hartzell, Mr. and Mrs. LaVern Lawson, Jeffrey Neigh and to Brian Miklavic by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Donald G. Thomson, Honorable Lee F. Swope and to Oscar Lingle by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Porter H. Johnston and to Mr. and Mrs. Thomas Reed by Senator Stapleton.

Congratulations of the Senate were extended to Martha Mosley and to the participants of the 1991 Black History Month Exposition by Senator Stout.

Congratulations of the Senate were extended to Patricia M. McAdams by Senator Wenger.

### **BILL ON FIRST CONSIDERATION**

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

The motion was agreed to.

The bill was as follows:

#### **SB 1.**

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

### **COMMUNICATION FROM THE GOVERNOR**

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

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

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

January 28, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. O'Hara, Jr., 2336 South Pewter Drive, Macungie 18062, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

### **RESOLUTIONS INTRODUCED AND REFERRED**

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

January 28, 1991

#### **DIRECTING THE LOCAL GOVERNMENT COMMISSION TO IMPLEMENT PHASE II OF THE STATE MANDATE PROJECTS INITIATED IN 1981, TO REVIEW APPROPRIATE LEGISLATION AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY**

Senators BAKER, WENGER, PORTERFIELD, LYNCH, HART, SALVATORE, SHAFFER and CORMAN offered the following resolution (*Senate Concurrent Resolution No. 4*), which was read and referred to the Committee on Local Government:

In the Senate January 28, 1991.

#### **A CONCURRENT RESOLUTION**

Directing the Local Government Commission to implement Phase II of the State Mandate Projects initiated in 1981, to review appropriate legislation and make recommendations to the General Assembly.

RESOLVED (the House of Representatives concurring), That the General Assembly direct the Local Government Commission to review statutes and regulations that have been classified as "mandates" by the commission, to assess their viability and usefulness to current governmental services or programs and to recommend legislative changes, if deemed necessary; and be it further

RESOLVED, That the General Assembly urge that all Commonwealth departments, agencies, boards and commissions which have been identified as being responsible for the promulgation of mandates affecting political subdivisions cooperate with the Local Government Commission in its fulfillment of the task required by this resolution; and be it further

RESOLVED, That the General Assembly provide the Local Government Commission with sufficient funding and/or resources to carry out the purposes of this resolution.

#### **PROVIDING FOR A SPECIAL COMMITTEE TO DETERMINE WAYS TO PROMOTE ECONOMIC DEVELOPMENT THROUGH THE USE OF RECYCLED MATERIAL**

Senators LEWIS, MUSTO, STOUT, JONES, LaVALLE, REIBMAN, DAWIDA, BELAN, O'PAKE, FATTAH, ANDREZESKI, STAPLETON, AFFLERBACH, SCHWARTZ and RHOADES offered the following resolution (*Senate Resolution No. 5*), which was read and referred to the Committee on Environmental Resources and Energy:

In the Senate, January 29, 1991.

#### **A RESOLUTION**

Providing for a special committee to determine ways to promote economic development through the use of recycled material.

WHEREAS, Recycling and the use of recycled material has been shown to have great environmental benefits; and

WHEREAS, Recycling and the use of recycled material may also provide great economic benefits; and



WHEREAS, The Governor's Market Development Task Force was established by Governor Casey in 1988 and charged with developing State markets for recyclable materials; and

WHEREAS, It would be appropriate for the Senate to establish a special committee to assist this task force in its work; therefore be it

RESOLVED, That the President pro tempore of the Senate appoint a special committee consisting of five members, three from the majority party and two from the minority party; and be it further

RESOLVED, That the purpose of this committee shall be to assist, supplement and expand the work of the Governor's task force in the following areas:

- (1) The capacity of Pennsylvania industries to use recyclable materials.
- (2) Research into new uses for recyclable materials.
- (3) The improvement of systems for collecting, processing and transporting recyclable materials.
- (4) Education and technical assistance on recycling.
- (5) Other related areas as deemed appropriate by the committee; and be it further

RESOLVED, That the committee make a report of its findings and recommendations to the full Senate in one year.

#### **SUPPORTING "GLASNOST" AND THE EMIGRATION OF SOVIET JEWS AND CHRISTIANS**

Senators GREENLEAF, PECORA, SHUMAKER, REIBMAN, AFFLERBACH, SHAFFER, DAWIDA, BRIGHTBILL and SALVATORE offered the following resolution (*Senate Resolution No. 6*), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, January 28, 1991.

#### **A RESOLUTION**

Supporting "glasnost" and the emigration of Soviet Jews and Christians.

WHEREAS, Over 380,000 Jews have taken the first steps to apply for permission to leave the Soviet Union; and

WHEREAS, Although a marked increase from the 914 allowed to leave in 1986, Jewish emigration in 1987, up to September 30, reached a total of 5,403, a small percentage of those permitted to emigrate in 1979, when 51,300 emigrated; and

WHEREAS, While the Soviet Union is a signatory to the Helsinki Accords and other international covenants regarding emigration, the granting of permission to emigrate continues to be arbitrarily made or denied by the authorities; and

WHEREAS, The Soviet Union has adopted a new policy of "glasnost" or openness for all its citizens; and

WHEREAS, Continued talks between President Bush and General Secretary Gorbachev are planned; and

WHEREAS, We should recognize the importance of the continuing struggle on behalf of the rights of Soviet Jews and Christians; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania support the spirit of "glasnost," human rights and the rights of Soviet Jews and Christians to emigrate; and be it further

RESOLVED, That copies of this resolution be transmitted to the Anti-Defamation League of B'nai B'rith, the Jewish Community Relations Council, the Soviet Jewry Council, the Pennsylvania Jewish Coalition and to General Secretary Gorbachev.

#### **CREATING A SENATE TASK FORCE TO INVESTIGATE AND RECOMMEND WAYS TO ATTRACT AND RETAIN VOLUNTEER FIRE, AMBULANCE AND RESCUE PERSONNEL AND TO ENHANCE COOPERATION FROM PENNSYLVANIA BUSINESSES TO SUPPORT VOLUNTEER SERVICES**

Senator HOLL offered the following resolution (*Senate Resolution No. 7*), which was read and referred to the Committee on State Government:

In the Senate, January 28, 1991.

#### **A RESOLUTION**

Creating a Senate Task Force to investigate and recommend ways to attract and retain volunteer fire, ambulance and rescue personnel and to enhance cooperation from Pennsylvania businesses to support volunteer services.

WHEREAS, Pennsylvania volunteer fire, ambulance and rescue services play important and often critical roles in the welfare and public safety of Commonwealth citizens; and

WHEREAS, Dedicated personnel, committed to their communities and to the valuable work that they perform, often engage in risks far beyond any compensation available to them; and

WHEREAS, The activities of volunteer services have saved millions of tax dollars for Commonwealth's citizens over many years, and the uncompensated services they perform in areas understaffed with paid employees often constitute the only emergency response systems available for the community; and

WHEREAS, It is in the interest of all Pennsylvania communities to support the work of Pennsylvania volunteer fire, ambulance and rescue services; therefore be it

RESOLVED, That the Senate create a task force, composed of seven members, four from the majority party, one of whom shall be designated as chairman and three from the minority party, appointed by the President pro tempore of the Senate, to investigate and recommend ways to:

- (1) attract and retain volunteer fire, ambulance and rescue personnel; and
  - (2) enhance cooperation and support from Pennsylvania businesses in assisting the volunteer companies in performing their services;
- and be it further

RESOLVED, That the task force make its report and publish its findings not later than November 1, 1991; and be it further

RESOLVED, That the Joint State Government Commission shall provide the staff support necessary for the task force created in this resolution.

#### **DESIGNATING THE WEEK OF MAY 12 THROUGH 18, 1991, AS "CHILD PASSENGER SAFETY AWARENESS WEEK"**

Senator HOLL offered the following resolution (*Senate Concurrent Resolution No. 8*), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, January 28, 1991.

#### **A CONCURRENT RESOLUTION**

Designating the week of May 12 through 18, 1991, as "Child Passenger Safety Awareness Week."

WHEREAS, Motor vehicle crashes are the number one cause of death in children six months of age or older in the United States; and

WHEREAS, Motor vehicle crashes are the number one cause of crippling of children in the United States; and

WHEREAS, More children less than five years of age are killed or crippled as passengers involved in vehicle crashes than the total number of children killed or crippled by the seven most common childhood diseases: pertussis, tetanus, diphtheria, measles, mumps, rubella and polio; and

WHEREAS, Motor vehicle crashes are the leading trauma-related cause of spinal cord injury, epilepsy and mental retardation in the United States; and

WHEREAS, Between 1978 and 1989, about 12,000 children less than five years of age were killed in traffic crashes and more than 600,000 were injured in the United States; and

WHEREAS, All 50 states and the District of Columbia have enacted laws requiring the use of child passenger protection systems; and

WHEREAS, A recent survey of 19 United States cities indicates that 83% of children less than five years of age were placed in child safety seats in the United States; and

WHEREAS, Current nationwide studies estimate that only 60% of children less than five years of age are fully protected in cars in the United States through the correct use of child safety seats; and

WHEREAS, Numerous government and private sector organizations have agreed to work together to achieve a minimum level of 70% of correct use of child passenger protection systems and adult safety belts by the year 1992; and

WHEREAS, Research shows that, used correctly, child passenger safety devices are 71% effective in preventing death and 67% effective in preventing injury; and

WHEREAS, Death and injury may be reduced significantly through greater public awareness, information, education and enforcement; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly designate the week of May 12 through 18, 1991, as "Child Passenger Safety Awareness Week."

#### **DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO DEVELOP A PLAN FOR THE ESTABLISHMENT OF A PENNSYLVANIA FAMILY COURT**

Senators GREENLEAF, PECORA, REIBMAN and AFFLERBACH offered the following resolution (Senate Concurrent Resolution No. 9), which was read and referred to the Committee on Judiciary:

In the Senate, January 28, 1991.

#### **A CONCURRENT RESOLUTION**

Directing the Joint State Government Commission to develop a plan for the establishment of a Pennsylvania Family Court.

WHEREAS, House Bill 1023, Printer's Number 4215 (Session of 1989), entitled "An act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to domestic relations; making conforming amendments to Titles 18 and 42; and repealing certain acts and parts of acts supplied by the act or otherwise obsolete," is a codification of the laws of this Commonwealth relating to domestic relations; and

WHEREAS, House Bill 1023 received final passage by the House of Representatives and the Senate; and

WHEREAS, House Bill 1023 was approved by the Governor on December 19, 1990, and became Act 206 of 1990; and

WHEREAS, Consideration should be given to the establishment of a Pennsylvania Family Court which would exercise jurisdiction over all matters included in Act 206 of 1990; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly direct the Joint State Government Commission to develop a plan for the establishment of a Pennsylvania Family Court to preside over all matters included in Act 206 of 1990.

#### **CONDEMNING THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS FOR ITS BRUTAL CRACKDOWN ON THE PEOPLE OF LITHUANIA AND LITHUANIA'S DEMOCRATICALLY ELECTED GOVERNMENT**

Senators RHOADES, MUSTO, SALVATORE, SHUMAKER, WENGER, AFFLERBACH, MELLOW, FISHER, LOEPER, DAWIDA, HART, ARMSTRONG, BELL, O'PAKE, FUMO, SHAFFER, HOLL, PETERSON and ANDREZESKI offered the following resolution (Senate Resolution No. 10), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, January 28, 1991.

#### **A RESOLUTION**

Condemning the government of the Union of Soviet Socialist Republics for its brutal crackdown on the people of Lithuania and Lithuania's democratically elected government.

WHEREAS, The people of Lithuania held multiparty elections in early 1990; and

WHEREAS, The new government of Lithuania has decided to carry out the will of the Lithuanian people, expressed in those elections, to restore the independence of Lithuania; and

WHEREAS, The government of the Union of Soviet Socialist Republics has recently turned to violence and intimidation to block the will of the Lithuanian people for independence; and

WHEREAS, These actions flout international standards of decency for governmental behavior towards its people; therefore be it

RESOLVED, That the members of the Senate of the Commonwealth of Pennsylvania condemn the government of the Union of Soviet Socialist Republics for its brutal crackdown on the people of Lithuania and Lithuania's democratically elected government; and be it further

RESOLVED, That we urge the government of the Union of Soviet Socialist Republics to recognize and respect the aspirations of the people of Lithuania by entering into immediate constructive negotiations with the new government of Lithuania on an equal basis; and be it further

RESOLVED, That we urge the government of the Union of Soviet Socialist Republics to immediately end its brutal assault on and intimidation of the people of Lithuania; and be it further

RESOLVED, That we urge the government of the Union of Soviet Socialist Republics to remove its troops from Lithuania; and be it further

RESOLVED, That we urge President Bush to forcefully express to the Soviet government the United States' opposition to these actions; and be it further

RESOLVED, That we urge President Bush to delay moves toward economic cooperation with the Union of Soviet Socialist Republics, such as granting most-favored-nation trade benefits or supporting Soviet membership in international financial organizations, until the Soviets remove military pressure on Lithuania; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States and to the Soviet Union's Ambassador to the United States.



**RECOGNIZING THE BRAVERY  
AND PROFESSIONALISM OF THE AMERICAN  
ARMED FORCES PERSONNEL SERVING  
IN THE MIDDLE EAST; AND SUPPORTING  
THE EFFORTS OF THE PRESIDENT  
AS COMMANDER-IN-CHIEF**

Senators SHUMAKER, PUNT, LAVALLE, JUBELIRER, ANDREZESKI, REIBMAN, WENGER, BELAN, TILGHMAN, BRIGHTBILL, O'PAKE, FISHER, HOLL, ROBBINS, MADIGAN, LOEPER, STEWART, MELLOW, AFFLERBACH, BODACK, BORTNER, DAWIDA, JONES, LEWIS, HOPPER, BAKER, SALVATORE, LEMMOND, ARMSTRONG, BELL, PETERSON, HART, RHOADES, GREENWOOD, GREENLEAF, CORMAN, SHAFFER, PECORA, HELFRICK, LYNCH, MUSTO, PORTERFIELD, SCANLON, STAPLETON, STOUT, WILLIAMS, FATTAH and FUMO offered the following resolution (Senate Resolution No. 11), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, January 28, 1991.

**A RESOLUTION**

Recognizing the bravery and professionalism of the American armed forces personnel serving in the Middle East; and supporting the efforts of the President as Commander-in-Chief.

WHEREAS, The actions of Saddam Hussein, leader of Iraq, on August 2, 1990, have resulted in the confederation of a sizeable coalition of nations that object to his invasion of the sovereign nation of Kuwait; and

WHEREAS, The reaction of the United States to the Iraqi invasion of Kuwait and to the consequential threat of invasion to Saudi Arabia was to commit American armed forces in the Middle East; and

WHEREAS, On January 18, 1991, General H. Norman Schwarzkopf USA, commander and coordinator of the coalition forces in the Middle East, commended the bravery and professionalism exhibited by American armed forces personnel in Operations Desert Shield and Desert Storm; and

WHEREAS, Thousands of Pennsylvanians are among these armed forces personnel serving in the Middle East and Pennsylvanians number among the casualties to date; therefore be it

RESOLVED, That the Senate recognize with pride and appreciation the bravery and professionalism of the American armed forces personnel serving in the Middle East and urge all Pennsylvanians to support these courageous individuals; and be it further

RESOLVED, That the Senate commend and support the efforts and leadership of the President as Commander-in-Chief of the American armed forces in the Persian Gulf hostilities; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, Secretary of Defense Richard Cheney and Pennsylvania Adjutant General Gerald T. Sajer.

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JANUARY 29, 1991

10:00 A.M.	TRANSPORTATION (Joint meeting of Senate and House Transportation Committee to witness a demonstration on electric powered vehicles)	Rooms 8E-A & B Hearing Room East Wing
Off The Floor	FINANCE (to consider Senate Bill No. 346)	Rules Committee Conference Room
Off The Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolutions No. 10 and 11 and certain executive nominations)	Rules Committee Conference Room

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, January 29, 1991, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:20 p.m., Eastern Standard Time.

**ANNOUNCEMENTS BY THE SECRETARY**

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



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JANUARY 29, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 5

### SENATE

TUESDAY, January 29, 1991.

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

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

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

God our Father, accept the prayer we offer today for our Senators. Give them the true courage in their deliberations to work for the common good of all. Help them to follow their honest convictions, and may they earnestly and with dedication serve the citizens they represent. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 28, 1991.

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

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

### BILLS INTRODUCED AND REFERRED

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

January 29, 1991

Senators BAKER, JUBELIRER, WENGER, LYNCH, PUNT, SHAFFER, CORMAN and RHOADES presented to the Chair **SB 161**, entitled:

An Act prohibiting the manufacture of certain articles in homes; further providing for the powers and duties of the Department of Labor and Industry and of the Department of Environmental Resources; and making a repeal.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senators MUSTO, BELAN, STOUT, HART, REIBMAN, DAWIDA, BODACK, MELLOW, ANDREZESKI, PORTERFIELD, BRIGHTBILL, JONES and BORTNER presented to the Chair **SB 162**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for watershed land.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senator HOLL presented to the Chair **SB 163**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for maximum speed limits.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senator HOLL presented to the Chair **SB 164**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring reflective apparel or a light when riding an animal between sunset and sunrise.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senator FISHER presented to the Chair **SB 165**, entitled:

An Act providing a limited exemption from taxation for the principal residence of certain persons and for reimbursement by the Commonwealth for loss of revenues occasioned by such exemption.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senator HOLL presented to the Chair **SB 166**, entitled:

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," authorizing direct commercial sales of agricultural commodities.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, January 29, 1991.

Senators HOLL and HOPPER presented to the Chair **SB 167**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," further providing for licensing, permitting and other requirements for the land disposal of sewage sludge.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senator HOLL presented to the Chair **SB 168**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to provide for a jury of six in any civil or criminal case.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senator HOLL presented to the Chair **SB 169**, entitled:

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," further providing for unfair or deceptive acts or practices.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senator HOLL presented to the Chair **SB 170**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "special mobile equipment" and for the application for registration; providing for the use of special mobile equipment; and imposing a penalty.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senator HOLL presented to the Chair **SB 171**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for disability annuities.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senator HOLL presented to the Chair **SB 172**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for antique and classic motor vehicles; providing for vintage motor vehicles and for production motor vehicles; and providing for an annual fee for personal registration plates.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senator BELL presented to the Chair **SB 173**, entitled:

An Act amending the act of August 21, 1953 (P. L. 1323, No. 373), entitled "The Notary Public Law," further providing for a change in the name of a notary.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senator BELL presented to the Chair **SB 174**, entitled:

An Act requiring certain employers who relocate or terminate operations to pay covered employees severance pay; imposing additional powers and duties on the Department of Labor and Industry; and requiring employers to give notice to affected employees and municipalities.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senator BELL presented to the Chair **SB 175**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pay of officers and enlisted personnel.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senators HELFRICK, PORTERFIELD and SHUMAKER presented to the Chair **SB 176**, entitled:

An Act providing for a Statewide referendum on the question of whether Pennsylvania should have a Returnable Beverage Container Act.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senator HELFRICK presented to the Chair **SB 177**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military Affairs, to convey to the Borough of Milton an improved tract of land situate in the Borough of Milton, Northumberland County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senator HELFRICK presented to the Chair **SB 178**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1991.

Senator FUMO presented to the Chair **SB 179**, entitled:

An Act requiring the Department of Environmental Resources to notify affected legislators of permit and license actions.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senator HOLL presented to the Chair **SB 180**, entitled:

An Act amending the act of July 31, 1963 (P. L. 410, No. 217), entitled "An act regulating and licensing all sales at retail when such sales are advertised as 'Closing Out Sale,' 'Fire, Smoke or Water Damage Sale,' or 'Defunct Business Sale,' with exceptions;....," further providing for violations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senator HOLL presented to the Chair **SB 181**, entitled:

An Act amending the act of October 11, 1972 (P. L. 899, No. 213), entitled "An act providing scholarships for certain dependents of members of the armed services who while on active duty are taken as prisoners of war or are reported missing in action and making an appropriation," further providing for eligible dependents; increasing the maximum academic year grant; making an appropriation; and providing for funding of grants.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senator HOLL presented to the Chair **SB 182**, entitled:

An Act to provide for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics and emergency medical technicians; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senator HOLL presented to the Chair **SB 183**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," extending contract piggybacking to private academic schools, private residential rehabilitative institutions, approved private schools and non-profit literacy councils.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senator HOLL presented to the Chair **SB 184**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing partial State reimbursement for mobile classroom facilities.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senator HOLL presented to the Chair **SB 185**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the method of marking the center line on certain roadways.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senator HOLL presented to the Chair **SB 186**, entitled:

An Act providing for the establishment, organization, operation and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and on the Insurance Commissioner; providing penalties; and making repeals.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senator HOLL presented to the Chair **SB 187**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," providing for reimbursement of expenses incurred by certain lenders in obtaining insurance.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senator HOLL presented to the Chair **SB 188**, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), entitled "Goods and Services Installment Sales Act," providing for insurance and for advances for the repair or preservation of goods.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senator HOLL presented to the Chair **SB 189**, entitled:

An Act designating a bridge which straddles the border between Norristown and Bridgeport Boroughs in Montgomery County as the DeKalb Veterans' Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators GREENLEAF, HOPPER, LEWIS and FATTAH presented to the Chair **SB 190**, entitled:

An Act creating a capital representation resource center for capital offense litigation; providing for its duties and responsibilities; and making an appropriation.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators RHOADES, REIBMAN, STOUT, SCANLON, SALVATORE, HELFRICK, SHUMAKER, HOLL, BELL, HART, MADIGAN, JONES, BRIGHTBILL, JUBELIRER, LYNCH, HOPPER, BELAN, CORMAN, GREENWOOD, LEMMOND and O'PAKE presented to the Chair **SB 191**, entitled:

An Act providing for the establishment, implementation and administration of a Head Start Supplemental Assistance Program.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senators RHOADES, SCANLON, PORTERFIELD, HOLL, BELL, STAPLETON, JONES, LYNCH, BELAN, CORMAN, AFFLERBACH and FISHER presented to the Chair **SB 192**, entitled:

An Act encouraging the use of alternative motor fuels; providing for acquisition and study of vehicles which operate on alternative motor fuels and for powers and duties of the Pennsylvania Energy Office.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators RHOADES, SALVATORE, HELFRICK, SHUMAKER, HOLL, BELL, WENGER, STAPLETON, JONES, BRIGHTBILL, JUBELIRER, LYNCH, MUSTO, LEMMOND, AFFLERBACH and FISHER presented to the Chair **SB 193**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for sales tax exclusions.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators RHOADES, SALVATORE, HELFRICK, SHUMAKER, PORTERFIELD, HOLL, BELL, WENGER, STAPLETON, JONES, JUBELIRER, LYNCH, MUSTO, CORMAN, LEMMOND and AFFLERBACH presented to the Chair **SB 194**, entitled:

An Act providing for matching grants to municipalities for forestry and tree-planting programs; conferring powers and duties on the Department of Environmental Resources, the Bureau of Forestry and the Environmental Quality Board; and making appropriations.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators RHOADES, SALVATORE, PORTERFIELD, HART, DAWIDA, LEWIS, JONES, LYNCH, BELAN and O'PAKE presented to the Chair **SB 195**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for venture capital investments.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators HELFRICK, HOPPER, FISHER and FATTAH presented to the Chair **SB 196**, entitled:

An Act requiring coroners and medical examiners to perform autopsies for sudden infant death syndrome; and requiring review.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators GREENLEAF, FISHER, JUBELIRER, BELL, SHAFFER, WENGER, O'PAKE, BRIGHTBILL, REIBMAN, LEWIS, PECORA, HELFRICK, LAVALLE, PUNT, SALVATORE, AFFLERBACH, SHUMAKER and RHOADES presented to the Chair **SB 197**, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," providing for the commitment of certain children; prohibiting the expenditure of State funds outside this Commonwealth; and providing a negligence standard relating to assessment and treatment of certain children.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, LAVALLE, AFFLERBACH and CORMAN presented to the Chair **SB 198**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the special appointment of retired judges to hear certain cases.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, REIBMAN, BELL, PECORA, WENGER, AFFLERBACH, CORMAN and RHOADES presented to the Chair **SB 199**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the regulation of the practice of law by certain persons.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, PECORA, WENGER, HOPPER, DAWIDA, LAVALLE, AFFLERBACH, CORMAN and RHOADES presented to the Chair **SB 200**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to prohibited activities by justices and judges.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, HOPPER, LAVALLE, AFFLERBACH, STAPLETON, CORMAN and RHOADES presented to the Chair **SB 201**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the limited right of jurors to take notes.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, BELL, PECORA, HOPPER, LAVALLE, AFFLERBACH, STAPLETON, CORMAN and RHOADES presented to the Chair **SB 202**, entitled:

An Act amending the act of May 10, 1921 (P. L. 433, No. 208), entitled "An act for the segregation of certain classes of prisoners," providing for the segregation of violent prisoners.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, BELL, JUBELIRER, HOPPER, LAVALLE, AFFLERBACH, STAPLETON, CORMAN and RHOADES presented to the Chair **SB 203**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," extending the limitations period for the filing of claims for crime victims' compensation by victims of child abuse.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators WENGER, STAPLETON, MADIGAN, BRIGHTBILL, PUNT, SALVATORE, SHAFFER, GREENWOOD, DAWIDA, LYNCH and CORMAN presented to the Chair **SB 204**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding transfers to family farm partnerships.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators WENGER, SCANLON, BAKER, SHAFFER, MADIGAN, STAPLETON, SALVATORE, BELAN, REIBMAN, DAWIDA, AFFLERBACH, LYNCH and RHOADES presented to the Chair **SB 205**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators WENGER, STAPLETON, SHAFFER, MADIGAN, DAWIDA, SALVATORE, AFFLERBACH and LYNCH presented to the Chair **SB 206**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a permit for the operation of chemical and fertilizer vehicles.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators WENGER, SALVATORE, SHAFFER and LYNCH presented to the Chair **SB 207**, entitled:

An Act authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; and authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A

of the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators SHUMAKER, FISHER, JUBELIRER, SALVATORE, CORMAN, GREENWOOD, WENGER, HOPPER, MADIGAN, GREENLEAF, HELFRICK, HART, SHAFFER, PORTERFIELD, JONES, AFFLERBACH, ANDREZESKI and RHOADES presented to the Chair **SB 208**, entitled:

An Act transferring a sum of money from the Pennsylvania Solid Waste - Resource Recovery Development Fund to the Recycling Fund to fund the Household Hazardous Waste Collection and Disposal Grant Program.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators HELFRICK, WENGER, STOUT, BELL, STAPLETON, JONES, O'PAKE, SALVATORE, ANDREZESKI, MELLOW and PETERSON presented to the Chair **SB 209**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to places of religious worship.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senator HELFRICK presented to the Chair **SB 210**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1991.

Senator FUMO presented to the Chair **SB 211**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for the shipment of certain alcoholic beverages into Pennsylvania.

Which was committed to the Committee on LAW AND JUSTICE, January 29, 1991.

Senators GREENLEAF, LEWIS and BORTNER presented to the Chair **SB 212**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating referral of defendants to Accelerated Rehabilitative Disposition.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senator GREENLEAF presented to the Chair **SB 213**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for submission of cases for Accelerated Rehabilitative Disposition.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, FISHER, HOLL, BELL, SALVATORE and ANDREZESKI presented to the Chair **SB 214**, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," providing for persons who are addicted to drugs or alcohol.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE,

Senators GREENLEAF, FISHER, LEMMOND, HOLL, BELL, SALVATORE, PORTERFIELD and ANDREZESKI presented to the Chair **SB 215**, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," further providing for involuntary treatment.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators GREENLEAF, LEMMOND, SHUMAKER, REIBMAN, DAWIDA, JONES and ANDREZESKI presented to the Chair **SB 216**, entitled:

An Act providing for a voluntary contribution system to aid indigent persons; establishing a special fund; imposing duties on the Department of Public Welfare; and making a repeal.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators GREENLEAF, PORTERFIELD, REIBMAN and ANDREZESKI presented to the Chair **SB 217**, entitled:

An Act amending the act of June 8, 1891 (P. L. 212, No. 184), entitled "An act in relation to cremation of human bodies in this Commonwealth," providing for agreements guaranteeing the integrity of remains.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators GREENLEAF, LEMMOND, ANDREZESKI and HELFRICK presented to the Chair **SB 218**, entitled:

An Act prohibiting the operator of a cable television system from charging subscribers for additional connections in the same residence.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senators GREENLEAF, LEMMOND, ANDREZESKI and HELFRICK presented to the Chair **SB 219**, entitled:

An Act requiring the operator of a cable television system to give subscribers a credit when an interruption of service occurs.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senators GREENLEAF, LEMMOND, HOLL and BRIGHTBILL presented to the Chair **SB 220**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for exclusions from the sales and use tax.

Which was committed to the Committee on FINANCE, January 29, 1991.



Senators SHUMAKER, BELL, JONES, PECORA, LAVALLE, SCANLON, HART, BELAN, PUNT, REIBMAN, CORMAN, SALVATORE, ANDREZESKI, O'PAKE and RHOADES presented to the Chair **SB 221**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing special leave for certain disabled veterans when required to receive treatment at a Veterans' Administration medical facility.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators SHUMAKER, PUNT, JUBELIRER, WENGER, LEWIS, PORTERFIELD, JONES, HELFRICK, LAVALLE, SCANLON, BELL, BELAN, PECORA, SHAFFER, MUSTO, REIBMAN, AFFLERBACH, FISHER, LEMMOND, SALVATORE, ANDREZESKI, CORMAN and RHOADES presented to the Chair **SB 222**, entitled:

An Act designating the fountain in the plaza of the East Wing of the Main Capitol Building in Harrisburg as the War Veterans' Memorial Fountain; and imposing duties upon the Department of General Services.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senators SHUMAKER, PUNT, JUBELIRER, WENGER, PORTERFIELD, JONES, HELFRICK, LAVALLE, SCANLON, BELL, BELAN, PECORA, SHAFFER, MUSTO, REIBMAN, FISHER, LEMMOND, SALVATORE, ANDREZESKI, BRIGHTBILL, O'PAKE, CORMAN and RHOADES presented to the Chair **SB 223**, entitled:

An Act making an appropriation to the Pennsylvania Veterans' Memorial Commission for the planned monument or memorial to be erected at Indiantown Gap National Cemetery.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senators SHUMAKER, PUNT, BELL, PORTERFIELD, JONES, HART, LAVALLE, BELAN, PECORA, FISHER, REIBMAN, AFFLERBACH, SALVATORE, ANDREZESKI, LEMMOND, O'PAKE, CORMAN and RHOADES presented to the Chair **SB 224**, entitled:

An Act making an appropriation to the Department of Labor and Industry for use in the Veterans' Outreach Assistance Centers.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senator BELL presented to the Chair **SB 225**, entitled:

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

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senator BELL presented to the Chair **SB 226**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing that the Pennsylvania State Fire Commissioner, the Pennsylvania State Fire Academy, the Pennsylvania Volunteer Loan Assistance Program and the Fire Safety Advisory Committee shall be within the Department of Community Affairs; and making repeals.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senator BELL presented to the Chair **SB 227**, entitled:

An Act limiting the terms of conditions for employment of replacement workers hired during labor disputes; protecting seniority rights of employees involved in labor disputes; and providing remedies.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senator BELL presented to the Chair **SB 228**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further providing for injuries subject to compensation.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senator BELL presented to the Chair **SB 229**, entitled:

An Act amending the act of June 2, 1937 (P. L. 1198, No. 308), entitled "Labor Anti-Injunction Act," further providing for restraining orders and injunctions.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senators SHUMAKER, PUNT, HELFRICK, O'PAKE and SHAFFER presented to the Chair **SB 230**, entitled:

An Act amending the act of July 12, 1972 (P. L. 781, No. 185), entitled, as amended, "Local Government Unit Debt Act," further providing for the limitations on debt of school districts.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senators AFFLERBACH, REIBMAN, STOUT, SCANLON, PECORA, ANDREZESKI and STAPLETON presented to the Chair **SB 231**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for individual transition plans for handicapped students.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senators AFFLERBACH, REIBMAN, STOUT, HART, BELAN, PECORA, SALVATORE, ANDREZESKI, STAPLETON and LEWIS presented to the Chair **SB 232**, entitled:

An Act providing for services for disabled persons and their families; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators AFFLERBACH, REIBMAN, STOUT, SCANLON, HART, BELAN, PECORA, STAPLETON and HELFRICK presented to the Chair **SB 233**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators AFFLERBACH, REIBMAN, STOUT, SCANLON, HART, STAPLETON and HELFRICK presented to the Chair **SB 234**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, making it unlawful to leave an unattended child in a vehicle.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators GREENLEAF, LEWIS, BELL, LAVALLE, SHAFFER and REIBMAN presented to the Chair **SB 235**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Judicial Conference and providing for its powers and duties.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, BELL, LAVALLE, SHAFFER, ANDREZESKI and RHOADES presented to the Chair **SB 236**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for increased sentences for dangerous special offenders.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, LEWIS, BELL, LAVALLE and SHAFFER presented to the Chair **SB 237**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of theft of telecommunication service.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, BELL, LAVALLE, SHAFFER, ANDREZESKI and BELAN presented to the Chair **SB 238**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding offenses relating to criminal usury and extortionate extensions of credit; and making a repeal.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, BELL, LAVALLE, SHAFFER, ANDREZESKI and BELAN presented to the Chair **SB 239**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for corrupt organizations; and making editorial changes.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, BELL, LAVALLE, SHAFFER and ANDREZESKI presented to the Chair **SB 240**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for access to confidential information.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF and REIBMAN presented to the Chair **SB 241**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for construction projects.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF and LEWIS presented to the Chair **SB 242**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for appropriations to and expenditures of funds by the judiciary.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, LEWIS and ANDREZESKI presented to the Chair **SB 243**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the compensation and expenses of witnesses.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, ANDREZESKI and AFFLERBACH presented to the Chair **SB 244**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, requiring constables to turn over certain money to district justices within five days of receipt.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, AFFLERBACH and HELFRICK presented to the Chair **SB 245**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the demanding by district justices that costs be advanced before a hearing is scheduled by them.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, REIBMAN, BELL, LAVALLE, PORTERFIELD, STAPLETON, PETERSON, ANDREZESKI, SHUMAKER, AFFLERBACH, BELAN and RHOADES presented to the Chair **SB 246**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for programs by the Department of Health for persons suffering from Alzheimer's disease.

Which was committed to the Committee on AGING AND YOUTH, January 29, 1991.

Senator GREENLEAF presented to the Chair **SB 247**, entitled:

An Act prohibiting the performance of prefrontal lobotomies.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators GREENLEAF and AFFLERBACH presented to the Chair **SB 248**, entitled:

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled, as reenacted and amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," limiting the use of registration records to election purposes; and providing a penalty.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators GREENLEAF, REIBMAN, LAVALLE, PORTERFIELD, STAPLETON, AFFLERBACH, SALVATORE, BELAN and RHOADES presented to the Chair **SB 249**, entitled:

An Act amending the act of June 11, 1947 (P. L. 565, No. 248), entitled "World War II Veterans' Compensation Act," extending the time during which applications may be filed for veterans' compensation; and making an appropriation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senators GREENLEAF, REIBMAN, LAVALLE, BELL, PORTERFIELD, ANDREZESKI, AFFLERBACH and RHOADES presented to the Chair **SB 250**, entitled:

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," requiring that complete copies of insurance policies be provided to policyholders upon request.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senators GREENLEAF, LAVALLE, REIBMAN, BELL, PORTERFIELD, STAPLETON, FISHER, PETERSON, ANDREZESKI, AFFLERBACH and RHOADES presented to the Chair **SB 251**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," prohibiting cancellation of household policies in certain cases.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senators GREENLEAF, LAVALLE and REIBMAN presented to the Chair **SB 252**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties of the Department of Environmental Resources.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators LEWIS, BELAN, DAWIDA, STOUT, REIBMAN, SCANLON, LAVALLE, GREENWOOD, ANDREZESKI, STAPLETON, SALVATORE, FISHER,

AFFLERBACH and CORMAN presented to the Chair **SB 253**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," authorizing governing bodies to grant conditional uses for senior citizens who wish to rent out a portion of their principal residence.

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1991.

Senators LEWIS, O'PAKE, BELAN, REIBMAN, JONES, MUSTO, LAVALLE, DAWIDA, STOUT, WENGER, CORMAN, HART, SALVATORE, ANDREZESKI, STAPLETON, AFFLERBACH and RHOADES presented to the Chair **SB 254**, entitled:

An Act providing for residential and outpatient care of victims of Post-Traumatic Stress Disorder and for further duties of the Department of Military Affairs; and making an appropriation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senators LEWIS, SCANLON, REIBMAN, DAWIDA, BELAN, O'PAKE, LAVALLE, FISHER and AFFLERBACH presented to the Chair **SB 255**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending the time period for the disposition of summary cases under Title 75.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators LEWIS, AFFLERBACH, SCANLON, O'PAKE, BELAN and LAVALLE presented to the Chair **SB 256**, entitled:

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

Which was committed to the Committee on LAW AND JUSTICE, January 29, 1991.

Senators LEWIS, WENGER, SCANLON, STOUT, LAVALLE, REIBMAN, BELAN, O'PAKE, SALVATORE, ANDREZESKI, FISHER and AFFLERBACH presented to the Chair **SB 257**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," clarifying the purchase price of new motor vehicles for sales tax purposes.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators LEWIS, LAVALLE, HELFRICK, ANDREZESKI and FATTAH presented to the Chair **SB 258**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring the reporting of certain burn injuries occurring from fires.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators LEWIS, STOUT, LAVALLE, SCANLON, MUSTO, DAWIDA, SALVATORE, AFFLERBACH and RHOADES presented to the Chair **SB 259**, entitled:

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), entitled "Local Option Small Games of Chance Act," providing for annual raffles by amateur athletic organizations and amateur sports booster clubs.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators LEWIS, MUSTO, BELAN, O'PAKE, STOUT, REIBMAN, LAVALLE, PORTERFIELD, BELL, CORMAN, SALVATORE, ANDREZESKI, STAPLETON, FISHER and AFFLERBACH presented to the Chair **SB 260**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further defining "income" to exclude benefits received under the Federal Social Security Act.

Which was committed to the Committee on AGING AND YOUTH, January 29, 1991.

Senators LEWIS, PORTERFIELD, REIBMAN, LAVALLE, JONES and STAPLETON presented to the Chair **SB 261**, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," providing for the deduction of the cost of reasonable repairs from rent in certain cases.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 29, 1991.

Senators LEWIS, STOUT, LAVALLE, JONES, REIBMAN, GREENWOOD and STAPLETON presented to the Chair **SB 262**, entitled:

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

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators LEWIS, STOUT, LAVALLE, JONES, REIBMAN, WENGER, GREENWOOD and STAPLETON presented to the Chair **SB 263**, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for mobile home parks.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senators LEWIS, STOUT, LAVALLE, JONES, REIBMAN and STAPLETON presented to the Chair **SB 264**, entitled:

An Act amending the act of November 24, 1976 (P. L. 1176, No. 261), entitled "Mobile Home Park Rights Act," further providing for evictions.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 29, 1991.

Senators LEWIS, STOUT, JONES, REIBMAN and STAPLETON presented to the Chair **SB 265**, entitled:

An Act amending the act of November 24, 1976 (P. L. 1176, No. 261), entitled "Mobile Home Park Rights Act," further providing for evictions, for park rules and regulations, for maintenance and repairs, for underskirting and tie-down equipment and for overnight guests.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 29, 1991.

Senators LEWIS, REIBMAN, JONES, CORMAN, GREENWOOD, ANDREZESKI and AFFLERBACH presented to the Chair **SB 266**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for health care expenses in support matters.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators LEWIS, SCANLON, LAVALLE, REIBMAN, BELAN, O'PAKE, SALVATORE and STAPLETON presented to the Chair **SB 267**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing boards of school directors to establish programs providing property tax assistance to certain taxpayers.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senators LEWIS, JONES and SCHWARTZ presented to the Chair **SB 268**, entitled:

An Act providing for the establishment, membership, powers and operation of the Southeastern Pennsylvania Economic Development Authority; granting the authority the limited power to assess, levy and collect additional taxes on liquid fuels and local sales; and providing for the expenditure of revenues raised by the authority.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators LEWIS, REIBMAN, LAVALLE, ANDREZESKI and AFFLERBACH presented to the Chair **SB 269**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for surrogate parenting agreements.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, PORTERFIELD, REIBMAN and FATTAH presented to the Chair **SB 270**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mandatory counseling in certain divorce cases.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, REIBMAN and BELAN presented to the Chair **SB 271**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for driving under the influence of nitrous oxide or other intoxicants; and making conforming amendments to Title 42.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, REIBMAN and AFFLERBACH presented to the Chair **SB 272**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for district justice original jurisdiction over misdemeanor vehicle cases.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, PORTERFIELD, REIBMAN, FATTAH, HELFRICK and RHOADES presented to the Chair **SB 273**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mediation in divorce and custody matters.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senator BRIGHTBILL presented to the Chair **SB 274**, entitled:

An Act designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators BRIGHTBILL, PECORA, HOPPER, WENGER, SHUMAKER, JUBELIRER, REIBMAN, CORMAN, HELFRICK, LEMMOND, O'PAKE and AFFLERBACH presented to the Chair **SB 275**, entitled:

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects; and providing for a referendum to incur indebtedness for such projects and the issuance of notes and bonds if authorized by the referendum.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senator BRIGHTBILL presented to the Chair **SB 276**, entitled:

An Act authorizing second, third and fourth class school districts to adopt optional tax and revenue plans; providing procedures for the adoption of such optional tax and revenue plans; and providing certain powers and limitations on school districts to levy, assess and collect taxes.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senators BRIGHTBILL, CORMAN, LEMMOND and AFFLERBACH presented to the Chair **SB 277**, entitled:

An Act amending Title 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; making conforming amendments; and making repeals.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators BRIGHTBILL, O'PAKE, GREENWOOD, REIBMAN, HELFRICK and SALVATORE presented to the Chair **SB 278**, entitled:

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," repealing provisions relating to county liability; and discharging certain county liability.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators BRIGHTBILL, REIBMAN, HELFRICK, SALVATORE, PORTERFIELD, AFFLERBACH and RHOADES presented to the Chair **SB 279**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring stock fire insurance companies to provide coverage for sinkhole damage.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senators SALVATORE, HELFRICK, AFFLERBACH, PORTERFIELD, LAVALLE, BELAN and RHOADES presented to the Chair **SB 280**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for certain benefits for permanently disabled persons.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators SALVATORE, HELFRICK, AFFLERBACH, PORTERFIELD, REIBMAN, SHAFFER and LAVALLE presented to the Chair **SB 281**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring special training for school bus drivers and aides who transport certain handicapped students.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators SALVATORE and HELFRICK presented to the Chair **SB 282**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, requiring cities of the first class to treat condominium owners the same as single-family dwelling owners for the purposes of collection, removal and disposal of refuse.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 29, 1991.

Senators SALVATORE, REIBMAN, SHAFFER and FISHER presented to the Chair **SB 283**, entitled:

An Act conferring police powers on Federal law enforcement officers in certain circumstances.

Which was committed to the Committee on LAW AND JUSTICE, January 29, 1991.

Senators SALVATORE, HELFRICK, MUSTO, AFFLERBACH, PORTERFIELD, LAVALLE and RHOADES presented to the Chair **SB 284**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," further regulating the writing of policies of automobile insurance.

Which was committed to the Committee on BANKING AND INSURANCE, January 29, 1991.

Senators SALVATORE, BELL, HELFRICK, LEMMOND and MUSTO presented to the Chair **SB 285**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of an altered or false driver's license by a person under 21 years of age.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators SALVATORE, BELL, HELFRICK, LEMMOND, MUSTO, SHAFFER and RHOADES presented to the Chair **SB 286**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," limiting the liability of licensees who rely on certain drivers' licenses as proof of age.

Which was committed to the Committee on LAW AND JUSTICE, January 29, 1991.

Senators SALVATORE, SHUMAKER and HELFRICK presented to the Chair **SB 287**, entitled:

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), entitled, as reenacted, "Public Official and Employee Ethics Law," further providing for disclosures relating to financial interests.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators SALVATORE and PORTERFIELD presented to the Chair **SB 288**, entitled:

An Act establishing minimum rights for law enforcement officers and firefighters in connection with the investigative inquiries of the chief executive officer or the governing bodies of municipalities.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators SALVATORE, BELL, HOPPER, PORTERFIELD, STAPLETON, LAVALLE, BELAN and RHOADES presented to the Chair **SB 289**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding senior citizens' organizations from sales and use tax.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators GREENLEAF, LEWIS, BELL, GREENWOOD and O'PAKE presented to the Chair **SB 290**, entitled:

An Act amending the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), entitled, as amended, "Sterling Act," providing for payment of a portion of the wage tax to certain municipalities.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators GREENLEAF, WENGER and AFFLERBACH presented to the Chair **SB 291**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the announcement of right to appeal by a district justice.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators MUSTO, FISHER, BELAN, STOUT, HART, REIBMAN, BODACK, MELLOW, LEMMOND, HELFRICK, ANDREZESKI, LEWIS, O'PAKE, AFFLERBACH, JONES, SALVATORE, SHAFFER and BORTNER presented to the Chair **SB 292**, entitled:

An Act providing for household hazardous waste collection programs; further providing for the Recycling Fund; making a fund transfer; providing for a grant program; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators MUSTO, LAVALLE, BELAN, HART, REIBMAN, BODACK, MELLOW, ANDREZESKI, STAPLETON, AFFLERBACH, LEWIS and BORTNER presented to the Chair **SB 293**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for the establishment, implementation and administration of an inspection program for vehicles which transport municipal waste.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators MUSTO, BELAN, STOUT, STEWART, MADIGAN, DAWIDA, BODACK, MELLOW, LEMMOND, HELFRICK, STAPLETON, LEWIS, PORTERFIELD, BRIGHTBILL and BORTNER presented to the Chair **SB 294**, entitled:

An Act authorizing the incurring of indebtedness, with the approval of the electorate, of \$150,000,000 for the creation of a State Public Land Trust to be used to acquire public lands, easements and rights-of-way by the Commonwealth, local governments and nonprofit conservancy organizations, and to maintain existing State parks; and imposing duties on the Department of Environmental Resources.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators MUSTO, STOUT, GREENWOOD, REIBMAN, BODACK, MELLOW, ANDREZESKI, LEWIS, PORTERFIELD and BORTNER presented to the Chair **SB 295**, entitled:

An Act regulating the use, storage, purchase and sale of explosive materials; requiring the licensing of persons for the detonation of explosive materials; requiring permits for the purchase and sale of explosive materials; imposing duties on persons who use, store, purchase and sell explosive materials; authorizing the Environmental Quality Board to adopt regulations and the Department of Environmental Resources to enforce and administer the act and regulations; providing for enforcement and remedies; establishing a fund; prescribing penalties; and making repeals.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators MUSTO, REIBMAN, STOUT, BAKER, MELLOW, O'PAKE, STAPLETON, HOLL, SHAFFER, LAVALLE, SALVATORE, BELAN, WILLIAMS and BRIGHTBILL presented to the Chair **SB 296**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing an Environmental Education Program.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senator GREENLEAF presented to the Chair **SB 297**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for prohibited martial arts weapons.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, ANDREZESKI and BORTNER presented to the Chair **SB 298**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the establishment of an experimental program to allow audio-visual coverage of court proceedings.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, ANDREZESKI, HOLL, STAPLETON, SHAFFER, PECORA and REIBMAN presented to the Chair **SB 299**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for mandatory sentence for certain kidnappers.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, AFFLERBACH, ANDREZESKI and REIBMAN presented to the Chair **SB 300**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juror qualifications.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, SHAFFER, BELAN, HELFRICK, LAVALLE, LEMMOND, DAWIDA, PORTERFIELD, LEWIS, HOPPER, BELL, SHUMAKER, AFFLERBACH, ANDREZESKI and HOLL presented to the Chair **SB 301**, entitled:

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

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, ANDREZESKI, BELL and LAVALLE presented to the Chair **SB 302**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for blood and urine testing.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, HOPPER, GREENWOOD, ANDREZESKI and AFFLERBACH presented to the Chair **SB 303**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, FATTAH, GREENWOOD and LAVALLE presented to the Chair **SB 304**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for detention of children.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, BELL, BELAN and HOPPER presented to the Chair **SB 305**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for compulsory arbitration.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, REIBMAN, BELL, STAPLETON, AFFLERBACH, O'PAKE, FATTAH, HOPPER and SALVATORE presented to the Chair **SB 306**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, BELL and REIBMAN presented to the Chair **SB 307**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1991.

Senators GREENLEAF, BELL and REIBMAN presented to the Chair **SB 308**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for the tax to support ambulance and rescue squads.

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1991.

Senators GREENLEAF, BELL and REIBMAN presented to the Chair **SB 309**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1991.

Senator GREENLEAF presented to the Chair **SB 310**, entitled:

An Act amending the act of December 16, 1986 (P. L. 1641, No. 187), entitled "Little Randolph-Sheppard Act," redefining



"State property" to exclude State institutions administered by the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 1991.

Senators HOLL and SALVATORE presented to the Chair **SB 311**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for a merchant marine service medal.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senators GREENLEAF, SALVATORE, LAVALLE, BORTNER, SHAFFER, PORTERFIELD, CORMAN, HOPPER, AFFLERBACH, STAPLETON, BELL and RHOADES presented to the Chair **SB 312**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further providing for decisions on claims by referees.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senators GREENLEAF, CORMAN, PORTERFIELD, LAVALLE, HELFRICK, SALVATORE and RHOADES presented to the Chair **SB 313**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further providing for the processing of claims of volunteer firemen.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senators GREENLEAF, SALVATORE, LAVALLE, FATTAH and PORTERFIELD presented to the Chair **SB 314**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," extending the act to disabled persons.

Which was committed to the Committee on AGING AND YOUTH, January 29, 1991.

Senators GREENLEAF and SALVATORE presented to the Chair **SB 315**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for bicycle and jogging paths in State parks.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators GREENLEAF, SALVATORE, HELFRICK, PECORA, BELL and RHOADES presented to the Chair **SB 316**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," exempting certain senior citizens from one-half of the tax on real property imposed for school purposes.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators GREENLEAF, SALVATORE and RHOADES presented to the Chair **SB 317**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for coverage of qualified persons.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senators GREENLEAF, SALVATORE and AFFLERBACH presented to the Chair **SB 318**, entitled:

An Act requiring providers of funeral goods and services to make disclosure of certain information; and imposing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senators GREENLEAF, HELFRICK, LAVALLE and FATTAH presented to the Chair **SB 319**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "approved leave of absence"; and defining "maternity leave of absence."

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators GREENLEAF and GREENWOOD presented to the Chair **SB 320**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for private wholesale and retail sale of wine.

Which was committed to the Committee on LAW AND JUSTICE, January 29, 1991.

Senators GREENLEAF, FISHER and GREENWOOD presented to the Chair **SB 321**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for private sales of wine.

Which was committed to the Committee on LAW AND JUSTICE, January 29, 1991.

Senator HOLL presented to the Chair **SB 322**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for a Selected Reserve Force Medal.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 29, 1991.

Senators HELFRICK, AFFLERBACH, LEMMOND, PORTERFIELD, SHAFFER, SHUMAKER, STAPLETON, STOUT, BAKER, ANDREZESKI and RHOADES presented to the Chair **SB 323**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to certain organizations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 29, 1991.

Senators HELFRICK, SALVATORE, BELAN, HOPPER, LEMMOND, MUSTO, O'PAKE, REIBMAN, SHUMAKER, SHAFFER, HART, ANDREZESKI, STAPLETON and MELLOW presented to the Chair **SB 324**, entitled:

An Act amending the act of March 4, 1970 (P. L. 128, No. 49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for display of the official POW/MIA flag.

Which was committed to the Committee on **MILITARY AND VETERANS AFFAIRS**, January 29, 1991.

Senator HELFRICK presented to the Chair **SB 325**, entitled:

An Act relating to the use of refundable beverage containers; establishing container requirements; providing certain powers to the Department of Agriculture; and providing penalties.

Which was committed to the Committee on **ENVIRONMENTAL RESOURCES AND ENERGY**, January 29, 1991.

Senators HELFRICK, LOEPER, JUBELIRER, WENGER, STOUT, MUSTO, BAKER, LEMMOND, PORTERFIELD, REIBMAN, SALVATORE, SHAFFER, HART, ANDREZESKI, AFFLERBACH, PETERSON and RHOADES presented to the Chair **SB 326**, entitled:

An Act establishing the Volunteer Fire Company Challenge Grant Program; and allocating a portion of the cigarette tax to fund the program.

Which was committed to the Committee on **FINANCE**, January 29, 1991.

Senators HELFRICK, JUBELIRER, ARMSTRONG, BELAN, MADIGAN, PORTERFIELD, SALVATORE, SHUMAKER, STAPLETON, BAKER and LYNCH presented to the Chair **SB 327**, entitled:

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

Which was committed to the Committee on **JUDICIARY**, January 29, 1991.

Senators HELFRICK, JUBELIRER, MUSTO, O'PAKE, SHAFFER, STOUT, HART and LYNCH presented to the Chair **SB 328**, entitled:

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads;....," requiring certain volunteers to be treated equally.

Which was committed to the Committee on **LABOR AND INDUSTRY**, January 29, 1991.

Senators HELFRICK, JUBELIRER, WENGER, BELL, CORMAN, FISHER, GREENLEAF, HOPPER, LEMMOND, MADIGAN, MUSTO, O'PAKE, SALVATORE, SHAFFER, SHUMAKER, STOUT and MELLOW presented to the Chair **SB 329**, entitled:

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), entitled "Volunteer Firemen's Relief Association Act," further providing for volunteer firefighters' retirement plans.

Which was committed to the Committee on **FINANCE**, January 29, 1991.

Senators HELFRICK, SALVATORE, STAPLETON and HART presented to the Chair **SB 330**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing the freezing of assets of defendants in certain cases.

Which was committed to the Committee on **JUDICIARY**, January 29, 1991.

Senators HELFRICK and JONES presented to the Chair **SB 331**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Which was committed to the Committee on **JUDICIARY**, January 29, 1991.

Senators HELFRICK and JONES presented to the Chair **SB 332**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Which was committed to the Committee on **JUDICIARY**, January 29, 1991.

Senators HELFRICK, JONES, PUNT, SHAFFER and RHOADES presented to the Chair **SB 333**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing educational requirements for drivers' licenses or learners' permits for minor under 18 years of age; and providing for suspensions for noncompliance.

Which was committed to the Committee on **EDUCATION**, January 29, 1991.

Senators HELFRICK, PORTERFIELD, SHAFFER, ANDREZESKI, HART and LYNCH presented to the Chair **SB 334**, entitled:

An Act establishing mandatory school attendance or the acquisition of a high school equivalent diploma as a condition to receiving aid for dependent children; granting the Department of Public Welfare the power to enforce these requirements; providing the Department of Education with authority to set standards; formulating a reporting process for school districts; creating the Independent Families Trust Fund; and making an appropriation.

Which was committed to the Committee on **EDUCATION**, January 29, 1991.

Senators BRIGHTBILL, HOPPER, WENGER, SHUMAKER, JUBELIRER, REIBMAN, CORMAN, HELFRICK, LEMMOND, SALVATORE, O'PAKE, AFFLERBACH and RHOADES presented to the Chair **SB 335**, entitled:

An Act establishing a sinkhole damage assistance program; providing for grants and loans; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 29, 1991.

Senators HELFRICK, STAPLETON, PUNT and AFFLERBACH presented to the Chair **SB 336**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for conflicts of interest concerning school directors.

Which was committed to the Committee on EDUCATION, January 29, 1991.

Senators GREENLEAF, BELL, SALVATORE, BELAN, PORTERFIELD, LAVALLE and REIBMAN presented to the Chair **SB 337**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the emission inspection program.

Which was committed to the Committee on TRANSPORTATION, January 29, 1991.

Senators LOEPER, SALVATORE, BAKER, FUMO, SHAFFER, BELL, REIBMAN, GREENWOOD and O'PAKE presented to the Chair **SB 338**, entitled:

An Act providing for the establishment of a turnpike toll payment system for exporters utilizing the Port of Philadelphia; imposing upon the Pennsylvania Turnpike Commission and the Philadelphia Regional Port Authority certain powers and duties; providing penalties; and making an appropriation.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, January 29, 1991.

Senator SHUMAKER presented to the Chair **SB 339**, entitled:

An Act authorizing the sale and conveyance of certain land owned by the Township of Lower Paxton, Dauphin County, free from Project 500 restrictions.

Which was committed to the Committee on STATE GOVERNMENT, January 29, 1991.

Senators PUNT, PECORA and LAVALLE presented to the Chair **SB 340**, entitled:

An Act amending the act of January 17, 1968 (P. L. 11, No. 5), entitled "The Minimum Wage Act of 1968," further defining hourly wage.

Which was committed to the Committee on LABOR AND INDUSTRY, January 29, 1991.

Senators GREENLEAF, FISHER, LEWIS and BORTNER presented to the Chair **SB 341**, entitled:

An Act providing for a system of post-release supervision; establishing an adjudicative agency to render decisions regarding violations and providing for its powers and duties; providing for the supervision of offenders by the Department of Corrections and transferring supervisory powers and duties to that department; providing for work-related time and earned time; continuing the Advisory Committee on Probation; and making repeals.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, REIBMAN, ANDREZESKI and BORTNER presented to the Chair **SB 342**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to sexual offenses by correction officers; further providing for the offense of rape; and making an editorial change.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators GREENLEAF, GREENWOOD, HOLL, BORTNER, ANDREZESKI and LAVALLE presented to the Chair **SB 343**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting an intentional false report of child abuse; and imposing penalties.

Which was committed to the Committee on JUDICIARY, January 29, 1991.

Senators ARMSTRONG, LOEPER, REIBMAN and STAPLETON presented to the Chair **SB 344**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for membership in the respective retirement systems for annuitants returning to service.

Which was committed to the Committee on FINANCE, January 29, 1991.

Senators MELLOW, SALVATORE, LAVALLE, MUSTO, PORTERFIELD, BELAN, ANDREZESKI and LYNCH presented to the Chair **SB 345**, entitled:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," authorizing certain municipalities to extend pension credit for prior military service for its employees.

Which was committed to the Committee on LOCAL GOVERNMENT, January 29, 1991.

Senators ARMSTRONG, DAWIDA, BRIGHTBILL, TILGHMAN, MADIGAN, ROBBINS, SHAFFER and PUNT presented to the Chair **SB 346**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," granting automatic extension of time to file personal income tax documents to military personnel involved in Operation Desert Storm.

Which was committed to the Committee on FINANCE, January 29, 1991.

## GENERAL COMMUNICATIONS

### SUNSET LEADERSHIP COMMITTEE RESOLUTION

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

### SUNSET LEADERSHIP COMMITTEE RESOLUTION

WHEREAS, under Section 4 of the Sunset Act, the Leadership Committee is given the responsibility of assigning to an appropriate Standing Committee of the Senate or House of Representatives, each agency which is scheduled for review and evaluation under the provisions of this Act.

WHEREAS, the following agencies are scheduled for termination on December 31, 1991; therefore, be it

RESOLVED, that the Sunset Leadership Committee assign these agencies as follows:

Crime Victim's Compensation Board - Senate Judiciary Committee.  
 State Board of Optometry - House Professional Licensure Committee.  
 Advisory Council on Drug and Alcohol Abuse - Senate Public Health and Welfare Committee.  
 Pennsylvania Human Relations Commission - House State Government Committee.  
 Public Employee Retirement Study Commission - Senate Finance Committee.  
 Pennsylvania Public Utility Commission - House Consumer Affairs Committee.  
 Municipal Pension Advisory Commission - Senate Finance Committee.  
 Advisory Council for the Deaf and Hearing Impaired - House Labor Relations Committee.

DATE: January 29, 1991

ROBERT W. O'DONNELL  
 H. WILLIAM DeWEESE  
 MATTHEW J. RYAN  
 ROBERT C. JUBELIRER  
 F. JOSEPH LOEPER  
 ROBERT J. MELLOW

#### DEPARTMENT OF HEALTH

#### ANNUAL REPORT OF THE WIC PROGRAM

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

COMMONWEALTH OF PENNSYLVANIA  
 Department of Health  
 Post Office Box 90  
 Harrisburg, PA 17108

December 20, 1990

The Honorable Robert C. Jubelirer  
 President Pro Tempore  
 Senate of Pennsylvania  
 State Capitol  
 Harrisburg, PA 17120

Dear Senator Jubelirer:

For your information, I am forwarding a statutorily required report summarizing WIC Program services provided through supplemental state funds authorized under Act 1986-121 (The Women's, Infants' and Children's Nutrition Improvement Act) for the period July 1, 1989 through June 30, 1990. The total amount of State funding available for that year was \$15 million.

As a result of these supplemental funds, an average of 35,264 additional eligible Pennsylvania citizens received WIC benefits each month. In addition, the Department of Health was able to continue outreach and evaluation efforts.

Sincerely,

N. MARK RICHARDS, M.D.  
 Secretary

The PRESIDENT. The report will be filed in the Library.

#### AUDITOR GENERAL'S CERTIFICATE

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

#### COMMONWEALTH OF PENNSYLVANIA OFFICE OF THE AUDITOR GENERAL Harrisburg 17120-0018

January 25, 1991

The Honorable Robert C. Jubelirer  
 President Pro Tempore  
 Senate of Pennsylvania  
 292 Main Capitol Building  
 Harrisburg, PA 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII, Section 7 of the Constitution of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, the Governor requested a certificate relevant to the settlement for the general obligation bond sale of January 10, 1991.

A duplicate original of my certificate is enclosed.

Sincerely,

BARBARA HAFFER  
 Auditor General

#### AUDITOR GENERAL'S CERTIFICATE

Pursuant to

ARTICLE VIII, Section 7(a)(4) and (c)  
 of the  
 CONSTITUTION OF PENNSYLVANIA  
 and the

Act of April 9, 1929, No. 176, as amended

To The Governor and The General Assembly:

I, BARBARA HAFFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII (Section 7(a) (4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article XVI-B; added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

The amount of the outstanding net debt as of the date of this this certificate is..... \$ 3,722,625,273.00

The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a) (4) of the Constitution of Pennsylvania and the amount of outstanding net debt as of the date of this certificate is. \$19,330,731,559.00

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 29th day of January, 1991.

BARBARA HAFFER  
 Auditor General  
 Commonwealth of Pennsylvania

#### ANNUAL REPORT OF THE PENNSYLVANIA STATE BOARD OF EDUCATION

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

COMMONWEALTH OF PENNSYLVANIA  
 State Board of Education  
 First Floor, 333 Market Street  
 Harrisburg, PA 17126

January 22, 1991

The Honorable Mark R. Corrigan  
Secretary  
Senate of Pennsylvania  
462 Main Capitol Building  
Harrisburg, PA 17120

Dear Mr. Corrigan:

The provisions of Act 43 of 1988 require that an annual report be submitted to the Governor and General Assembly. We are enclosing 55 copies of the Annual Report of the State Board of Education for 1990 and request that they be distributed to all members of the Senate at your earliest convenience.

A limited number of additional copies are available from this office.

Thank you.

Sincerely,

ROBERT E. FEIR  
Executive Director

The PRESIDENT. The report will be filed in the Library.

#### DEPARTMENT OF AGRICULTURE

#### ANNUAL REPORT OF THE STATE FOOD PURCHASE PROGRAM

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

December 21, 1990

Mr. Mark R. Corrigan  
Secretary of the Senate  
462 Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

In accordance with the requirements of the General Appropriations Act of 1985, Act 5A (Senate Bill 652, Printer's No. 1281) and the legislative language of the 1989-90 State Budget, I provide to your office a report summarizing the activity under the \$9.5 Million State Food Purchase Program for the year ended June 30, 1990.

The program, authorized by the Legislature and administered by the Department's Bureau of Government Donated Food, provides cash grants to each of the state's 67 counties for the purchase of food for distribution to needy individuals on the county's weighted percentage of the state's total unemployment, Medical Assistance Recipients, and non-cash grant Food Stamp Recipients. The report includes:

- Exhibit "A" Allocation and Expenditure of Funds
- Exhibit "B" Number of Individuals/Families Served
- Exhibit "C" Variety, Pounds and Cost of Food Purchased

If you have any questions concerning this report or require additional information, please do not hesitate to contact me.

Sincerely,

BOYD E. WOLFF  
Secretary

The PRESIDENT. The report will be filed in the Library.

#### DEPARTMENT OF REVENUE

#### NEW BANK TAX CREDIT PROGRAM

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Revenue  
Harrisburg, Pennsylvania 17127

December 21, 1990

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Room 292, Main Capitol Building  
Harrisburg, PA 17120

Honorable Robert W. O'Donnell  
Speaker  
House of Representatives  
Room 139, Main Capitol Building  
Harrisburg, PA 17120

Gentlemen:

In accordance with Act 23 of 1989, I am providing information regarding the New Bank Tax Credit program for the 1990 calendar year. The attached schedule reports the names of the qualifying new banks, the value of Pennsylvania loans and the value of Pennsylvania deposits of each new bank. These values were used in the formula to compute the credit awarded for the 1990 tax year. Also shown are the amount of 1990 tax credits approved by the Department of Revenue for each new bank and the amount of tax credits actually utilized by each new bank during the 1990 calendar year.

Thirty-eight banks and trust companies qualified as new banks under the provisions of Act 23 and were awarded a total of \$2 million in credits for 1990. Approximately \$2.1 million in credits were utilized against the Shares Tax since the previous annual report. As of December 17, 1990, there was no reported usage of the tax credit against the Sales and Use Tax.

Sincerely,

DAVID L. DONAHOE  
Secretary of Revenue

The PRESIDENT. The report will be filed in the Library.

#### DEPARTMENT OF ENVIRONMENTAL RESOURCES

#### ANNUAL REPORT OF THE PENNSYLVANIA CONSERVATION CORPS

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Resources  
Harrisburg, PA 17120

October 1, 1990

John J. Zubeck  
Chief Clerk  
House of Representatives

Mark R. Corrigan  
Secretary of the Senate

Gentlemen:

It is with great pleasure that I submit the Pennsylvania Conservation Corps Annual Report as required by Act 112 of 1984, as amended. Act 67 of July 1, 1990 transferred responsibility for the Pennsylvania Conservation Corps program to the Department of

Labor and Industry. However, the Department of Environmental Resources had administrative responsibility for the program through Fiscal Year 1989-90.

I am proud that during my tenure we have made significant progress in providing young people many opportunities in the areas of service, education and employment. I feel confident that in the future PCC will continue to fulfill the governor's commitment to public service, volunteerism and the environment in an exemplary fashion.

The legislated purposes of the PCC program are to provide work experience, job training and educational opportunities to unemployed youth aged 18 to 25, and to foster economic development through labor-intensive improvement activities on Pennsylvania's public lands.

I am proud to report that both of these goals continue to be met in impressive style. This year, PCC initiated 64 projects throughout the Commonwealth, including about 47 percent in rural areas. Every dollar of the taxpayer's money spent on PCC projects this fiscal year will return about \$1.69 in the value of work completed. In addition, these projects could generate as much as \$1.3 million in revenues such as cabin rental fees and local sales taxes.

The number and quality of projects undertaken are solid testament to what can be accomplished by young men and women through adequate supervision and a well-designed program.

During FY 1989-90, 557 corpsmembers participated in the program and, since PCC's inception, nearly 9,000 young men and women have been employed. These corpsmembers have received intensive on-the-job training in carpentry, masonry, landscaping and other trades. They have also been offered adult literacy instruction, GED preparation and testing, life skills, and job search and application training. The worth of this training is evident in the fact that, to date, at least one-third of all corpsmembers have gone on to outside employment immediately upon leaving PCC.

In addition to marketable skills, corpsmembers have taken away with them the special satisfaction that comes from meaningful work experience carried through to a successful conclusion. The pride with which corpsmembers have shown me the fruits of their labor tells me that this may be the most meaningful experience of all. It is from such pride that there springs a sense of stewardship and of being a part of one's community and one's state. PCC builds not only cabins and trails, but also citizens. As one corpsmember said, "When I worked for PCC, I worked hard for my state and its people. That made me feel proud inside—to help all of us."

More and more, PCC is being recognized for the good work it is doing. PCC took first place this year in the state government category of the "Take Pride in Pennsylvania" competition. The corps was given an Environmental Achievement Award by the Searching for Success program in Washington, D.C. Finally, the PCC project in Carbon County was named by the National Association of Service and Conservation Corps as the nation's best project for a year-round conservation corps program.

PCC has been transferred to Labor and Industry to strengthen the relationship between the Corps and the governor's other youth service and volunteer programs. I am proud of PCC's many honors and accomplishments, and I feel strongly that the program's emphasis on conservation and natural resources is an integral part of its success. I look forward to working closely with Secretary Harris Wofford to build upon the solid foundation that now exists.

This report is submitted on behalf of the many corpsmembers, crewleaders and project operators who have made PCC one of the finest corps programs in the nation.

Sincerely,  
ARTHUR A. DAVIS.  
Secretary

The PRESIDENT. The report will be filed in the Library.

## APPOINTMENTS BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Senator Robert J. Mellow as a member of the Leadership Committee and as a member of the Legislative Reapportionment Commission.

Senator Eugene F. Scanlon as a member of the Legislative Data Processing Committee and as a member of the Joint State Government Commission.

Senator Jeanette F. Reibman as a member of the Pennsylvania Interstate Compact Commission for Education.

Senator Gerald J. LaValle to serve as a member of the Pennsylvania Historical and Museum Commission and as a member of the Pennsylvania Emergency Management Council.

Senator Leonard J. Bodack as a member of the Port of Pittsburgh Commission and as a member of the General State Authority.

Senator Albert V. Belan as a member of the Hardwoods Development Council and as a member of the Recycling Fund Advisory Committee.

Senator Raphael J. Musto as a member of the Environmental Quality Board and as a member of the Pennsylvania Infrastructure Investment Authority.

Mr. James P. Cappucci as a member of the State Agricultural Land Preservation Board.

Senator Chaka Fattah as a member of the Pennsylvania Higher Educational Facilities Authority.

Senator William J. Stewart as a member of the State Highway and Bridge Authority.

Senator Roxanne H. Jones as a member of the Intra-Governmental Council on Long-Term Care.

Senator Michael A. O'Pake as a member of the Pennsylvania Commission on Crime and Delinquency.

Senator Patrick J. Stapleton as a member of the State System of Higher Education Board of Governors.

Senator Roy C. Afflerbach as a member of the Pennsylvania Public Television Network Commission.

Mr. Gregg M. Rosen as a member of the Environmental Hearing Board Rules Committee.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the following meetings to take place during today's Session: Committee on Rules and Executive Nominations in the Rules room to consider Senate Resolutions No. 10 and 11 and certain nominations and the Committee on Finance to consider Senate Bill No. 346.

**LEGISLATIVE LEAVE**

Senator STAPLETON. Mr. President, I request a legislative leave of absence for Senator Afflerbach.

The PRESIDENT. Senator Stapleton asks for a legislative leave for Senator Afflerbach. The Chair hears no objection. The leave will be granted.

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION****JOINT SESSION**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, January 29, 1991.

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Wednesday, February, 6, 1991, at 11:30 a.m. in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Robert P. Casey; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

**YEAS—47**

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

**NAYS—0**

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

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

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR JOHN J. SHUMAKER  
AND SENATOR JAMES J. RHOADES  
PRESENTED TO SENATE**

Senator SHUMAKER. Mr. President, I direct the attention of my colleagues to the gallery where the Williams Valley Football Team is seated. They are named The Vikings and they won the District 11, Class A Championship for the first time ever. With the team are head coach Gerald Stauffenberg and assistant coaches Mark Unger, Lee Reiser and Randy Russelavage.

I would ask the team to please rise at this time and that the Senate give to them our usual warm welcome. This is done on behalf of myself and Senator Rhoades.

The PRESIDENT. Would the Senate please join me in welcoming the guests of Senator Shumaker and Senator Rhoades to the Senate of Pennsylvania.

(Applause.)

**LEAVE OF ABSENCE**

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

**CALENDAR****SECOND CONSIDERATION CALENDAR****BILL ON SECOND CONSIDERATION**

**SB 1 (Pr. No. 1)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Considered the second time and agreed to,

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

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room at the rear of the Senate Chamber with the anticipation that we will return from that and take immediate action upon a resolution. I would ask all Members to be available for consideration of that resolution upon the conclusion of the meeting of the Committee on Rules and Executive Nominations.



The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, with the admonition that we will be returning to the floor immediately thereafter, would all the Senators please, therefore, stand by. The Senate will now stand in recess.

### AFTER RECESS

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

### UNFINISHED BUSINESS

#### RESOLUTIONS REPORTED FROM COMMITTEE

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

##### SR 10 (Pr. No. 167)

A Resolution condemning the government of the Union of Soviet Socialist Republics for its brutal crackdown on the people of Lithuania and Lithuania's democratically elected government.

##### SR 11 (Pr. No. 168)

A Resolution recognizing the bravery and professionalism of the American armed forces personnel serving in the Middle East; and supporting the efforts of the President as Commander-in-Chief.

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

### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

January 17, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the appointment of Frances P. Fuge, 106 West Broad Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Donald Kirts, Ed.D., Easton, resigned.

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

ROBERT P. CASEY.

#### MEMBER OF THE HEALTH CARE POLICY BOARD

January 16, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the appointment of Victor F. Greco, M.D., E-Z Acres, R. R. 1, Drums 18222, Luzerne County, Fourteenth Senatorial District, as a member of the Health Care Policy Board, to serve until March 11, 1993, and until his successor is appointed and qualified, vice William G. Fisher, West Chester, whose term expired.

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

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

January 17, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 19, 1990 for the appointment of Evelyn C. Marboe, 705 West Hamilton Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Jane B. Troup, Lewisburg, resigned.

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

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

January 17, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 17, 1990 for the appointment of Charles Snigar, R. D. 1, Pleasant Mount 18453, Wayne County, Twentieth Senatorial District, as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

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

ROBERT P. CASEY.

#### NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

**SPECIAL ORDER OF BUSINESS****SENATE RESOLUTION NO. 10, CALLED UP**

Senator LOEPER called up **Senate Resolution No. 10**, entitled:

A Resolution condemning the government of the Union of Soviet Socialist Republics for its brutal crackdown on the people of Lithuania and Lithuania's democratically elected government.

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

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 10, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 10.

The motion was agreed to and the resolution was adopted.

**SENATE RESOLUTION NO. 11, CALLED UP**

Senator LOEPER called up **Senate Resolution No. 11**, entitled:

A Resolution recognizing the bravery and professionalism of the American armed forces personnel serving in the Middle East; and supporting the efforts of the President as Commander-in-Chief.

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

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 11, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 11.

On the question,

Will the Senate agree to the motion?

Senator SHUMAKER. Mr. President, I rise this afternoon to support the resolution before us which expresses the Senate's respect and gratitude for the bravery and the sacrifices of American military men and women now on duty in the Persian Gulf. It is important today to express our unity in support of these brave men and women who are serving and will serve in the Persian Gulf area and to express our support of the President of the United States who bears the awesome task of the Commander-in-Chief of the American armed forces.

Mr. President, we therefore take this opportunity to send a strong signal to the men and women from this Commonwealth that the Senate of Pennsylvania is behind them 100 percent.

Senator LINCOLN. Mr. President, if this resolution only said to the brave young men and women who are representing this country in the Gulf, sending them our best wishes for a speedy return, for no body bags, just come back the way you went over there, if that was all this resolution did, then I would have no problem with putting my name on it as a

sponsor and I would have no problem standing before you today and supporting it. But this resolution goes one step further. It commends the President and supports him, and I want to tell you that there would be no need for those young men and women to be in the Middle East right now, in Saudi Arabia, if we were a nation that had people with the courage to stand up and say, what the hell are we doing? I will match my conservative record with anybody in this General Assembly, and I was one of the idiots who believed General Westmoreland and the Secretary of Defense and the Secretary of State during the Vietnam War when they were lying to us day in and day out and day in and day out, through the Johnson years and into—I want to call the guy Reagan because they are so much alike—President Nixon who had to resign. We were lied to by a person who was given the Nobel Peace Prize, and he lied to us and we walked out of Vietnam and left half a million people over there to be slaughtered because we wanted out so badly. The debate on this issue should have taken place in Congress last August and September when the President on his own chose to start the escalation that ultimately sent close to half a million of our young men and women over there.

We are spending billions of dollars. We are a debtor nation today. The deficit for this year on the federal level is estimated to be \$300 billion and we are spending money over there to bomb sand. The whole news media system in this country has been prostituted by censorship. There is not one reporter over there who has been allowed to go out and take a look at what they did with the exception of Mr. Simon from CBS who has been missing for ten days.

This is not easy for me to stand up and do this. This is probably the dumbest political thing I have ever done in my life. The compassion that I feel for the men who have been captured over there and the young men who are going to die over there and the young women who are going to die over there makes me want to cry, but that does not solve the problem. Instead of saying that President Bush continue to do this stupidity, we have to start asking him why? What are you going to do next? We hear this theme that the Senator Bells of the world like to tell us about—Hitler. The man tried for eight years and could not conquer Iran which is his next-door neighbor. How in the hell are they going to tackle Greece or Germany or Sudan? We are fighting against a philosophy that has been in the Bible for thousands of years, and we do not understand it. In fact, the most galling thing of this whole thing is that we have a President who refuses to pronounce the man's name right.

We did not understand the people of Vietnam, and we made a mistake that took us out of the history of being a successful nation. We do not understand what is going on over there now. We are protecting the Kuwaiti government and the Saudi government that have been the most horrendous in their treatment of their own people. You talk about the wealthy here in this country. All the wealth, all of it in the Kuwaiti government and the Saudi government was contained by very few people. The multitude of people who live in Saudi Arabia and live in Kuwait were never afforded human rights. Women

do not have any rights at all, and we protected that country because we needed its oil. Look what has happened: The actions that have taken place over there are not all our responsibility, but some of them are. The bombing of Iraq, some 20,000 sorties, and what have we got to show for it? We do not have a picture showing one damaged Scud base because of the censorship and because I am not sure that we are hitting anything. We are spending a couple of billion dollars a day, people. For what? What we ought to be doing is saying to President Bush, Get us the hell out of there. What are we going to do when we finally catch Saddam and we win? What the hell are we going to do then? Are we going to leave those half million troops over there to protect sand? Do you think we are going to walk away from this immediately? Do you think that this is just one of those TV movies we watch that has a nice ending? The American people have to understand that you have a President who was a Vice President for eight years and has been President for two, and this country does not have an energy program. We have no program, a major country in this world and we have done nothing to save oil or gas. Nothing. We had one when Carter left and the first thing that Reagan did was destroy it. In my district they were going to build a Synfuels plant. The very first thing that Reagan did was, boom, put the scrubs to it. There is no energy policy in this country.

My next-door neighbors will never speak to me again because their son is over there. I want to tell you something. This is something that you better start thinking about. The politics of voting for a resolution supporting the troops is wonderful, but support getting them home. Do not give a President support who has shown such terrible decision making in this whole process. Do not do that. Start saying, Why are we there? When are we coming home? And what happens if we do not win? I mean, losing probably would be as bad for Hussein as winning is going to be for us. I cannot support this. I am prepared to take the criticism I am going to get from my constituency. I am prepared to take the criticism I am going to get from my friends. But whenever I took that oath on January 1st, it was to uphold the Constitution of the Commonwealth and of this country, and one of the things that has made this such a wonderful place to live in and made us grow to a nation of 250 million is that we have had the opportunity to stand up and be heard on issues. I may be a cry in the darkness, a voice in the wilderness, but I can tell you one thing, at some point in time, six months from now or a year from now, there are going to be a lot of other people who are going to stand up and say some of the things I said today and they are going to continue to ask questions that have never been answered, and there are going to be a lot of people that you commended and you asked today to take your very, very strong support and your gratitude who are not going to be with you any longer. I can remember the long, gray line of caskets that came off those B-52s coming back from Vietnam, and I can see the people today who have no legs and arms and eyes. Just read the book about the long, gray line written about the class of 1966 out of the West Point Academy. I

want to tell you something: If you can then say that I am doing this for political purposes, that I am doing this to jump on the bandwagon today, then fine. Then vote "yes" and have your name on as a sponsor. I am not a sponsor of the resolution. If it defeats me four years from now, it will defeat me four years from now. These words I am putting on record. My dear friend Bob Mellow said to me, Bill Lincoln, it is good to feel this strongly about something, but remember what you are saying is part of the record. I will live with that record. I will live with it forever, but I have peace in my heart that I am saying what I feel. I want those kids home. I want those men and women back here, and when we ever have to go to war, I hope it is for a purpose other than saving a country like Kuwait or Saudi Arabia, and if that is not the purpose, then I do not know what the heck we are over there for.

Senator LOEPER. Mr. President, I think it is very important that we sit here today and reaffirm the purposes and the intent of the resolution offered by the gentleman from Dauphin, Senator Shumaker, the gentleman from Franklin, Senator Punt, and almost all of the rest of us in this Chamber and reflect on really what we are saying is part of that resolution, that is that we are supporting the effort of our country, these United States of America, an action that was taken by our Commander-in-Chief, the President, an action that was ratified by the United States Congress after debate in a representative democracy. I do not believe that it is our job to stay here, Mr. President, and try to hamstring or second-guess the actions that are taking place now. I think all of us feel a lack of definitive information, and maybe rightly so at this point in time, because of the critical maneuvers that we are undertaking. But I think clearly of when the Governor was inaugurated just two weeks ago. Anyone who saw the Governor's Inauguration, unfortunately, saw there was a loud demonstration during that total ceremony that day. It was interesting that some of the people who were out there with me leaned over and they said, you know, if we were in any other country, they would be shoveling those people up by now. I think that is indicative of the democracy we live in, that each and every one of us has the right to say what we think and to participate in this democracy, and I believe it is incumbent that we support our President, our troops and the action taken by our Congress for the good of the United States of America.

Senator SCHWARTZ. Mr. President, I, too, would like to speak to this resolution, and I thank you for the opportunity to speak briefly to it. I am fully supportive of the public recognition and pleased to add my voice to the public appreciation of the bravery and professionalism of the women and men serving our country in the armed forces in the Persian Gulf, and I extend my personal support and empathize with the concerns of their families and share with those families a wish for the speedy and safe return of those men and women. Also, I am particularly appreciative of the efforts and commitment made by this country and the allied forces in the protection of the security of the State of Israel, whose people are threatened daily by the Iraqi aggression. However, I do wish to state publicly that my support, if I choose to support this

resolution, is in no way intended to express my support for a long or protracted war in the Persian Gulf. I think we tend to speak about this war as though it were a football game, and it is not.

I also want to be sure that by passing this resolution, we in no way challenge the rights of Americans to speak out publicly about the United States involvement in this conflict. We did see protesters a couple of weeks ago here, and it is important for us to not just allow them to protest, but to listen to what they are saying, and the case is true here as well. It is critically important for those of us who do remember the conflict over our involvement in Vietnam, which seriously divided us in this nation, to work to prevent a repeat of this divisiveness. As elected officials we must be open to an ongoing public discussion of the American involvement in the Persian Gulf. While I, too, believe that we must stand together as a nation in times of war, we cannot and should not deny the very serious and real concerns many of us have in this country about our ongoing role in the Persian Gulf, and I stand with the many Pennsylvanians and many Americans across this country, men and women, black and white, urban and rural, who are conservative and liberal, who share these concerns. I say to you that my vote today on this resolution rests with whether you, my colleagues, share with me these concerns about our ongoing involvement in the Persian Gulf and share with me the protection of the dissent on this issue, or whether, in fact, you wish to deny them.

The PRESIDENT pro tempore. Mr. President, I rise in support of the resolution and want to say at the outset that I have tremendous respect for the previous speakers and those who will speak after me giving their opinions on this. I think it is frankly something that we did not expect to, perhaps, debate, that was expected probably to be a pro forma voice vote that turned into something that, perhaps, I think can be very positive for this Body. I have to say at the outset the tremendous admiration and respect I have for the gentleman from Fayette, Senator Lincoln, because I know him to be one who does speak from his heart. I do not agree with him, but I know that when he speaks—and there are probably not two more emotional people in this Body than Billy Lincoln and I—and when he gets up and expresses his feelings that way, I listen and I have nothing but respect for his opinion. I think, Mr. President, it is likely that in state legislatures across this country that similar resolutions are being offered and debated, as well they should be because it is a national debate. But, Mr. President, the Congress of the United States has already debated as to whether we should be there or not and supported the United Nations Resolution that we be there with our allies and gave the President of the United States, the Commander-in-Chief of the Armed Forces, their will for him to wage the necessary war for what will hopefully be the peace in the future. We are not the Congress of the United States. We do not make foreign policy in this Body. Nevertheless, we as Americans, people living in a free society and in a deliberative Body, have every right and a responsibility to debate the issues of the day and, perhaps, on a day when there is virtually

no Calendar, it is a good time for us to express those pent-up feelings.

At least I know that several of the previous speakers, including me, are parents of teenage sons who very well could be subject to a future draft and perhaps be over there, and there is never a night that I go to sleep that I do not think about that and pray for not only my son but for everybody else's sons and daughters who are over there and hope that it will be a quick resolution.

But I think we need to address ourselves to the resolution and, I think, the one message that must be sent to those brave people over there who are there because they chose to join the Reserves, that they believed they were to be America's backup forces to provide the manpower to keep the peace, and they believed in that for years to come. I listened to Secretary Jannetta this morning say pretty much the same thing, as he prepares to go to the Persian Gulf next week, that they were expected to be ready and they are ready, that we need to show a voice of support. That is all, Mr. President, I believe this Body should be doing, addressing itself to the resolution and to the President of the United States, to the Congress—and I do not think it is a partisan issue. We can debate the Johnson years, the Nixon years, the Carter years, the Reagan years and they mean nothing. We live now and frankly, I guess, as a student of history, I do look back and I do believe there are similarities between this mighty army in Iraq, the third largest in the world, and thank God Israel knocked out their nuclear superiority in that area a few years ago when they were severely criticized. Clearly there was a time when another dictator decided to take territory and move from country to country until we were into the slaughter of millions of Americans and Europeans and Asians. Hopefully, that will not happen. We do not know everything there is to know about this issue, but I can say, Mr. President, that I believe the resolution is appropriate. I believe there needs to be a strong signal of support from a deliberative Body saying to not just the President of the United States or the Congress of the United States, but the men and women in the Persian Gulf that we are there for you, we support what you are doing, America is going to stand behind you. To do anything less I think would be wrong. To do anything less would be to send mixed signals and those over there who put their lives on the line every day, every minute, every hour, would wonder, as they did in those last days of the Vietnamese conflict, whether indeed there was support back home.

I think we need to pass this resolution overwhelmingly. I think we need to say there is support back home, that we want you back. The lady from Philadelphia, Senator Schwartz, I think put it very well when she stated that it does not mean we support a long conflict. We hope it is over quickly but, whatever it takes, we need to have the resolve and the will to say to this madman, this dictator of all dictators, this modern-day Hitler, regardless of how we pronounce his name, this killer of innocent people, this person who would use chemical warfare, nerve warfare and nuclear warfare to annihilate nations and people, innocent as they may be, that the world is

not going to put up with that. We are part of a multi-national force and we are going to expect that the continued financial support of those who are not involved as well as those who are will join with us so that there can be peace in the future. To do any less, Mr. President, I think would be the wrong signal, and I would hope as Pennsylvanians, as Americans, that we can support this resolution, recognizing that many people have strong differences, and if those differences are respected, certainly by me and should be by all of us, if, indeed, those differences exist.

Mr. President, these are very difficult times. They are difficult times financially at federal, state and local levels, and we are going to have plenty of time to debate that. But the issue at hand is this resolution and this resolution only, and I would urge each and every one of my colleagues to examine themselves and to say that it is important that we support the resolution for those brave people who are over there and the families who every night wonder if they are ever going to come back.

Senator FUMO. Mr. President, indeed, the gentleman from Fayette, Senator Lincoln, should be commended for beginning this debate. I know fully that he is a man who expresses his heart and I have never seen a clearer example of it than today.

Mr. President, I looked carefully at this resolution myself when I first heard it was being circulated, and the thing that allowed me to support it was that on page 2 the resolution does not say we support the commitment to the war of the President of the United States, but it says we support the President as Commander-in-Chief. Regrettably, Mr. President, we are coming in on this debate a little bit too late. We are there. We are joined in combat. We have troops whose lives are at stake and we now have a President who is the Commander-in-Chief of that Army, and I guess we are obligated to support those people there. Whether they should be there or not is a debate for another day, and perhaps it should have happened before this. Mr. President, we do not have all the information—I agree with the gentleman from Blair, Senator Jubelirer, on that—and we are getting what the Defense Department wants us to get. We are getting what those people who know how to manipulate the media best want us to get. Everything we get is censored either by the Israeli government, the Saudi government or the United States government or prepared by the Iraqi government. The sad fact about it is that there are little people, not governments, on those battlefields whose blood will be shed, be they Iraqi, American, British, or whatever.

Mr. President, I agree that our country is in bad shape financially, and I do not know why we are putting billions of dollars into this war to probably restore the Emir of Kuwait back to his kingdom. Somebody knows that answer. It is not me. But I do know something about the American public. We are very macho. We still think of the days of Daniel Boone, I guess, and the American public is also very fickle, and right now they are watching the most dramatic mini-series they have ever seen in their lives. I, too, have been watching it, as

everyone has. I have seen television critics and analysts say that this is the most gripping drama that has ever been on television, and when we sit there and we watch this drama unfold, we watch it unfold through censorship. What are we to believe? What are the people to believe? Mr. President, I repeat, I do not know if we should be there. I do not think anybody does, but everyone is wrapped up in the emotion right now. I am greatly distressed that there will be no TV coverage of the bodies when they come back to Dover, Delaware. One of the things that brought this country to its senses during the Vietnam War was seeing the blood and seeing the bodies, and then we began to step back from our macho image and say, why are we there? Regrettably, it does not appear as if we will have the opportunity during this conflict.

Mr. President, I guess because we are there and I guess because we do not have the power to say get out and we do not have the information to know whether or not we should, I will support this resolution but with the caveat that it does not go far enough. It does not address the real problems that brought the conflict about. It does not address this nation's dependency upon oil and, quite frankly, it does not even address the most recent problems there. What about the POWs and their families? Families who are torn on one day finding out that their sons are missing in action, presumably dead, only to be buoyed the next day to find that they are alive, only to be depressed the next day to find out that they are prisoners of war of some idiot madman who now has them as strategic targets. If anything, we should be devoting our time today to the sympathy of those families and giving those people support and letting them know we understand and we care. That is what is really important because all of this comes down to human lives. I, too, have a son who is 21, who is a prime draft target. Regrettably though, I find he is caught up in the drama, too. He called me and told me how neat it was, and then I asked him if he thought that the POWs were having a good time tonight and then he came back to his senses.

This is not an easy issue to debate. It is probably one we should not be in, but I have no problem in telling the families of the people who are there we are with you. We do not know if you should be there, but you are stuck and we are going to stand behind you, and in particular I think we should remember those most recent POWs.

Senator GREENWOOD. Mr. President, as I think is the case with most of my colleagues, I would be reluctant to debate foreign policy on the floor of the Pennsylvania Senate, but the issue is before us and I think it is probably never as important as it is in war that the public's opinion be carefully guarded, and that is that the public be given the best information that we, as officeholders of any kind, have to offer and that we guard against giving misinformation. The gentleman from Fayette suggested that we start thinking about the implications of this matter, and I would suggest to the gentleman from Fayette that all of us have begun thinking about this a long time ago, that we have pondered this matter in our hearts and we have not come to our individual positions easily or lightly. Both the gentleman from Fayette and the gentleman

from Philadelphia suggested that they do not know what this war is about. The gentleman from Fayette said, I do not know what the heck we are over there for if it is not to simply restore Kuwait and protect its oil. I do not think this war has anything to do with America's interest in Kuwaiti oil. I do not think it would matter if it was Iraq invading Kuwait or any other country invading another weaker country. I think both previous speakers know the history of the world is, if nothing else, filled with the carnage created when a larger and more powerful nation overtakes and brutalizes a weaker nation. It was true with the Soviets in Hungary. It was true with Hitler in Europe. It has been true with the Pol Pot in Cambodia, with the Spanish Conquistadors in South and Central America, but never before in the history of this planet have all of the nations of the world, in a legitimate and cohesive fashion, said that we will stand against aggression, that we will unite to prohibit the larger nation from brutalizing the smaller nation simply because it can do it and it wants what the smaller nation has, and that is what this whole idea of a new world order is about. Every other time in history when some nations of the world, peace-loving nations of the world, chose to combat aggression, the dynamics of international politics were such that there could never be a unity. With the end of the Cold War, we found for the first time in our history the ability to gain that unity. To me that is what is at stake here, not the oil. We do not need Kuwait's oil. This is not about energy policy. It is about whether or not the people of this planet are going to be able for the first time together to say to an aggressor, you cannot do that. You are going to stop. We draw the line here. I would not vote for this resolution and I would not support this policy as I do, except for the fact that I believe the future aggressors, whether they be in Asia, whether they be in Africa, whether they be in South or Central America or anywhere else will be deterred from this day forward from this kind of an action. The number of lives that may be lost in this war may be great, but I believe they will be far less than the number of lives that will be saved because the United Nations for the first time in history is able to take this action. I think that the speakers who opposed this resolution have spoken from their hearts, and I applaud them for that. I think they should not think they anguish any more than any of us do for the loss of life on either side, and I think no one should assume anything but that no one anguishes more than the President, and I urge a positive vote for the resolution.

Senator FATTAH. Mr. President, I do not rise in hesitation, as some of my colleagues have indicated, to speak on foreign policy matters here in the Pennsylvania Senate. It would seem to me that we have our citizens who are helping to finance this effort through our taxes. We have our sons and daughters who are in jeopardy on the front lines, and we should not hesitate as a Body to take a moment to air our feelings on this issue. I think we should absolutely support those citizens who are in the armed services, who are there because they have been commanded to be there. However, I think we can separate that from the policy at hand. It seems quite clear we have guided missiles in this country but I think

we have misguided leadership. Two days before the invasion of Kuwait, as Iraq's troops amassed on the Kuwaiti border, we sent a \$500 million foreign aid check to Iraq against the interest and against some of the inquiries of the members of the United States Congress. We have helped build up the capacity of Iraq's military over the last eight years, and it seems that what we have done is rather than to create a new world order, as we would want it, and to provide some leadership for that region of the world, we have just reacted to event after event, and we will react to this event and then we will, at some point, react to another event. We seem to not take note of the fact that Kuwait voted against the United States in the U.N. more often than Russia did over the last 20 years. They voted against us and accused us of naked aggression when we went into Grenada and into Panama. We are here with our daughters and sons there to protect and return Kuwait to its legitimate leadership in government, a government that, through the emir, disbanded the national legislature in 1984 and disbanded all of the municipal councils and disbanded all of the citizens' input into the operations of their government. That is not to say that somehow they should allow Iraq or anyone else to come beat them up, but it is to say that we should put all of the facts, I think, on the table, and we should demand of our government not just the opportunity to send our troops someplace, but we should send our American ideals someplace. To have our sons and daughters lose their lives for a country where women cannot even drive a car and do not have the rights that we would even begin to suggest in terms of being full citizens in that country, that we should be very clear and careful as we discuss this that we put it in its proper perspective, and that is that foreign policy in our country should have something to do not just with interest as it relates to oil and any discussion about this which would take note or suggest that this is not about oil in the final analysis, I think, misses a big part of the point. American ideals should be part of our foreign policy also, and we should be defending democracy around the world. I thought that was the tone we wanted to set, and that is not what we see even in Saudi Arabia or Kuwait or Iraq.

We have had many comments today on the floor about this subject. I do not want to be long, but I think we should be careful as a Body of elected officials. Luckily, we did not have to make the important vote of whether we would support sending our troops over there. We are not members of Congress, and I am glad that I did not have to make that vote. That was a very tough vote. But even in our comments about this, I think we should be careful and clear. What we should send as a message along with the fact that we support our troops is an encouragement to our national government and to the President that we should develop some attempt to not only win a war in the Middle East but devise a plan for peace in the Middle East, that we will have a situation where we will not have to, years and years from now, repeat this same kind of effort again and again and again. I think that is the real fear, that we can win a war and lose the peace, that we will never be able to arrive at a circumstance where we will not as a

Body or other people throughout this country will not have to have similar debates out into the future about investment of billions of dollars and lives of American citizens on foreign soils and fighting for ideals and governments that we find repugnant on its face. I think that as we proceed here that we should also take a minute to talk about this issue, as the gentleman from Bucks County, Senator Greenwood, talked about, naked aggression. Naked aggression is going on in other parts of the world, and we do not have a half a million troops there protecting people. We should play by one set of rules. We should have one yardstick, and we should demand of our national government not just guided missiles that can hit their targets but some real leadership that can provide for one day the real hope of a new world order because I am not sure that we see one on the horizon at this moment.

Senator FISHER. Mr. President, I rise with great pride to support this resolution which certainly brings before us in this Body here today a portion of some of the debate this country has seen earlier this month that gives us a tremendous opportunity to rise not only in support of the brave men and women from across this country and our Commonwealth who are involved in the conflict in the Persian Gulf, but also it gives us an opportunity to stand with pride to commend and support the efforts of the leadership of the President of this great nation as Commander-in-Chief of those armed forces.

Mr. President, I certainly applaud in one sense the efforts of the gentleman from Fayette, Senator Lincoln, in at least bringing this debate before the Senate on Resolution No. 11. I do not, however, agree with him on certain of his premises, but this is why this country and this state are great, in that we can rise with different opinions and we can speak out, not just here on the floor of the Senate of Pennsylvania, not just on the floor of the Congress of the United States but, yes, just as President Bush looks out his window every day at the White House, the American public is free to speak out in front of that very mansion which symbolizes all that is great about America. They have spoken out and everybody has a right to speak out. It is important, I think, as we speak out that we speak out with the facts, that we clarify the facts, and certain parts of that I would at least like to put my viewpoint of the facts on this record.

This issue has been debated. It was debated not only in the Congress of the United States, but it was also debated before the United Nations Security Council. The United Nations, in a display of their unity that has been unparalleled at least in my adult life, was able to get together and be able to take the leadership role on an issue that faced this world. They debated this issue. They debated it without nary a negative vote. The entire United Nations Security Council unanimously supported the resolutions before them to send a message loud and clear to Iraq and to their leader and to their people that not only did this country not, but the world did not support the aggression which we were all witnessing. That resolution was given time to work. Diplomacy was tried. We do not know the scope of the diplomacy. We can all surmise as to how delicate and how intricate it was. But we know that the diplomacy did

not work by the date set of January 15th. Prior thereto we also had a great debate in this country, debate which was unclear whether or not it was absolutely needed under the Constitution, but our President welcomed that debate on the floor of the House and the floor of the United States Senate. That debate overwhelmingly provided support for the President and for our country to support the U.N. Resolution if, in fact, Iraq did not withdraw from Kuwait by January 15th. Our Members of Congress certainly took into account when they debated that resolution not only what this conflict stood for and not only what we stood for, but certainly took into account the financial side of this. We all must recognize that you cannot send 450,000 men and women to the Persian Gulf without incurring a significant tab, a tab that I say to you is being shared by many other great nations around this world. We see day in and day out the contributions that are being made from the budgets of those nations and certainly we welcome them. But our men and women in Congress supported this knowing that, yes, we had an obligation and a financial obligation, but this is something that the American people support. Let us not confuse the tab for this war with the deficits that have been built up. Let us not put the tab for this war at the foot of the President. Let us remember in context where the deficit came from. It did not come just from a Republican President or the last two Republican Presidents, but that deficit came from spending that was controlled by this Congress. Let us not confuse those issues when we look at the tab and the expense, but let us recognize that we should be as great, that we are and we will continue to be as great as those other nations that have continued and will continue to pay for the daily expenses of our men and women in the Persian Gulf.

I support our men and women. I support the President. I do not believe I have ever been prouder of a President than I was of President Bush throughout the course of this and for the way he has shown with a steady hand that he truly has had the breadth of experience, the depth of experience to preside as Commander-in-Chief over this war and preside at a time when we need the most stability that we can possibly get in the position of Commander-in-Chief in that White House.

I rise with particular pride because when I look at this I have a nephew who is on the front lines today right near the border of Iraq and Kuwait and probably will be drawn into battle. I recognize as I have toured my district in the last couple of weeks, as I am sure every Member of this Senate has, that I have run into an awful lot of people in my Senatorial District who have relatives over there. But I recognize that it is that pride, and it is that American support and valor, the willingness of our men and women to not only become part of our all volunteer army, but the willingness of our men and women and their families to stand up and to be part of this battle. That is what this nation is all about. That is why this nation is so great and that is why I believe that this resolution deserves the support of all the Members of the Senate of Pennsylvania.



Senator SCANLON. Somewhere, Mr. President, in this debate I think I heard the words "old goat" bandied about a bit and I guess I qualify as an old goat. There are a few of us left in this Chamber who can qualify as old goats and old goatesses—I do not know the female of goat, Jeanette. I know it is not geese. But in any event, I was 18 years old when I went to war during World War II. I was 20 years old and commanded a company of 220 infantrymen in the Philippine Islands. I was about 23 when I got recalled and went back to Korea. I learned one thing as a young man and it still carries over, that it is ironic that wars are started by old goats and fought by little kids, and that is tragic. It is not only our little kids, it is Iraqi little kids, Saudi Arabian little kids and French little kids, and nobody in his right mind could vote against a resolution that indicates our support and our love and our concern for those little kids. But I do not think it is about Iraq or Kuwait. I think it is about the United Nations.

After World War I, President Wilson conceived the idea of the League of Nations, and it was ratified by every major country except the United States. The first concept of international collective security, the first concept of a forum to iron out international differences, we chose not to participate. Some people think that was the foundation which culminated in World War II. After World War II, President Roosevelt and Winston Churchill and others insisted on the creation of the United Nations. The United Nations was organized, ratified and the headquarters located in the United States as a forum where nations could settle their differences without bloodshed. In 1950, North Korea invaded South Korea. For the first time the Security Council of the United Nations authorized military intervention. The first troops that were sent in there were Americans because, let us face it, our Army was only 100 miles away in Japan. We were the closest. The media played it up as an American war with only United States soldiers, but that is not true. I was there and we operated under the flag of the United Nations. The blue flag of the U.N. flew above our stars and stripes. The blue flag was emblazoned on the jeeps and the tanks and the airplanes. There were Turks, Ethiopians, French, British, Australians, et cetera, very much similar to what we have today. I wonder, as an old goat, what would be the state of the world today had the United Nations Security Council not taken that action? Where would we be today if the communist countries were permitted to overrun South Korea without any opposition? Would I be here debating this resolution? I do not know. Nobody knows.

There were a lot of questions when Harry Truman sent troops in there. I remember Joe McCarthy said it was a product of too much bourbon and piano playing. He was criticized, but nobody today will criticize Harry Truman for anything he ever did. My point is everybody agrees that we owe those kids our support. But my heart goes out to George Bush, and I am a Democrat and I am an old goat as he is. He was shot down in World War II, and on the day he ordered troops into this battle, he walked a lonely walk in his garden, and I am sure he was thinking about kids, male and female,

over there to solve a problem created by old goats. I am very proud to vote to congratulate and support our President.

Senator BORTNER. Mr. President, I intend to be very brief. Much has already been said on this issue, and as I have listened what strikes me most, perhaps, is that while we are hearing people take somewhat different views and somewhat different sides of this issue, I think frankly what I am hearing is pretty much people speaking on the same issue and with many of the same views. I think we are all troubled by the course of the war, by the uncertain future it may hold, by the prospects of American troops having to begin a ground attack to sustain the effort. I think we all support the troops, the young men and women who are representing us so far away. I think we all support the President of the United States, certainly in the sense that we want him to and hope that he will make wise decisions to try to bring this conflict to a speedy end.

I think we also certainly pray for a speedy return of all of the young men and women who have been sent over there to represent our country and who are putting their lives at risk. I would also like to say that I have been very moved by the debate that I have heard here this afternoon. I have been very moved by the words of my colleagues who I think have spoken, beginning with the gentleman from Fayette, Senator Lincoln, with great conviction and to almost everybody who has spoken on this issue that they have been very sincere. They have spoken with compassion and they have spoken with true feeling. I am very proud to be here in one of the first debates that I have had an opportunity to be part of as a Senator. I am very proud to be an American and I think that as we consider this resolution—and I intend to support it but I do that with some of the same misgivings—that I have some of the same concerns and some of the same regrets that so many of my colleagues have so eloquently addressed.

Senator RHOADES. Mr. President, I think from all the debate, one thing is very apparent to us—only history will tell us whether we are right or wrong. As I listened to the debate, I looked at the two murals upon the wall of President Washington and President Lincoln, and I thought that the same decisions that they had to make, we to a degree are making here today. Heavy were their hearts, heavy were the decisions, and so only history will tell us whether we are right or wrong. But until that day I say, my country, may she ever be right; my country, right or wrong.

Senator MELLOW. Mr. President, much has been said during the past hour with regard to this resolution and how, in fact, we as Members of the Pennsylvania State Senate should be dealing with the most important thing that is facing Americans today, and that is a battle of our young men and women taking place eight or ten thousand miles from where we sit here this afternoon, in a desert that most people have no idea what it is about and, for the most case, have no idea why we are there.

Mr. President, I rise to enthusiastically support this resolution because I have been one individual who has been a very strong person with regard to the military. I have had the

opportunity of spending a number of very happy years as a member of the Pennsylvania National Guard, both in active duty and at summer encampments, and I know of the camaraderie that is enjoyed and supported by all of our reservists, and I can only, from my perspective, give them a total amount of my support and congratulations and wish them well and wish them Godspeed and hope that each and every one of them return to their loved ones and to their chosen profession just as soon as possible.

Mr. President, I think that maybe we are losing something in this Body when we think it not important to set some time aside and to put some time away, perhaps every month, if you will, while this conflict takes place, to discuss right here in the Pennsylvania State Senate what some of our individual feelings are because, basically, we are reflecting the feelings of the people we represent. I realize full well that none of us here are experts on foreign policy. I question, Mr. President, of the 453 members of the United States House of Representatives and the 100 members of the United States Senate, how many of those members are experts on foreign government? I think, Mr. President, we would find out very darn few of them are. I believe when you start to think and reflect about what we have talked about here today, I think you have to look at the honesty and the sincerity and, yes, even the noble approach that was taken to get the debate started by the gentleman from Fayette, Senator Lincoln, because I do not think there is any one Member of this Body who truly feels as strongly about his convictions, regardless of what the issue may be, than Senator Lincoln. Obviously, I am not the first person who is going to say war is hell because we all know that war is hell, and I am not the first person who is going to say that Saddam Hussein is basically a wacky Iraqi, and there is not a hell of a lot we can do about that. But I think there is a lot that we can say about it on the floor of this Senate, and I think maybe, Mr. President, the things that we are talking about do not have that much to do about what is taking place in Saudi Arabia or what is taking place in Kuwait, as it was stated before by the gentleman from Philadelphia, Senator Fattah, that the family who has supported and controlled Kuwait for many, many years in the United Nations in the decade of the 1980s did not even support the United States on U.N. resolutions. But I think what is important that maybe we should talk about, Mr. President, is the way this great country of ours, since August 2, 1990, has basically come to a grinding halt, how the Congress of the United States has done absolutely little, if anything, with regard to our domestic policies, how the President of the United States, with regard to his performance on domestic policies, has been absolutely horrendous, how he has not done his job with regard to the people who live right here in this great United States of ours, not those who live in the Middle East, not those who live in Saudi Arabia, not those who live in Kuwait or not those who live in Iran or Iraq or Israel or Syria. It is about the people who live right here in this great country of ours. Mr. President, why has there been nothing advanced over the last five months about an energy policy, if you will? Or why in fact, Mr. President, has the high

rate of spiraling inflation that has taken place over the last half a dozen months not been addressed, Mr. President? Or why, in fact, are we not dealing with the very important issues of child care and of day care that our people of this great country so badly need? Or, Mr. President, why have we totally ignored a family leave policy which President Bush decided to veto just not very long ago? Or, Mr. President, why are we not addressing the issue of a \$300 billion deficit which, basically, whether they want to believe it or not, is the responsibility of President Ronald Reagan whom the current President of the United States referred to as voodoo economics during the 1979-80 presidential campaign? Or maybe, Mr. President, we should talk about the gap today that exists between the haves and the have-nots, or the decaying that is taking place in our inner cities and in our streets of our inner cities, or the scourge of drugs that is binding our cities and has grabbed our young people like never before. Maybe these are the issues, Mr. President, that we are frustrated about. Maybe these are the issues that our Congress of the United States should be dealing with or, perhaps, that great ugly thing that we see in our TV screen night after night after night. It is not the war in Saudi Arabia, but it is the war in our city streets. It is the homeless people of the greatest and the wealthiest country in the universe and the way the suffering is taking place right here in the United States of America. Maybe, Mr. President, that is the reason for the frustrations that have been discussed on the floor of this Senate today, and oh, yes, I very strongly encourage and support this resolution. I support the young men and women who are fighting and, unfortunately, those who are going to pay the ultimate price to protect our freedom of this country. I do support the President of the United States. He made a very strong decision to go in and to liberate Kuwait, and I think, Mr. President, we have nothing else that we can do as Americans except support him. I think the terrible downfall of the domestic performance of the President of the United States and, indeed, the Congress of the United States has us in this particular debate that is taking place right here, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Police Chief Joseph Mahoney by Senator Belan.

Congratulations of the Senate were extended to David M. Korman, Alice Paylor, Anne Handler and to Doan Nguyen by Senator Dawida.

Congratulations of the Senate were extended to the Philadelphia Anti-Graffiti Network by Senator Fattah.

Congratulations of the Senate were extended to Donna Smith by Senator Fisher.

Congratulations of the Senate were extended to Michael Vaughn, Hog Island, Murray Club, Strutters, Henry Schultz, Bill Harvey and to the Quaker City Band by Senator Fumo.

Congratulations of the Senate were extended to Florence DeLaurentis and to Anthony C. Frattone by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Hidlay, Mr. and Mrs. Fred B. Hess, Mr. and Mrs. Henry L. Babb and to Mr. and Mrs. Robert W. Wilson, Sr. by Senator Helfrick.

Congratulations of the Senate were extended to Michael S. Murray, Clair Clemens and to Deborah Holmes by Senator Holl.

Congratulations of the Senate were extended to Rosemarie P. Vassalluzzo by Senator Lewis.

Congratulations of the Senate were extended to George A. Thomas by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Elwood Hartsock and to Anna Gertrude Grow by Senator Madigan.

Congratulations of the Senate were extended to Steven Thomas, Bobby Rosky, Todd Mancuso, Kenny Flannigan, Raphael Eisenhauer, Michael Bufalino, Michael Zimorowicz, Paul Rutkowski, Ryan Grebb, Thomas Eibach, Patrick Desarno, Casey Carrick, Stephen Robert Harris, Michael J. Chiricos, Marc Peter Beckage, Christopher Scott Trently, David M. Muchisky, Mark Alan Muchisky, Chris Davis and Richard Bailey by Senator Mellow.

Congratulations of the Senate were extended to Walter W. Boock, Michael E. Kokinda, Andrew Zunski, William Potance and to William E. Rhoades by Senator Musto.

Congratulations of the Senate were extended to members of Ambucs of Boyertown by Senator O'Pake.

Congratulations of the Senate were extended to Frank Carnovale and to John DiIulio by Senator Peterson.

Congratulations of the Senate were extended to Wilbert Douglas Frain, Humair Ahmed, Dale Hutchinson, Justin Moots, Christopher Moreland, Christopher Sepelak, Steven Carter, Jim Geiger, George McFarland, Bill McAtee, Pat Kopchick and to Tim Golding by Senator Porterfield.

Congratulations of the Senate were extended to Honorable Alfred T. Williams, Jr. by Senator Reibman.

Congratulations of the Senate were extended to Michael S. Moore and to Mr. and Mrs. Sylvester Runkle by Senator Rhoades.

Congratulations of the Senate were extended to Jack Nelson by Senator Schwartz.

Congratulations of the Senate were extended to Edward R. Lancaster and to Mr. and Mrs. Leonard Davis by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Frank W. Rasel, Mr. and Mrs. Robert H. Richey and to Mr. and Mrs. Paul Reynolds by Senator Stout.

## ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, while we continue to finish the business of the day, I would ask that we call a recessed meeting of the Committee on Finance off the floor in the Rules room for the purpose of conducting our unfinished business.

## PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, today has been a very difficult day for many of us, and I did not want to prolong the debate on the resolution that we very emotionally talked about. But I do want to enter into some further comments on some of the things that I think have worked on me since I stayed up for practically 24 hours, along with many other Americans, and watched the opening of this war that we are involved in. I have given this thought. I do not think that this war in the Persian Gulf has left my mind one minute, even sleeping. The concern that I have for the young men and women who are in the Persian Gulf, I think, was reflected in the fact that I went along with a voice vote and was recorded in the positive on a resolution that I really have a great deal of difficulty accepting, and I have not had the difficulty with it because of the President. I wrote some things down while I was sitting here and I just want to talk about our education system in this country. We have an education system that is not preparing our children for the 21st Century. Our students lack math and science skills, cannot locate major nations on a map and do not know when the Civil War started. They are not educated and they cannot think. The Japanese can and the Germans can, and while the Japanese and the Germans watched from the sidelines, we were preparing for this war, to go over and be the defenders of the world. I am not sure if the debate centering around whether to go over and do what we are doing or allow the economic sanctions to continue on for a period of time would have really made much difference in the financial cost. There definitely would have been a major difference in the number of people who are going to die because of this action. What course is in America's best interest? I have asked myself that many times. Will this war revitalize our cities and restore our families? Will it make our savings and loans solvent? Will it teach our children to read? Will it empty our prisons? Do we as a nation have the resources to fight a war in the Middle East and deal with these problems at home? If we do not have both, where does the greatest threat to our nation lie? Of course, Saddam Hussein does not have anything to do with America's domestic problems, and they will not be helped if a murdering tyrant gains control of a large percentage of the world's oil. It is sad though that the President of the United States has shown such energy and aggressiveness in dealing with Saddam, but he has been so anemic and ineffective in improving the quality of life in America. I believe that the results of what we are doing and what we are seeing are going to have such a long-term devastating effect on those of us who survive it. I believe that

we have the responsibility as public officials to start facing those issues, speaking out on them and urging our President to be the kind of leader who could get the United Nations to vote en masse for a resolution to rid Kuwait of Saddam Hussein, and I believe he ought to use that same energy to convince the members of Congress whom he deals with—and he twisted arms to get the votes. In case you are not aware of it, the vote on supporting this position in Congress was not overwhelming. In fact, if my memory serves me correctly, it was 52-47 in the Senate, so it was rather close. If we do not start facing the seriousness of the problems that exist within this country, all of the people who are out there talking about how wonderful it is to have this incredible fighting machine are not going to be able to eat, educate, provide health care. It is so important. I think when this does end, whether it be six days or six months from now or six years from now, the resolve that the American people have shown in supporting President Bush in this action, I would hope that same resolve would be there to support him in making the very difficult decisions in finding ways of providing health care for 30 million Americans who do not have it, for providing the kind of educational system that we need to be able to compete so that our companies are not gobbled up by foreign investments—people who have absolutely no interest in this country whatsoever and do not care whether the guy who lives beside you or down the block from you lives in good, bad or no health at all. I would ask that we not forget this debate, that we come back when this war is over and we begin to start debating and talking about how important it is that we also take our obligations as elected officials serious enough to move us to the extent that we will force President Bush to face the serious issues that he has ignored almost totally for ten years—in fact, has contributed greatly to the problems. If any one in this room believes that having a \$300 billion deficit for one year is not debilitating enough that it could destroy this great country, and if anybody does not believe that great nations go by the wayside, read history. It may take a couple hundred years, which we have been around, but we are on a course that is not the right course and we had better quit waving the flag and start respecting it by going to some extent and some length to making sure that the people who live under that flag, the ones who are in the shadow of it, can eat properly, can think, can read, can write and have the right to a decent way of living and jobs. I guarantee you there are many of us who represent people who have it a hell of a lot worse than the people in Kuwait had it before Saddam Hussein invaded them.

### REPORT FROM COMMITTEE

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

#### SB 346 (Pr. No. 290)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," granting automatic extension of time to file personal income tax documents to military personnel involved in Operation Desert Storm.

### BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

#### SB 346.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

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

January 29, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Ford, Box 394Z, R. D. #3, Mount Cobb 18436, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Dr. Andrew E. Michanowicz, Pittsburgh, whose term expired.

ROBERT P. CASEY.

#### CORRECTIONS TO NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### SECRETARY OF AGING

January 29, 1991.

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

Please note the nomination dated January 17, 1991 for the reappointment of The Honorable Linda M. Rhodes, 6300 Jackson Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, as Secretary of Aging, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified, should be corrected to read:

The Honorable Linda M. Rhodes, 82 Ringneck Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as Secretary of Aging, to serve until the third Tuesday of

January, 1995 and until her successor shall have been appointed and qualified.

#### INSURANCE COMMISSIONER

January 29, 1991.

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

Please note the nomination dated January 17, 1991, for the reappointment of The Honorable Constance B. Foster, 823 East Phil-Ellena Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified, should be corrected to read:

The Honorable Constance B. Foster, 1079 Beech Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

#### ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

##### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

WEDNESDAY, JANUARY 30, 1991

11:00 A.M.	STATE GOVERNMENT	Room 460
	(to consider the nomination	4th Floor
	of David L. Jannetta as	North Wing
	Secretary of the Department	
	of General Services)	

#### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, January 30, 1991, at 10:30 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:00 p.m., Eastern Standard Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JANUARY 30, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 6

### SENATE

WEDNESDAY, January 30, 1991.

The Senate met at 10:30 a.m., Eastern Standard Time.

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

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, be with the Members, officers and staff of this Senate as we commence a new Session. We ask that despite the many differences of faith, of political persuasion and of personalities that we may dialogue, discuss and finally reach decisions with mutual charity and patience. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 29, 1991.

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

### APPOINTMENT BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Senator J. William Lincoln as a member of the Pennsylvania Historical and Museum Commission.

### APPOINTMENT BY MINORITY WHIP

The PRESIDENT. The Chair wishes to announce the Minority Whip has made the following appointment:

Senator Gerald J. LaValle as a member of the Joint State Government Commission.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for the day for Senator Pecora.

Senator STAPLETON. Mr. President, I ask for legislative leaves for Senator Afflerbach, Senator Fattah, Senator Fumo and Senator Stout and a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Fisher requests a legislative leave for Senator Pecora. Senator Stapleton requests legislative leaves for Senator Afflerbach, Senator Fattah, Senator Fumo and Senator Stout and a temporary Capitol leave for Senator Williams. The Chair hears no objection. Those leaves will be granted.

### LEAVE OF ABSENCE

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1 (Pr. No. 1)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SCANLON, by unanimous consent, offered the following amendment No. A0031:

Amend Title, page 1, lines 3 and 4, by striking out “, for” in line 3, all of line 4 and inserting a period

Amend Sec. 1 (Sec. 22), page 13, lines 10 through 30; page 14, lines 1 through 15, by striking out all of said lines on said pages

Amend Sec. 3, page 15, lines 8 and 9, by striking out “, and paragraph (4) of section 1 shall be submitted as a separate question”

On the question,

Will the Senate agree to the amendment?

Senator SCANLON. Mr. President, several years ago the Supreme Court of Pennsylvania, in a decision involving a suit filed by the County of Allegheny, ruled that under the unified court system, which was created by the Constitution, that the funding of the entire court system throughout Pennsylvania was the obligation of the Commonwealth of Pennsylvania rather than the counties. Some of the language in the present



bill before us, Senate Bill No. 1, indicates that there is a danger that that language in the bill might overrule, in effect, the language of the Supreme Court in that case which mandated that the Commonwealth pay the costs of the administration of the unified court system. This amendment would strike that language and make it very clear that it is not the purpose of Senate Bill No. 1 to overrule the Supreme Court.

Senator LOEPER. Mr. President, in relation to the amendment, I would think that the particular language parallels language found in Article III, Section 24 of the Constitution which provides that, "No money shall be paid out of the treasury, except on appropriations made by law and on warrant issued by the proper officers...." This language has been viewed as governing access to the treasury and is generally prohibiting disbursements from the treasury, except that it might be pursuant to the appropriation. There was a concern that the court might sometime simply issue order for payments from the treasury without regard to the Commonwealth budgeting process and the General Assembly's control over the public purse. While there have been no court orders which have directed such payment, there was dicta in court opinions back through the 1970s that suggested the court might believe that it had the authority to order such payments, appropriations and budget limits notwithstanding.

Additionally, Mr. President, the courts have on a number of occasions ruled as though Article V was self-contained and that provisions of the Constitution not included in or directly referenced in Article V were not controlling on the judiciary. As a safeguard to assure the General Assembly's ability to protect the public purse, language was recommended for incorporation in that article to make that matter absolutely clear. This in no way interferes with the Supreme Court's ability to declare a state statute unconstitutional. Instead, it only assures that spending will be done with the blessing of the General Assembly.

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

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

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

On the question,  
Shall the bill pass finally?

Senator GREENLEAF. Mr. President, I rise in favor of the legislation. As you know, this Body passed the identical legislation last Session, and by passing it this early, the Senate is then taking steps to ensure that it will be placed on the ballot for early consideration by the electorate of Pennsylvania and our Constitution will be amended. I think we can be proud of the fact that we have passed this legislation continually over the years and, finally, in the last Session the House agreed to it. Again, we in the Senate are leading the efforts to provide for a reform in all branches of government, including the judiciary. As you know, this legislation would provide for

a more open and a more efficient way to handle matters that are brought before the now Judicial Inquiry and Review Board. It would change the name and provide for a two-tier system. It would be fair to the judiciary or those people who have complaints filed against them because some of them are frivolous. This provision would provide for a provision in which those types of complaints would not be open to public scrutiny, but once they are determined that there is a legitimate and a valid complaint, then there is a process provided in which those matters can be heard in a fair and open way. I would ask that this Body adopt this legislation.

#### LEAVE OF ABSENCE

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

#### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

Senator BORTNER. Mr. President, I realize that this is a bill that has already been voted on once here, and the action that we take today, to a certain extent, I guess is anticlimactic, but I think it would be a mistake to let this issue go without emphasizing the importance of it. I think we are taking up one of the most important issues that has come before the General Assembly, certainly in my six years here, and I am very pleased to have been an original sponsor of this bill in the House. I had advocated and voted for it there, and I will now have an opportunity to do the same thing as a Senator. The gentleman from Montgomery, Senator Greenleaf, has explained and pointed out a number of the important provisions of the bill, and I assume, since it has passed here before, the Members are already aware of that. I do not want to address that. What I do want to do is just underscore the importance of this issue because what we are doing in passing Senate Bill No. 1, and doing it for the second time, is taking a very important step at removing what has become a veil of secrecy which has prevented public access to the discipline process and I believe has really tainted the whole issue of judicial accountability in Pennsylvania. The existing Judicial Inquiry and Review Board to aggressively investigate and properly discipline judges has been well publicized. I think it is always sad and distressing when any public official has abused their office or acted outside the norms or the standards of acceptable conduct. I think as Legislators, when that happens, we have a responsibility to make sure that when that occurs we act quickly because when it does occur I think we are all affected and we are all tainted. In my opinion, that is even more important when we deal with judges who not only have to avoid impropriety, but have to avoid even the appearance of impropriety. The purpose of the judiciary is to interpret laws in an even-handed fashion and to insure that those

laws enacted by the Legislature are not contrary to or in conflict with the Constitution. In my view, in a democratic system—and I guess I say this somewhat cautiously as a Member of the Legislature in a legislative Chamber—the Judicial Branch above all others has to enjoy the confidence of the people. People need to feel when they go into court, they are going to have a competent, fair and unbiased determination of their problem. I think this is particularly true in those cases where you are fighting against the government itself.

We have a very proud history of our Supreme Court in Pennsylvania. I can remember my days as a law student. When you read a Musmanno Opinion, you knew you were reading something that was clearly going to set out some very important legal principles, and you paid attention to that. We have a very strong tradition in Pennsylvania of a very fine judiciary, and I think it is important to remember that the action that we take today is not really because of or not only for those judges who have been publicized and who have perhaps speeded this process along but we do this today for all those good judges, the judges in my Court of Common Pleas of whom I am very proud and also those other very fine appellate judges we have. We take this action so they can stand out and the public can have confidence in the system knowing that if a judge goes bad, if a judge acts outside the scope of his office, appropriate sanctions will be applied. I do not want to belabor this issue. I am pleased that information has been put on the record to clarify the issue of finance and the question of how this bill impacts on the existing Supreme Court case. It would be a mistake for us to delay this any further or to amend this bill which would set us back another two years. We need this legislation. We have passed it before. We should pass it again today.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—47

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

#### NAYS—1

Fumo

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

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

## SECOND CONSIDERATION CALENDAR

### BILL REREFERRED

**SB 346 (Pr. No. 290)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," granting automatic extension of time to file personal income tax documents to military personnel involved in Operation Desert Storm.

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

## UNFINISHED BUSINESS

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Miriam Dunlop by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Jay Plank, Mr. and Mrs. W. Kent Fahringer, Mr. and Mrs. I. Lester Hollinger, Mr. and Mrs. Paul Miller, Mr. and Mrs. John Basehoar, James Thomas Leed, Carlos Graupera, Calvin Duncan and to George Richard Garbrick by Senator Armstrong.

Congratulations of the Senate were extended to the Chester County Council of Boy Scouts of America by Senator Baker.

Congratulations of the Senate were extended to Teresa M. Feister by Senator Bodack.

Congratulations of the Senate were extended to Dr. Walter Jacob by Senator Dawida.

Congratulations of the Senate were extended to Prisalla Champ and to Elizabeth Sinclair by Senator Jones.

Congratulations of the Senate were extended to Dr. Katherine White by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Sauciunases, Mr. and Mrs. Homer Curtis, Mr. and Mrs. Bertrand Dacey, Mr. and Mrs. Julius J. Pick, Mary A. Lipo, Dana Sickler and to Jennie Cramer by Senator Lemmond.

Congratulations of the Senate were extended to Charles W. Taronis by Senator Rhoades.

Congratulations of the Senate were extended to Thomas W. Reeder by Senators Rhoades and Punt.

Congratulations of the Senate were extended to Florence Sherlock by Senator Robbins.

Congratulations of the Senate were extended to the California Area Senior Center by Senator Stout.

Congratulations of the Senate were extended to Craig A. Ebersole by Senator Wenger.

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, February 4, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:00 a.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 4, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 7

### SENATE

MONDAY, February 4, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend CHARLES STOCK, Pastor of Word Fellowship Christian Center, Harrisburg, offered the following prayer:

Father, we acknowledge You today as the author of life, the author of wisdom, the source of justice and righteousness. God, we give You thanks today that we are alive, and we give You thanks for strength. We give You thanks for reason and the ability to make sound judgments. We ask that today in this Senate wisdom would be poured out, wisdom from on high. We ask that righteousness and justice would be the expression and the outflow of all the legislative process that takes place here today.

I pray, Father, for grace upon these men and women who face difficult decisions and weigh intangibles, values, people's lives, quality of life and things such as this. We pray that Your will would be done.

Father, we also remember those young men and women from this state who are serving in the Armed Forces of this nation who are facing death today. We ask that You would protect them, that You would preserve them. We ask for peace and a speedy resolution in this matter.

Father, we praise You and thank You for the opportunity to be part of a process that will bring justice, righteousness and equity to the lives of the population of Pennsylvania. In Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend Stock who is the guest this day of Senator Shumaker.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 30, 1991.

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

### COMMUNICATION FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

January 31, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret M. Jonas, P. O. Box 84, Dingmans Ferry 18328, Pike County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993, and until her successor is appointed and qualified, vice Robert J. Powell, Bensalem, whose term expired.

ROBERT P. CASEY.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Joint Session.

#### HOUSE BILLS FOR CONCURRENCE

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

February 1, 1991

**HB 1** — Committee on Judiciary.

**HB 76** — Committee on Labor and Industry.

#### BILLS INTRODUCED AND REFERRED

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

January 30, 1991

Senators BELL, GREENLEAF, LEWIS, SHUMAKER, REIBMAN, AFFLERBACH and RHOADES presented to the Chair **SB 347**, entitled:

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

Which was committed to the Committee on JUDICIARY, January 30, 1991.

Senators BELL, AFFLERBACH, WILLIAMS, BODACK, BELAN, DAWIDA, LAVALLE, PORTERFIELD, STEWART, REIBMAN, TILGHMAN, ANDREZESKI, MELLOW, SHUMAKER, O'PAKE, WENGER, SCANLON, MADIGAN, GREENLEAF, PUNT, HART, LINCOLN, RHOADES and BRIGHTBILL presented to the Chair **SB 348**, entitled:

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 30, 1991.

Senator FUMO presented to the Chair **SB 349**, entitled:

An Act establishing the Pennsylvania Intergovernmental Cooperation Authority; and providing for its powers and duties.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, January 30, 1991.

February 1, 1991

Senators RHOADES, ROBBINS, BORTNER, HELFRICK, BELAN, JONES, ANDREZESKI, SHUMAKER, BRIGHTBILL, PETERSON, LEMMOND, PUNT, MUSTO, FISHER, REIBMAN, LAVALLE, AFFLERBACH and O'PAKE presented to the Chair **SB 350**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for leaves of absence for employees of school districts who are called to active military duty; requiring school districts to pay certain employee costs; and requiring the Commonwealth to reimburse school districts for certain expenditures.

Which was committed to the Committee on EDUCATION, February 1, 1991.

Senators FUMO, MELLOW, AFFLERBACH, O'PAKE, ANDREZESKI, WILLIAMS, SALVATORE and LAVALLE presented to the Chair **SB 351**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 1, 1991.

Senators GREENWOOD and LEWIS presented to the Chair **SB 352**, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, February 1, 1991.

Senators GREENWOOD and LEWIS presented to the Chair **SB 353**, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to accept a gift of certain real property situate in the Township of Solebury, Bucks County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 1991.

Senators GREENWOOD, HART, WENGER, STOUT, BELL, SHAFFER, CORMAN, LAVALLE, BORTNER and ANDREZESKI presented to the Chair **SB 354**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," further providing for the penalty imposed against employers who fail to file certain reports.

Which was committed to the Committee on LABOR AND INDUSTRY, February 1, 1991.

Senators GREENWOOD, BAKER, MUSTO, HOPPER, HART, LEWIS, STAPLETON, STOUT, O'PAKE, PORTERFIELD, FISHER, LOEPER, JUBELIRER, REIBMAN, PECORA, SHAFFER, CORMAN, LAVALLE, SALVATORE, BORTNER, RHOADES and ANDREZESKI presented to the Chair **SB 355**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Personnel Death Benefits Act," increasing the amount of death benefits; further providing for the definition of "firefighter, ambulance service or rescue squad member or law enforcement officer"; and providing for death benefits for hazardous materials response team members.

Which was committed to the Committee on LABOR AND INDUSTRY, February 1, 1991.

Senators GREENWOOD, HART, LEWIS, STOUT, REIBMAN, SHAFFER, BORTNER and ANDREZESKI presented to the Chair **SB 356**, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," extending the time period from receipt of tax duplicates to mailing of the duplicates to the respective taxpayers.

Which was committed to the Committee on LOCAL GOVERNMENT, February 1, 1991.

Senators GREENWOOD, JONES, STAPLETON, STOUT, O'PAKE, LOEPER, SALVATORE, BORTNER, RHOADES and ANDREZESKI presented to the Chair **SB 357**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for the modernization of election equipment upon the approval of the electors of counties; and providing for grants to counties for a portion of the cost.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 1991.

Senators GREENWOOD, WENGER, HART, STAPLETON, LEMMOND, STOUT, REIBMAN and AFFLERBACH presented to the Chair **SB 358**, entitled:

An Act amending the act of May 2, 1929 (P. L. 1518, No. 452), entitled, as reenacted and amended, "Elevator Regulation Law," deleting certain loading dock adjustment equipment from the act.

Which was committed to the Committee on LABOR AND INDUSTRY, February 1, 1991.

Senators GREENWOOD, BAKER, HELFRICK, BORTNER and ANDREZESKI presented to the Chair **SB 359**, entitled:

An Act amending the act of April 14, 1949 (P. L. 482, No. 98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," deleting a reference to counties of the second class.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 1, 1991.

Senators GREENWOOD, JONES, HART, LEWIS, REIBMAN, SHAFFER, CORMAN, SALVATORE, SCHWARTZ, BORTNER, RHOADES and ANDREZESKI presented to the Chair **SB 360**, entitled:

An Act amending the act of April 25, 1929 (P. L. 694, No. 297), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," requiring Commonwealth per diem payments to counties for State prisoners housed in county correctional facilities.

Which was committed to the Committee on JUDICIARY, February 1, 1991.

#### February 4, 1991

Senators GREENWOOD, JONES, AFFLERBACH, PECORA and BORTNER presented to the Chair **SB 361**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for notice to an affected municipality regarding a hearing on new or transfer licenses.

Which was committed to the Committee on LAW AND JUSTICE, February 4, 1991.

Senators GREENWOOD, JONES, STAPLETON, HELFRICK, FISHER, JUBELIRER, SALVATORE, SCHWARTZ, RHOADES and ANDREZESKI presented to the Chair **SB 362**, entitled:

An Act mandating that building permits require low-consumption toilets.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 4, 1991.

Senators GREENWOOD, WENGER, BAKER, HOPPER, HART, HOLL, STAPLETON, BELL, LEMMOND, HELFRICK, FISHER, MADIGAN, JUBELIRER, REIBMAN, PECORA, SHAFFER, CORMAN, LAVALLE, RHOADES and BRIGHTBILL presented to the Chair **SB 363**, entitled:

An Act amending the act of July 6, 1989 (P. L. 169, No. 32), entitled "Storage Tank and Spill Prevention Act," exempting volunteer fire companies and volunteer emergency medical service organizations from the underground storage tank registration fee.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 4, 1991.

Senators GREENWOOD, JONES, LEWIS, STAPLETON, STOUT, PORTERFIELD, REIBMAN and AFFLERBACH presented to the Chair **SB 364**, entitled:

An Act amending the act of July 25, 1977 (P. L. 95, No. 35), entitled "Mobile Home Titling Act," providing for the transfer of certificates of title or ownership; providing for obtaining new certificates of title or ownership where old certificates have been canceled; making certain contracts voidable; and making a repeal.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 4, 1991.

Senators GREENWOOD, JONES, STAPLETON, STOUT, PORTERFIELD, REIBMAN and AFFLERBACH presented to the Chair **SB 365**, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," further providing for prohibited acts.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 4, 1991.

Senators GREENWOOD, JONES, LEWIS, STAPLETON, STOUT, PORTERFIELD, REIBMAN and AFFLERBACH presented to the Chair **SB 366**, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for grounds for disciplinary proceedings.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 4, 1991.

Senators GREENWOOD, PORTERFIELD, FISHER, LAVALLE and RHOADES presented to the Chair **SB 367**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing a tax for the purpose of paying for the training of fire personnel.

Which was committed to the Committee on LOCAL GOVERNMENT, February 4, 1991.

Senators GREENWOOD, PORTERFIELD, FISHER, SHAFFER and LAVALLE presented to the Chair **SB 368**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," authorizing a tax for the purpose of paying for the training of fire personnel.

Which was committed to the Committee on LOCAL GOVERNMENT, February 4, 1991.

Senators GREENWOOD, PORTERFIELD, FISHER and LAVALLE presented to the Chair **SB 369**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," authorizing a tax for the purpose of paying for the training of fire personnel.

Which was committed to the Committee on LOCAL GOVERNMENT, February 4, 1991.

Senators GREENWOOD and BAKER presented to the Chair **SB 370**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, February 4, 1991.

Senators GREENWOOD, WENGER, BAKER and CORMAN presented to the Chair **SB 371**, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," further providing for the scope of the act and for the duties of the secretary.

Which was committed to the Committee on LABOR AND INDUSTRY, February 4, 1991.

Senators BRIGHTBILL, HELFRICK, PORTERFIELD, O'PAKE and AFFLERBACH presented to the Chair **SB 372**, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," further providing for assessment appeals.

Which was committed to the Committee on FINANCE, February 4, 1991.

Senators BRIGHTBILL, HELFRICK, SALVATORE and ANDREZESKI presented to the Chair **SB 373**, entitled:

An Act providing for a Statewide residential building code.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 4, 1991.

Senator STAPLETON presented to the Chair **SB 374**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to underage drinking.

Which was committed to the Committee on LAW AND JUSTICE, February 4, 1991.

Senators O'PAKE, WENGER, AFFLERBACH, JONES, REIBMAN, STAPLETON, MUSTO, STOUT, BORTNER, WILLIAMS, PORTERFIELD and ANDREZESKI presented to the Chair **SB 375**, entitled:

An Act relating to long-term care insurance; providing for limits, disclosure and performance standards; prescribing powers and duties of the Insurance Commissioner; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, February 4, 1991.

Senators O'PAKE, JONES, STAPLETON, REIBMAN, MUSTO, BELAN, STOUT, BORTNER and ANDREZESKI presented to the Chair **SB 376**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," establishing a credit against personal income tax for an amount paid in insurance premiums for a policy covering the costs of care provided by a licensed health care provider or facility to the taxpayer or to a member of the immediate family of the taxpayer.

Which was committed to the Committee on FINANCE, February 4, 1991.

Senators O'PAKE, PUNT, JONES, STOUT, MUSTO, STAPLETON, REIBMAN, SCHWARTZ, BELAN, AFFLERBACH, ANDREZESKI and LYNCH presented to the Chair **SB 377**, entitled:

An Act requiring home health care reimbursement options for purchasers of insurance.

Which was committed to the Committee on BANKING AND INSURANCE, February 4, 1991.

Senators SHUMAKER, RHOADES, BELL, REIBMAN, PORTERFIELD, LAVALLE and PETERSON presented to the Chair **SB 378**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing penalties for truancy.

Which was committed to the Committee on EDUCATION, February 4, 1991.

Senators SHUMAKER, PETERSON, AFFLERBACH, BELL, O'PAKE, PORTERFIELD, REIBMAN, LAVALLE and JONES presented to the Chair **SB 379**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing programs for the education of disruptive students.

Which was committed to the Committee on EDUCATION, February 4, 1991.

Senator GREENLEAF presented to the Chair **SB 380**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the towing of certain vehicles from commercial parking lots.

Which was committed to the Committee on TRANSPORTATION, February 4, 1991.

## RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:



February 1, 1991

**URGING THE GOVERNOR TO POSTPONE  
CLOSURE OF ANY STATE GENERAL  
HOSPITAL UNTIL THE PASSAGE OF THE  
1991-1992 STATE BUDGET**

Senators CORMAN, RHOADES, HELFRICK and STEWART offered the following resolution (**Senate Resolution No. 13**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 1, 1991.

**A RESOLUTION**

Urging the Governor to postpone closure of any State General Hospital until the passage of the 1991-1992 State Budget.

WHEREAS, The nation has entered into a recession, and the closure of any State General Hospital will further precipitate the adverse effects of this economic downturn on some of the hardest hit areas within this Commonwealth; and

WHEREAS, The national unemployment rate has increased to 6.1%, the unemployment rate in the communities surrounding the State General Hospitals is up to 4% greater than the national rate, and the closure of any State General Hospital will only exacerbate the already deteriorating economies of these areas; and

WHEREAS, The action comes as the Commonwealth faces a \$950 million deficit; however, the State General Hospitals account for less than .2% of the Commonwealth's budget; and

WHEREAS, The closure of any State General Hospital will result in an immediate medical vacuum so that the proper health care needs of the citizens in the affected areas will not be met; and

WHEREAS, The patient census has decreased in the recent past, a reason cited for the closure of State General Hospitals; however, patient censuses are down throughout the Commonwealth due to the declining economic conditions; therefore be it

RESOLVED, That the Senate urge the Governor to postpone the closure of any State General Hospital until the passage of the 1991-1992 State Budget.

**APPOINTMENTS BY  
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Charles D. Lemmond, Jr. as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee and the Pennsylvania Public Television Network Commission.

Senator James J. Rhoades as a member of the State Public School Building Authority, the Mining and Reclamation Advisory Board and the Pennsylvania Higher Education Facilities Authority.

Senator Stewart J. Greenleaf as a member of the Pennsylvania Commission on Sentencing.

Senator Melissa A. Hart as a member of the Minority Business Development Authority and the Joint Committee of the Health Care Services.

Senator Edwin G. Holl as a member of the State Planning Board and the Council on the Arts.

Senator David J. Brightbill as a member of the Recycling Fund Advisory Committee and the Low-Level Waste Advisory Committee.

Senator Frank A. Pecora as a member of the Local Government Commission.

**APPOINTMENTS BY MINORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Mr. William J. Campbell as a member of the Fire Safety Advisory Committee.

Marion Munley, Esquire as a member of the Interest on Lawyers' Trust Accounts Board of Directors.

**REPORT FROM COMMITTEE**

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

**SB 346 (Pr. No. 391) (Amended) (Rereported)**

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," extending certain personal income tax deadlines for certain members of the armed forces.

**LEGISLATIVE LEAVES**

Senator BODACK. Mr. President, I request legislative leaves for Senator Fattah and Senator Stewart.

The PRESIDENT. Senator Bodack asks legislative leaves for Senator Fattah and Senator Stewart. The Chair hears no objection. Those leaves will be granted.

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, February 4, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 11, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, February 11, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

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

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

**YEAS—49**

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

**NAYS—0**

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

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

**SPECIAL ORDER OF BUSINESS**

**1991 PENNSYLVANIA DAIRY  
PRINCESS PRESENTED TO SENATE**

The PRESIDENT pro tempore. Mr. President and Members of the Senate, it is my honor today to renew a tradition that we have had in the Senate and that is to bring to the floor of the Senate the recently crowned Dairy Princess from Pennsylvania. It is my honor this year, Mr. President, to represent the area from which the most recent Dairy Princess resides and that is in Blair County, in Martinsburg, Pennsylvania. Her name is Kristin Metzker and she has been recently crowned Pennsylvania's new Dairy Princess. Certainly, with agriculture being the number one industry in Pennsylvania, it is a great honor for me and for this Senate to have the Dairy Princess of Pennsylvania be able to be with us today.

As a little background, Kristin is a Central High School senior and used her ability to speak extemporaneously to fulfill one of the very main requirements for winning the coveted title. Her success in the Future Farmers of America public speaking contest has indeed propelled her into the organization's state winners circle three times in previous years. Her parents are here. From her father, who is Jay Metzker, Kristin inherited an enthusiasm for breeding and showing Holsteins, and their combined efforts culminated in her intermediate heifer winning "All Pennsylvania" status. She acquired an interest in dairy promotion through her mother's activities—and she is here and her name is Debbie Metzker—as a member of the Blair County Dairy Promotion Board, long aspiring to be a dairy princess since she has been in early childhood. In addition to her farming activities, Mr. President, Kristin is editor in chief of the Central High School Newspaper and is actively involved with projects from 4-H

and FFA, as well as being a disc jockey for a local radio station in the City of Altoona. She enjoys creative writing and was a semi-finalist for the prestigious Governor's School in her sophomore and junior years.

I have had the pleasure of knowing Kristin for many months now and believe that not only is she an outstanding young lady, someone who represents Pennsylvania agriculture so very well, but I believe that she brings great honor to the office itself and will represent Pennsylvania and agriculture across this Commonwealth in a very, very fine fashion.

Mr. President, I would ask at this time, if it would be appropriate, if you would invite Pennsylvania's new Dairy Princess, Kristin Metzker, to make some brief remarks.

The PRESIDENT. Would the Members of the Senate please join me in welcoming Pennsylvania's Dairy Princess as she moves to the podium for a few remarks. Ladies and gentlemen, Pennsylvania's Dairy Princess.

(Applause.)

Miss METZKER. Thank you very much. Ladies and gentlemen of the Senate, for a few moments I would like you to imagine the United States with long, crowded food lines, where Americans spend many hours each day waiting for food items that are neither of high quality nor in many cases are very safe. While this picture may seem impossible in the United States whose supermarkets are abundantly filled with safe, high-quality food products, they are a common occurrence in countries like the Soviet Union. That's right, the Soviet Union, a country held as a world power facing scarce food supplies and food lines each day. Many people often ask, What prevents the Soviet Union from becoming the major world power? And while the reasons may be many, may I suggest to you that it may have something to do with their lack of production of productive agriculture. The United States began with a few simple dreams of farmers, and today we still look to agriculture for our strength. In Pennsylvania agriculture is the number one industry, and the facet of agriculture which I represent, the dairy industry, is the largest area of that industry.

Because agriculture and the dairy industry play such an important role in Pennsylvania's past and future, perhaps each of you may ask yourself, as a Pennsylvania Senator, how can I better represent my agricultural and nonagricultural constituents by being a promoter of the dairy industry? The task at hand is a very large one. We need to promote the dairy industry to all ages and in various amounts of ways. The nutritional value of milk and dairy products needs to be revealed to all age groups. In today's fast-paced society, the traditional three balanced meals a day are sometimes an impossibility. Consumers need to be aware that although their lifestyles may have changed, their need for calcium and a balanced diet have not changed. No age group can be forgotten in our quest to strengthen Pennsylvania through good nutrition.

While the nutritional value of dairy products is an important area to focus on, the economic result of increased milk consumption cannot be overlooked either. As Pennsylvania's

largest facet of the agricultural industry, or dairying, brings in \$1.3 billion to Pennsylvania each year. This billion dollar business influences many other industries, including transportation, agribusiness, advertising, processing and many, many more. In Pennsylvania alone the dairy industry is responsible for the employment of over 56,000 Pennsylvanians in jobs in every step from when the product leaves the farm until it reaches the table of the consumer. By promoting Pennsylvania's dairy industry we can be certain that the continuous circle of agriculture remains strong.

My role as Pennsylvania Dairy Princess is perhaps as diverse as the industry that I represent. I serve as a spokesperson for every dairy farmer, as well as every individual and business whose careers are strengthened through the dairy industry. In essence, I have a statewide constituency that supports my promotional efforts through both personal and financial aid. Among my responsibilities are school visitations, speaking to civic and other non-farm groups, talking to and with farmers and utilizing newspaper, radio and television to get our message out to the consumers. I recently spent a week at the 75th Annual Pennsylvania Farm Show in the unique opportunity to promote milk and dairy products to a very large and diverse audience. My duties as Pennsylvania Dairy Princess keep me very busy, and I am aided by 40 county princesses from across the Commonwealth. However, there are some promotional matters that need the attention of our state representatives in the Senate. You may still be asking yourself, why should I support agriculture and the dairy industry? And while your large numbers of agricultural-related constituents and agriculture's role in the economy are both important reasons, perhaps the most stirring reason should be the vision of food lines, scarcely stocked shelves at the store with bad quality food. Your support will inevitably provide for the continuing safe, abundant and inexpensive supermarket checkout lines that have become an American way of life.

As Pennsylvania Senators, your support comes to the dairy industry in three important ways. First, your continued support of research through private and public institutions, such as Pennsylvania State University Cooperative Extension and the Pennsylvania Department of Agriculture. Secondly, I urge you to encourage and support legislative acts that protect and preserve proper management and use of agricultural land and practices, and, thirdly, and perhaps most important to the Pennsylvania dairy farmers in the times of falling milk prices, your continued financial support of dairy farm programs. The billion dollar industry affects a large portion of Pennsylvania's economy and employs thousands in occupations both on and off the farm. I believe that the largest facet of Pennsylvania's agriculture deserves the attention of each of us. Together we can stimulate Pennsylvania's economy and make certain that Americans will never have to face food lines that have become so common in other countries.

I thank you for this opportunity to share the dairy industry's feelings with you and look forward to seeing each of you at the cornucopia dinner tonight at the Hilton Hotel. Thank you.

(Applause.)

The PRESIDENT pro tempore. Mr. President, if it would be appropriate, I would just like to introduce Debbie and Jay Metzker, who are her mother and father; Wesley Metzker, her brother; and Janet Harding who coordinates the Dairy Princess program and accompanied Kristin here today.

(Applause.)

### CEREMONY IN COMMEMORATION OF GROUNDHOG DAY

Senator STAPLETON. Mr. President, first of all, the gentleman from Northumberland, Senator Helfrick, and I certainly congratulate the Dairy Princess, Senator Helfrick being Chairman of the Committee on Agriculture and Rural Affairs and I serve as Minority Chairman, for a job well done.

But, Mr. President, first of all, I want to go back to Saturday, February 2nd. It certainly was a beautiful day in Pennsylvania and a beautiful day in Punxsutawney where that notable event again took place at Gobblers Knob, the groundhog capital of the world. I have a Punxsutawney Spirit paper here that says, "A Patriotic Phil Emerges." Mr. President, the official Punxsutawney Phil, the international weather prognosticator, made his prediction for 1991 in his 104th year. The seer of seers, the most notable of all the famed groundhog prognosticators, emerged from his flag-draped burrow promptly at 7:24 a.m. This year he was decked in a yellow ribbon, and Phil eyed the huge throng. The crowd was estimated at a little over 3,000 spectators from all over the world. Even from down around Quarryville we had a few come over. He checked the weather signs and the information was passed to the President of the Groundhog Inner Circle, who with his top hat and his tails read the proclamation stating that, "Phil sees a shadow down there, not a dark and strong shadow, but enough of one to call for six more weeks of mild winter."

Mr. President, what more can be said? There were two days of activities and ceremonies and an international food event with Pennsylvania dairy products being used and then the annual groundhog banquet that evening. I certainly feel confident that the gentleman from Lancaster, Senator Wenger, who is standing over there with his arms folded, will have some remarks for the record from the Quarryville groundhog who through research we have found to be a far-off relative of Phil, however, one that we do not recognize in Punxsutawney.

Senator WENGER. Mr. President, appearances can be deceiving. As mere humans, we are sometimes deceived by what we see or by what we think we see. And so I rise to set the record straight because we could have been tempted today, by looking out the windows and seeing sunshine and a beautiful day, to believe that spring is here when, actually, that is not the case. There will be six more weeks of winter.

On Saturday morning, February 2nd, at 7:04 a.m., groundhog standard time, Dr. James Pennington, the hibernating governor of the Quarryville Groundhog Lodge, stood on top

of the pinnacle of prognostication, which, incidentally, is a manure spreader, and he announced the forecast of six more weeks of winter in Quarryville Orphie's name.

Lest anyone would make light of this exercise, I must point out that I cannot vouch for the authenticity of Punxsutawney Phil from my colleague's district in western Pennsylvania, but I do know that for some 80 years our weather prophet at Quarryville, Quarryville Orphie, has never been wrong. With that kind of a record, if we were that infallible in state government, we would probably be a lot better off than we are. Nevertheless, Mr. President, I want to point out that it is my understanding that my friend from western Pennsylvania concurs with our observation. One could wonder, Mr. President, if this is an indication of a new spirit of cooperation across the State of Pennsylvania. I certainly hope so, and I join my distinguished colleague from Indiana County, the Honorable Senator Pat Stapleton, in telling you there will be six more weeks of winter. To be forewarned is to be prepared. And so do not be misled, because there will be six more weeks of winter with a strong possibility of much snow. So, be prepared.

## CALENDAR

### SECOND CONSIDERATION CALENDAR

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

**SB 346 (Pr. No. 391)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," extending certain personal income tax deadlines for certain members of the armed forces.

Considered the second time and agreed to,

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

## RECESS

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the room at the rear of the Senate Chamber, the Senate will stand in brief recess.

## AFTER RECESS

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

## UNFINISHED BUSINESS

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN CENTER

December 11, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Burke, Jr., R. R. 2, Box 244, Sugarloaf 18249, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Angeline L. Lamana, Hazleton, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE HEALTH CARE POLICY BOARD

December 14, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marcia J. Eldred, 2423 Wynnefield Drive, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 11, 1991, and until her successor is appointed and qualified, vice Francis R. Grady, Camp Hill, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF NURSING

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sister Rita Moriarty, S.C.C., R.N., Divine Providence Hospital, 1100 Grampian Boulevard, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### DISTRICT JUSTICE

December 4, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jayne F. Duncan, Esquire, 271 Stone Mill Drive, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 2-3-09, to serve until the first Monday of January, 1992, vice Harold E. Greiner, resigned.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

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

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

#### RESOLUTION REPORTED FROM COMMITTEE

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

##### SR 13 (Pr. No. 370)

A Resolution urging the Governor to postpone closure of any State General Hospital until the passage of the 1991-1992 State Budget.

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

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Alan D. Raber and to Boy Scout Troop 70 of Emmaus by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Falk, Mr. and Mrs. Robert E. Greene, Jr. and to Kevin Raymond Vinson by Senator Armstrong.

Congratulations of the Senate were extended to Matthew D'Ercole by Senator Baker.

Congratulations of the Senate were extended to Mary A. Walker and to Katie Everette Johnson by Senator Bodack.

Congratulations of the Senate were extended to Dorothy M. Noll, Scott Ivan Sochler, Billie Carol Babe and to Carmen Harvison by Senator Brightbill.

Congratulations of the Senate were extended to Ronald Eugene Burris by Senator Corman.

Congratulations of the Senate were extended to Sebastian A. Russo by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. John Kuhfuss and to Detective Carl J. Lewis by Senator Greenleaf.

Congratulations of the Senate were extended to Clarence Heckler and to Rabbi Ira Budow and Abrams Hebrew Academy of Yardley by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. C. David Snyder, Mr. and Mrs. Derl P. Moore and to Jonathan Richard Kline by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Wilmer E. Metzgar, Mr. and Mrs. Stephen N. Kapsick, Mr. and Mrs. Jacob R. Taylor, Mr. and Mrs. Willard Davis, Mr. and Mrs. Harold E. Dailey, Mr. and Mrs. John J. Sovak, Sr., Mr. and Mrs. John Swircek, Francis T. Golden, Mary Patricia O'Donnell and to Adele Gacek by Senator Lemmond.

Congratulations of the Senate were extended to the PRIDE of Wyoming Valley and to WVIA-TV, Channel 44 of Pittston by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew F. Schelb and to Lewisburg United Methodist Homes by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Milton Flesch by Senator Mellow.

Congratulations of the Senate were extended to Albert Forlenza and to Charles Fino by Senator Musto.

Congratulations of the Senate were extended to Lithuanian Alliance of America, District Seven by Senators Musto and Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Benjamin Baron, Mr. and Mrs. Walter Williams, Mr. and Mrs. Andrew Stasek, Sr. and to Matthew A. Heffelfinger by Senator Rhoades.

Congratulations of the Senate were extended to Dr. and Mrs. Ernest C. Morris, Sr. and Mount Airy Church of God in Christ of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Charles A. Vaughn, Mr. and Mrs. Ronald Markham, Adrian D. Tait and to Benjamin T. Burlingham by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Lee Lenker, Mr. and Mrs. William E. Snyder, Mr. and Mrs. John R. Musser, Sr., Mr. and Mrs. H. Ronald Reigel, Sr. and to Dolores E. Williams by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard Adamson, Mr. and Mrs. Samuel P. Nalesnik and to Cub Scout Pack 245 of Punxsutawney by Senator Stapleton.

Congratulations of the Senate were extended to Gerald Lee Zahorchak and to Lucinda Ann Haugh Rudnac by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Ateo Petrucci, Mr. and Mrs. Mario DiCio and to Mr. and Mrs. William E. Coneybeer, Sr. by Senator Stout.

Congratulations of the Senate were extended to Bobby Jones by Senator Williams.

#### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late First Lieutenant Jeffrey John Bnosky by Senator Rhoades.

Condolences of the Senate were extended to the family of the late Stephen McCann by Senator Stout.

### BILL IN PLACE

Senator MELLOW presented to the Chair a bill.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, FEBRUARY 5, 1991

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 26, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 128 and Final Form Regs. 16A-261, 16A-257, 16A-237, 16A-259, 16A-191, P-900421/57-97, L-900056/57-105 and L-910060/57-106)	Room 8E-B Hearing Room East Wing
10:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 14 and 208)	Room 8E-B Hearing Room East Wing
11:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Regulation 14-380 and Senate Bills No. 182 and 278)	Room 461 4th Floor North Wing
11:00 A.M.	STATE GOVERNMENT (to consider the nomination of David L. Jannetta as Secretary of the Department of General Services)	Room 460 4th Floor North Wing

WEDNESDAY, FEBRUARY 6, 1991

2:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Room 156 Senate Majority Caucus Room
3:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Consumer Advocate)	Room 156 Senate Majority Caucus Room
4:30 P.M.	APPROPRIATIONS (Budget Hearing - Small Business Advocate)	Room 156 Senate Majority Caucus Room

MONDAY, FEBRUARY 25, 1991

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Room 156 Senate Majority Caucus Room
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Room 156 Senate Majority Caucus Room
11:30 A.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Room 156 Senate Majority Caucus Room
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Pennsylvania State University)	Room 156 Senate Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Room 156 Senate Majority Caucus Room

TUESDAY, FEBRUARY 26, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Room 156 Senate Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Revenue)	Room 156 Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Room 156 Senate Majority Caucus Room

WEDNESDAY, FEBRUARY 27, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections)	Room 156 Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Military Affairs)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Room 156 Senate Majority Caucus Room
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Health Care Cost Containment)	Room 156 Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Commerce)	Room 156 Senate Majority Caucus Room

THURSDAY, FEBRUARY 28, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Room 156 Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Pennsylvania State Police)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Room 156 Senate Majority Caucus Room

2:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Community Affairs)	Room 156 Senate Majority Caucus Room
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MONDAY, MARCH 4, 1991

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Room 156 Senate Majority Caucus Room
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11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Labor and Industry)	Room 156 Senate Majority Caucus Room
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Aging)	Room 156 Senate Majority Caucus Room
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2:30 P.M.	APPROPRIATIONS (Budget Hearing - Governor's Office)	Room 156 Senate Majority Caucus Room
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TUESDAY, MARCH 5, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Room 156 Senate Majority Caucus Room
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Room 156 Senate Majority Caucus Room
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WEDNESDAY, MARCH 6, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Environmental Resources)	Room 156 Senate Majority Caucus Room
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Insurance)	Room 156 Senate Majority Caucus Room
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2:30 P.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Room 156 Senate Majority Caucus Room
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THURSDAY, MARCH 7, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - PEMA)	Room 156 Senate Majority Caucus Room
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10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Room 156 Senate Majority Caucus Room
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### ANNOUNCEMENTS BY MAJORITY LEADER

Senator LOEPER. Mr. President, before I make a motion to adjourn today, if I could have the attention of the Members just for a few moments to talk about a little change in schedule for the week. Tomorrow, in my adjournment resolution, I will address the time of convening at 2:30 p.m. The reason for that, Mr. President, is many of the Members have expressed interest in attending the funeral services at noon tomorrow for

the late George Bloom. Also, in Session tomorrow, we have scheduled the official Senate photograph for this Session, so I would ask all Members to be prepared and present on the floor at the beginning of the Session. In addition to that, there will also be members of the family of the late Senator Peter Camiel here tomorrow. We have a pretty full agenda, and I would ask that all Members try to be present on the floor promptly at 2:30 p.m.

At this time, Mr. President, before making the adjournment motion, I would also request that all Republican Members of the Senate report to the first floor Majority caucus room for a very brief caucus.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, February 5, 1991, at 2:30 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 2:55 p.m., Eastern Standard Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 5, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 8

### SENATE

TUESDAY, February 5, 1991.

The Senate met at 2:30 p.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend CHARLES STOCK, Pastor of Word Fellowship Christian Center, Harrisburg, offered the following prayer:

Let us pray.

Father, we speak to You this afternoon with great gratitude and with faith in our heart that You are a living God who hears our prayers. We acknowledge You this afternoon as the author of all government, the source of all authority. We thank You for life, we thank You for health, we thank You for soundness of mind and we thank You, Father, for reason in the legislative process.

I pray, Father, for every Senator here that You would give grace and You would give strength and You would pour out Your mercy upon this state through these Legislators. I pray that the laws enacted and the decisions made would be sound and would be just.

I pray for strength for these men and women who are assembled here to serve their constituency, that You would help them sort through the complex and difficult issues that face them.

I pray for their families that they would be strengthened and that the sacrifices demanded by public service would not destroy the family life.

I pray, Father, that this state would prosper and that justice, righteousness and equity would be the result of all the laws that are passed here.

I pray for soundness and reason in all debates and all controversy and, Father, again today we remember the young men and women from this State of Pennsylvania who are serving their country in the Persian Gulf region. We pray for protection, we pray for safety, we pray for a speedy end to this matter and we pray for the families who are left behind, that You would comfort them and that there would be an abundance of support from the surrounding community.

We pray all this with faith and we pray believing that you have heard. In Jesus' name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 4, 1991.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE COUNCIL OF TRUSTEES OF EAST STROUDSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 4, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Genevieve C. Huffman, 604 East Broad Street, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
SCHUYLKILL COUNTY

February 4, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cyrus Palmer Dolbin, Esquire, 1705 Mahantongo Street, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Schuylkill County, to serve until the first Monday of January, 1992, vice The Honorable Donald D. Dolbin, mandatory retirement.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER**

February 4, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sara Sattler, 2220 Wightman Street, Apartment 201, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE LEHIGH COUNTY  
BOARD OF ASSISTANCE**

February 4, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore Fine (Democrat), 1237 Bulwer Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

Weekly Adjournment.

**REPORTS FROM COMMITTEES**

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

**SB 26 (Pr. No. 26)**

An Act amending the act of July 1, 1987 (P. L. 187, No. 24), entitled "An act requiring retail gasoline dealers to post gasoline additive information;....," requiring the Department of Agriculture to establish standards relating to octane levels and additives, to develop a testing program and to enforce the standards established; and making an appropriation.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

**SB 278 (Pr. No. 287)**

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," repealing provisions relating to county liability; and discharging certain county liability.

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bills:

**SB 14 (Pr. No. 14)**

An Act imposing restrictions and prohibitions on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; providing for the powers and duties of the Environmental Quality Board; and imposing penalties.

**SB 208 (Pr. No. 392) (Amended)**

An Act providing for household hazardous waste collection programs; further providing for the Recycling Fund; making a fund transfer; providing for a grant program; and making an appropriation.

**REGULATIONS REPORTED**

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

Cosmetology Board #16A-191 (Final Form);  
Nursing Board #16A-237 (Final Form);  
Physical Therapy Board #16A-257 (Final Form);  
Nursing Board #16A-259 (Final Form);  
Dental Board #16A-261 (Final Form);  
PUC Regulation #P-900421/57-97 (Final Form); and  
PUC Regulation #L-910060/57-106 (Final Form).

**DISAPPROVAL OF REGULATION**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following PUC regulation has been recommended for disapproval to the Independent Regulatory Review Commission:

#L-900056/57-105 (Final Form).

**BILLS IN PLACE**

Senator BELL presented to the Chair several bills.  
Senator STEWART presented to the Chair a bill.

**RESOLUTION IN PLACE**

Senator BELL presented to the Chair a resolution.

**LEGISLATIVE LEAVE**

Senator FISHER. Mr. President, I ask for a temporary Capitol leave for Senator Punt.

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

**LEAVE OF ABSENCE**

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

**CALENDAR****THIRD CONSIDERATION CALENDAR**

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

**SB 346 (Pr. No. 391)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," extending certain personal income tax deadlines for certain members of the armed forces.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator LOEPER. Mr. President, I would just remind the Members that Senate Bill No. 346 is the bill of the gentleman from Lancaster, Senator Armstrong, dealing with the Tax Reform Code to provide an extension on the income tax deadlines to members of our Armed Forces who are serving in a combat zone or who are hospitalized outside the United States as a result of injuries received while serving in that zone. I think there has been much discussion, Mr. President, in the last several weeks as to the merits of this proposal, and I would ask for an affirmative vote on it.

Senator MELLOW. Mr. President, it is my understanding that Senate Bill No. 346 is something that both caucuses have agreed to and, basically, I stand to support the proposal.

And the question recurring,

Shall the bill pass finally?

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

**YEAS—49**

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

**NAYS—0**

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

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

**LEGISLATIVE LEAVES**

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Williams. The Chair hears no objection. The leave will be granted. The Chair also recognizes the gentleman from Allegheny, Senator Fisher, who asks that the leave for Senator Punt be changed from temporary Capitol leave to temporary legislative leave. The Chair hears no objection. That leave will be granted.

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR ROGER A. MADIGAN  
PRESENTED TO SENATE**

Senator MADIGAN. Mr. President, I am honored today to have a group of young people in the gallery who have been chosen to represent our Commonwealth in the Washington, D.C., City of Washington Bicentennial this September. This group is made up of the officers and senior band members of the Hughesville High School Marching Band under the direction of Samuel Arnone. Accompanying the members of the band is the Principal of Hughesville High School, David Reese, and several parents of the band members. They are in the balcony and I would ask the Senate to give them its usual warm welcome.

The PRESIDENT. Would all the guests of Senator Madigan please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

**SPECIAL ORDER OF BUSINESS**

**GUEST OF SENATOR MICHAEL E.  
BORTNER PRESENTED TO SENATE**

Senator BORTNER. Mr. President, also in the gallery with us today is Miss Kathy Brungard, a Penn State York Campus pre-law student from my district. Kathy plans to serve an internship with my office over the next 12 weeks. I would also ask that the Senate extend to her its usual warm welcome.

The PRESIDENT. Would the guest of Senator Bortner please rise so we can welcome you to the Senate of Pennsylvania and wish you good luck in your internship.

(Applause.)

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR MICHAEL A. O'PAKE  
PRESENTED TO SENATE**

Senator O'PAKE. Mr. President, on this auspicious occasion I would like the Chair to extend its greeting to the young lady who has managed my Reading District Office for the last 20 years or so. She is visiting the Capitol today, Mrs. John Kepley. In addition, another of my Reading employees, a new employee, Mrs. Alice Kutz is with her. I would appreciate the Senate thanking these young ladies for the job they do for me back home.

The PRESIDENT. Would the Senate please join me in thanking and welcoming the guests of Senator O'Pake to the Senate Chamber.

(Applause.)

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR ROY C.  
AFFLERBACH PRESENTED TO SENATE**

Senator AFFLERBACH. Mr. President, I have the pleasure also today of introducing some very special guests from Lehigh County. These students, members of their families and their teachers are visiting Harrisburg today on this, as the gentleman from Berks, Senator O'Pake, has said, auspicious occasion of the official Senate photograph. They, incidentally, the students, are winners of this past fall's 16th Senatorial District Essay Contest commemorating National Children's Day, which was held in October. The essay contest asked the students to complete this sentence: "If I were an elected official, the most important thing I could do for young people is..." I am very pleased to say that these articulate students, ranging from grades six through ten, responded very positively to that challenge and had some very interesting things to say. They accepted the responsibility of believing in themselves and made some strong recommendations which will be shared, incidentally, with all Members of this Body, as we are putting these essays together in pamphlet form for distribution at a later date. The winners were, from the fifth grade, Sean Wolf; the sixth grade, Kristy O'Connor; the seventh grade, Laura Rothermel; the eighth grade, Marisa Henriquez; the ninth grade, Jolie Somishka; and the tenth grade, Raj Kannan. Again, I would like to thank the students, their parents and their teachers for that effort. To be honest with you, I cannot see past the lights to know exactly where they are up there.

The PRESIDENT. Would the guests of Senator Afflerbach please rise so we can commend you and welcome you to the Senate of Pennsylvania. We know you are up there someplace. Would the Senate please rise and join me in welcoming the guests of Senator Afflerbach.

(Applause.)

**CONSIDERATION OF CALENDAR RESUMED****SENATE RESOLUTION NO. 13, CALLED UP**

Senator LOEPER, without objection, called up from page 1 of the Calendar, **Senate Resolution No. 13**, entitled:

A Resolution urging the Governor to postpone closure of any State General Hospital until the passage of the 1991-1992 State Budget.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 13, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 13.

On the question,

Will the Senate agree to the motion?

Senator CORMAN. Mr. President, this resolution deals with the continuing saga of the Philipsburg State General Hospital and the State General Hospitals at Shamokin, Ashland and Coaldale.

I was at this very same microphone several years ago asking for your support and your vote to allow the Philipsburg State General Hospital out of the state system. They had a private company, the Forbes Group, from Pittsburgh in the Allegheny County area that wanted to take it over and continue to provide hospital services and much needed medical services in the Moshannon Valley of Centre and Clearfield Counties. That community, Philipsburg, lost that vote at that time, and we in the Senate said we wanted that hospital to stay in the state system. Now this small town of Philipsburg is in real trouble because, I think, as you all know, on January 7th Governor Casey gave notice that the hospital in Philipsburg would close in 73 days—March 31, 1991. Philipsburg has 73 days to put together a new plan. I know this subject probably is not one that stirs the hearts of everybody in this Chamber, but certainly to the town of Philipsburg it is a very vital kind of thing. Seventy-three days is certainly not a period of time that Philipsburg could put together a plan to have some new company come and take over the hospital. Philipsburg State Hospital is a much needed health provider in this particular part of the state, as well as it is a major employer in the Moshannon Valley, at a time when the Rushton Coal Mines are also closing and unemployment is probably going to be seeking 20 or 25 percent. All we are asking for in this particular resolution is time, time to let this community try to find some other organization that might be willing to come in and examine the facts of the Philipsburg State General Hospital and see if they might want to take over this hospital and continue it. We do have interest. It is not that we are asking for time where nothing will happen, but, in fact, we have several organizations looking at that hospital at this time. So, I am asking you this time to support this community in Pennsylvania. Help Philipsburg by voting "yes" on this particular resolution that I have offered at this time.

Senator STEWART. Mr. President, I rise to support the resolution being offered. We all know these are difficult budgetary times for Pennsylvania, and there are going to be many more difficult decisions to be made between now and the end of the fiscal year. This is but the first series of them, and how the final outcome will finally be arrived at and what the conclusions will be are right now pretty much anyone's guess. I agree with the gentleman from Centre, Senator Corman, in that, in this particular case, with Philipsburg being the state hospital slated to be the first closed, it should at least be given the same amount of time as everyone else who is subject to budgetary cuts, budgetary action, between now and the end of the fiscal year to work out some strategies, to work out some arrangements by which either some other entity could take over the hospital or, at the very least, work out some game plan for the employees and, more importantly, the patients who are in that hospital to be relocated. I would urge an affirmative vote on Senate Resolution No. 13.

Senator RHOADES. Mr. President, it seems like a short time ago—it happens to be 10 years ago—I broke my teething ring here in the Senate on the closing of Locust Mountain State Hospital. At that time I thought it was a cruel and indifferent administration. Now, with the closing of Philipsburg, Ashland, Coaldale and Shamokin and a different administration, I still think it is a cruel and improper thing to do. What the resolution does simply is gives Philipsburg the chance to find, to locate and to have health care in their area. Nothing more, nothing less. A fair chance. This administration in April of '87 came into Ashland and the Secretary of Public Welfare said, We are going to divest Ashland. Another study was done by Touche Ross. It basically did the same thing as other studies before. Nothing happened until January of 1991 when the Governor announced that he was going to close the hospitals. Maybe we should say this: As Philipsburg goes, so go the rest, but we supposedly have until March 31, 1991. What this resolution very simply and fairly does is ask the administration to give Philipsburg an opportunity to preserve its health care in its area. If we are here to serve the people, can we do any less than afford them that opportunity? I ask for a positive vote on this resolution.

Senator O'PAKE. Mr. President, I, too, rise in support of this resolution. The Ashland and Coaldale Hospitals have been a fixture and a mainstay of the coal mining communities of that area for many, many years. The investment in terms of money, personal sacrifice and commitment of the people in that area is legendary and is deserving of more consideration by any executive branch before a closing is contemplated and even mandated. Those of us who have relatives in that area who have been treated at one or both of these hospitals know that if these hospitals are shut down, there will be a terrible absence of emergency care facilities and other medical treatment facilities in that part of Schuylkill County. Because of the mountains, the terrain, and the roads, it is quite a distance and takes a lot of time to get an emergency care patient to the nearest hospital, be it Pottsville, Good Samaritan or Geisinger or even the Reading Hospital.

What we are asking for is time. We are asking for time for the people of that area and those who are concerned about the medically needy of that area to come together and perhaps work out some arrangement whereby one or both of these facilities can be taken over and that the kind of health care that is now available will continue to be made available to the people who live in that hard-pressed area of Pennsylvania. I urge support for the resolution. We are asking essentially for at least five months so we can work this out, perhaps over the budget process, and let the people of that area feel confident and secure that they will have some type of emergency and other medical facilities available in that part of Schuylkill County.

Senator BELL. Mr. President, I do not want these remarks that I am going to make to be political because I probably made the same speech when we had Republican governors. I do not think the Governor's Office alone, without working with the two Houses of the Legislature, should take it on themselves to close a state hospital. The next thing they will take on themselves is to close a state mental hospital. The next thing they will take on themselves is to close a state university—we call them state colleges. I believe that Pennsylvania is not governed by the Governor, but by the Governor and the House of Representatives and the Senate of Pennsylvania, and something like this, closing of a hospital, should have been processed through the Legislature, subject to the approval or the disapproval of the Governor.

Senator FUMO. Mr. President, I respectfully have to disagree with so many of my colleagues concerning this issue, and I think that now is the time, perhaps, to start to frame these issues. This is one of many issues we are going to have to look at this year regarding choices. We are all fully aware of the massive deficit that we are looking at in Pennsylvania, and the choices are going to have to be made. Do we want to raise taxes, or do we want to decrease or maintain services? From my experience here, Mr. President, in the last few years there does not seem to be a general mood that is very sympathetic to raising taxes. Everyone seems to at least want to follow not the example in action but the example in words set by the President when he said, read my lips. Mr. President, you cannot—"read my lips"—have no tax money, run deficits and continue services. This is one of the choices that has to be made.

Mr. President, with regard to the Philipsburg State Hospital, there are a number of facilities nearby. Tyrone Hospital is 17 miles away. Clearfield Hospital is 17 miles away. Centre County Community Hospital is 24 miles away, and the Moshannon Valley Medical Group is only 300 yards away from this facility. Mr. President, we would all like to have hospitals open. We would like to have them in our backyards or next door. I welcome you to come to the City of Philadelphia when we have hospitals going bankrupt that are not even state owned. Mr. President, it is a time for choices, and I do not think that we can afford this in the overall scheme of things. Certainly, if the people who are so anxious to keep this facility and all the others open are willing to step up to the

plate and say, I will vote for new taxes, how much do you want, maybe we could resolve this. I do not see anybody clamoring to fight their way to the microphone to say that they will vote for taxes to keep this facility and so many other things open. I will vote for taxes, Mr. President, this year because I think it is necessary. None of these facilities are in my district or even near me, but I do not have a problem helping people. But I do not see anybody coming to the microphone, fighting to get it to say that they are willing to vote for taxes. I fully anticipate that before this budget cycle is over, we will vote for some taxes and we will eventually have a majority voting for some taxes, but it is going to be a long, tough pull. If, during that process, some of these issues come up and people are willing to say they will vote for taxes to keep Philipsburg Hospital open or the whole myriad of other programs that are coming down the pike, then we will be glad to talk about it. But in this time, in this fiscal crisis we are in, for us to sit here and complain bitterly that the Governor is trying to balance the budget is demagoguerish and foolish.

Senator BORTNER. Mr. President, I intend to support the resolution, but I would like to briefly clarify and make clear why I am taking that position. I believe, actually, that the Governor is correct in proceeding to close these state general hospitals. As a House Member I voted with Governor Thornburgh when this first came up. I supported Governor Casey as the Scranton State Hospital was closed. I believe it is appropriate to either phase out these hospitals or turn them back to the local communities. If this resolution called for opposing that position, I would vote against the resolution. It does not do that. It asks for a postponement, and while I intended originally to vote against this resolution or to consider voting against it, I have been persuaded by the gentleman from Centre, Senator Corman, the gentleman from Berks, Senator O'Pake, and others who are asking for some additional time to allow the communities to make arrangements so there will be proper medical care and people will not do without the kind of care—particularly emergency care—they may need. So while I will be voting for the resolution, it is with that as a background. If we were back here again considering this issue in a year, I suspect that my vote would be different.

Senator STEWART. Mr. President, I agree with my colleague, our chairman of the Committee on Appropriations, that this may come down to the decision on many of our parts to vote for or against taxes. But as we all know, and as he well knows, those decisions rarely come to us until June. Philipsburg is slated to be closed March 31st. By the time I get to make a decision whether or not to support taxes for Philipsburg or any other program in the budget, Philipsburg will have been closed. This resolution simply asks the Governor to extend that deadline to the end of the fiscal year so we have the opportunity to make that decision as we formulate the budget and/or any tax program for fiscal 1991-92. That is what we are asking for and, again, I would ask for an affirmative vote.

Senator REIBMAN. Mr. President, I have mixed feelings on how I am going to vote on this resolution. I have read in many of the newspapers that general hospitals in many cities have been asked to make room for possible casualties as the result of the Persian Gulf crisis. I have written to the Governor and suggested that consideration be given to transferring these four hospitals to the Veterans Administration to be used for those purposes as well as for veterans homes in the future.

I guess what I am going to have to do is to vote in favor of this resolution pending a response to my suggestion to the Governor and also to give him time to try to negotiate with the federal government as to whether they would take over these hospitals. They are already there. They are outfitted as hospitals. They will not overcrowd hospitals in our cities which have already been asked to make room for casualties. I guess I will end up supporting the resolution under those conditions.

Senator CORMAN. Mr. President, another good suggestion that others have thought of as well, and I appreciate your suggestion of writing to the Governor, but these kinds of things take time, more than the 54 days that are remaining between now and March 31st. One of my colleagues mentioned that there is within 300 yards of the hospital, the Geisinger Medical Group, and it is, but that is a doctors' office. In fact, the Geisinger Medical Group is a group that is considering if they want to take over the operation of the Philipsburg State General Hospital. They, too, recognize a need for a hospital in this community, and I would ask all of my colleagues not to turn this community down twice. Let us vote in favor of the resolution today.

Senator RHOADES. Mr. President, my colleague from Philadelphia brought up a number of interesting points, and I guess the concern I have comes down to the policy and how it is applied and whether it is applied equally and fairly throughout the Commonwealth of Pennsylvania. I have in my hand an article from the Philadelphia Inquirer dated Monday, August 13, 1990. Headline, "Unprecedented state 'bailout' rescues two hospitals." Now it did not say two state hospitals, two hospitals.

"Under a plan approved more than two weeks ago, most of the assets of St. Joseph's are being merged with the assets of Girard Medical Center, at Eighth Street and Girard Avenue, to form a nonprofit hospital corporation, the North Philadelphia Health System (NPHS). The plan allowed both hospitals to emerge from bankruptcy proceedings."

Let me keep on: "To keep St. Joseph's alive, state officials"—I assume they are the same ones who deal with the state hospitals—"have agreed to provide unprecedented financial backing for North Philadelphia Health System. That support consists of:

"Payment of revenues at a rate 'significantly greater' than other comparable hospitals in the state receive, according to court documents.

"A guarantee of annual revenues, rising from \$37.9 million in 1991 to \$47.7 million in 1995, in return for meeting certain admissions goals.



"Bonuses totaling nearly \$10 million, starting in 1991 and ending in 1993, also tied to meeting admission goals.

"A \$1.5 million advance as 'temporary loans' to stave off cash-flow problems. The loans have to be paid back within a year after they are made."

Let me add to that, too, because I get accused of this with the state hospitals. St. Joseph's Hospital had a relatively high cost structure. The number of employees as compared to occupied beds was high. Wages and salaries for management and professional and nonprofessional employees were also high. Employee benefits were in excess of those provided by competitors. You say, What does it mean? I guess what I am saying is, if you can give an exception to two private hospitals, then why in God's name can you not give it to four state hospitals? We are not asking for any money in this resolution. We are not even asking for a special deal. We are only asking for time to solve our own problems. That does not require a tax increase.

Senator MELLOW. Mr. President, I realize the consideration of this resolution, by and large, can be a very emotional thing to go through. I can also realize, Mr. President, that this is not the first time it has been suggested that our acute care hospitals in Pennsylvania should close. I can recall during the 1970 budgetary discussions that we had, on a number of times when a budget was sent to the General Assembly, no funding whatsoever for the operation of the state general system, and the understanding with the Members, although never written but absolutely understood, is that there would be no funding for the state general hospitals, and this would be a part where the administration eventually would consider keeping the state general hospitals open for the purpose of trying to resolve the issue of a budget. So the closing of state general hospitals is nothing new. I would like to submit to the Members of the General Assembly that the Scranton State General Hospital, which was in my Senatorial district, was an acute care hospital in the vicinity of a number of other acute care facilities. It had the same thing going for it that took place in Ashland, Shamokin and Coaldale and in Philipsburg and in Nanticoke before we closed the Nanticoke State Hospital this year. In its last year of operation, Mr. President, which was 1987, the Scranton State Hospital in itself lost \$7 million, and I worked with Governor Casey for the purpose of trying to go ahead and to save some money for the taxpayer. If we look at what has happened in the state general hospital system since the 1987-88 fiscal year, if you will, in the year of 1987-88 the state general hospitals in question today—Ashland, Shamokin, Coaldale and Philipsburg—lost \$7 million. Mr. President, in the fiscal year of 1988-89, those same four hospitals lost \$13 million, and in the year of 1989-90, which was concluded in June of 1990, those same four state general hospitals cost the taxpayers of Pennsylvania \$18 million. What this is telling us, Mr. President, is that the medical profession in these particular communities, in fact, is not sending their people to state general hospitals. They are not sending the indigent or they are not sending the people who have the means to pay or a third party reimbursement.

Mr. President, just in the year of 1989-90, of these particular hospitals, Ashland lost \$8 million, Shamokin lost \$3 million, Coaldale lost \$4 million and Philipsburg lost \$3 million. I realize this is a very emotional issue and I agonize with the Members of the Senate who have a state general hospital in their Senatorial district because it is very difficult to go into an established facility, something that has been here from time immemorial, institutions that have provided a service to people of Pennsylvania when, in fact, those services were needed, but, unfortunately, Mr. President, it is sad, but the state general hospitals today have outlived their usefulness. I think the lady from Northampton, Senator Reibman, has a very appropriate suggestion about the possibility of the conversion of a state general hospital into some form of a veterans home because we, in fact, in Scranton have been able to do that. But, unfortunately, Mr. President, for the Scranton State General Hospital the federal government insisted the facility that was there must be torn down and that a new facility, in fact, must be constructed. Mr. President, this is a problem that has been around here for the better part of 15 years, and we can go ahead through a resolution, which, incidentally, is not binding and does not really mean a great deal, and we can pass this resolution, but we are being a little bit dishonest with people because the resolution is meaningless. We know full well this is an issue that every Governor who has served Pennsylvania for the last 20 years has tried to get the people of Pennsylvania out of and that is the acute care hospital business, because we just do not do it properly. Mr. President, I would ask for a negative vote on the resolution.

Senator O'PAKE. Mr. President, this resolution does not cost a dollar. All this resolution says is we do not like the process that resulted in the edict to close down four state hospitals and emergency care facilities. I do not think that any Governor would want to mandate the closing of an emergency care treatment facility when the nearest one was an hour away. That could literally mean the difference between life and death. I think that any closing of any type of emergency care facility should await the formation of some kind of takeover, at least of the emergency care treatment operation, so the people of that area who, by history and tradition, have relied on this institution do not have to worry that their family has to be driven to the Reading Hospital or the Pottsville Hospital, which is going to take them an hour, and in a heart attack you do not have an hour very often to save a life. We are asking for time. We are asking for the kind of negotiation, the kind of participation that should have gone into the decision in the first place so the communities and those who care about the people in those communities have a say in whether or not emergency treatment should be available in some of these remote areas of Schuylkill County.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Brightbill, Senator Pecora and Senator Greenwood.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Lincoln, Senator Musto, Senator Belan and Senator Bodack.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Brightbill, Senator Pecora and Senator Greenwood. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach, Senator Lincoln, Senator Musto, Senator Belan and Senator Bodack. The Chair hears no objection. The leaves will be granted.

### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the motion?

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

#### YEAS—42

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

#### NAYS—7

Andrezeski	Fumo	Lincoln	Musto
Dawida	Lewis	Mellow	

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

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

### SENATE RESOLUTION

Senator MELLOW. Mr. President, on behalf of Senator Williams, Senator Fumo, Senator Lynch, Senator Jones, Senator Salvatore, Senator Fattah, Senator Schwartz, myself and all the Members of the Senate, I offer the following condolence resolution and move for its immediate consideration.

The PRESIDENT pro tempore. Senator Mellow asks unanimous consent to offer the following condolence resolution on behalf of the entire Senate which was read as follows:

In the Senate, February 5, 1991.

WHEREAS, Peter J. Camiel, prominent political leader, passed away on January 31, 1991 at the age of eighty-one; and

WHEREAS, The son of Polish immigrants, Mr. Camiel grew up in the riverfront area of Philadelphia and was educated at Brown Preparatory School and Ursinus College. He served with great distinction as a member of the Pennsylvania Senate from 1953 to 1964, as a longtime Philadelphia democratic chairman, and as a state committee member; and

WHEREAS, Nominated to the Turnpike Commission in 1975 under Governor Milton J. Shapp, Mr. Camiel was renominated in 1987 by Governor Robert P. Casey. During his service with the

commission, he was instrumental in several major turnpike undertakings, including a seventeen-mile widening project in the Philadelphia area and the construction of the Mid-County Interchange in Montgomery County. He also played a key role in the turnpike's affirmative-action program and the computerization of its toll-collection system; and

WHEREAS, In addition to his illustrious political career, Mr. Camiel had dedicated himself as a farmer, a former boxer, a pilot and a student of history. His vision, leadership and charismatic presence will be sorely missed by all; now therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania note with sadness the passing of Peter J. Camiel, distinguished statesman and political leader; extend condolences to his wife, Nina Gumen Camiel; his sons, Peter J., Jr., and Valentine Richard; his daughter, Nina Christina Owens; his grandson; his sister; and his brothers; and be it further

RESOLVED, That a copy of this document, sponsored by Senator Robert J. Mellow and the Philadelphia delegation comprised of Senators Hardy Williams, Vincent J. Fumo, Francis J. Lynch, Roxanne H. Jones, Frank A. Salvatore, Chaka Fattah and Allyson Schwartz, in behalf of the entire Senate, be transmitted to Mrs. Nina Gumen Camiel.

On the question,

Will the Senate adopt the resolution?

Senator MELLOW. Mr. President, we rise in this Chamber today to pay tribute to Pete Camiel, a former Member and a friend and a colleague to many of us in this Body. We honor Pete Camiel in passing as he honored us with his presence. Senator Camiel may be better known around Harrisburg today for his outstanding work as a member of the Pennsylvania Turnpike Commission. To our Members from Philadelphia, however, he was known as the Democrat leader of the Fifth Ward, a job he held for not less than 45 years of service and attention, longer than a few Members of this Body have been on this earth.

To those of us who have had the honor to know him personally, he was also known as a unique individual in the work of government and politics, where such a status is sought by many and achieved by a few. He was yet another example, Mr. President, of the fabled American dream, a man who was able to make it, the son of Polish immigrant parents, one of 12 children. He was raised in a Philadelphia row house and began his early life as a noted prize fighter. As with many young men of his day, the Great Depression sent him wandering across this nation where he had to look for work as a cowboy, a prospector, a farmhand, a stagehand and his entry into politics and, yes, as a union organizer for a west coast longshoremen local, he was able to distinguish himself.

He returned to Pennsylvania, Mr. President, and to Philadelphia to become a ward leader, a businessman, if you will, a farmer, a pilot, a patron and, most importantly, a husband and a father and a Member of this very distinguished Body. His knowledge of the issues and his commitment to the workingmen and women of this state produced many gains over the years for those who previously had little clout in these halls of government. His superior management and contribution to the operation of the Pennsylvania Turnpike was recognized by two Governors and his confirmation by this Body here in the Pennsylvania State Senate. His service in the Senate has

retained a direct link in our distinguished colleague from Delaware County, Senator Clarence Bell. Here in the Capitol that link goes right to the Governor of Pennsylvania, Robert P. Casey. The two remaining Senators from his era continue the government service that Senator Camiel has left to our charge.

We are honored to share this tribute with his wife and his son and his grandson and his daughter and his son-in-law and also several other people who were very close to Senator Camiel: his nurse, Dora Ramsey and his Administrative Assistant, Joann Zucker.

On this day, Mr. President, we also count ourselves among the members of his family. And just as the first experience that I had with Senator Camiel, as he always wanted to be known, took place in Senator Martin Murray's office when I was running for the Senate for the first time in 1970, I was introduced to the Chairman from Philadelphia, better known as Senator Camiel. There are those of us today who share that title with him and there are those of us who have had the opportunity of sharing many pleasures of life with him, and today we will always remember not only Pete Camiel as the member of the Pennsylvania Turnpike Commission, not only Pete Camiel, the ward chairman from the Fifth Ward in Philadelphia, not only Pete Camiel as the Democrat city Chairman or Senator Camiel as a Member of the Pennsylvania State Senate but, most importantly, Pete Camiel for the type of individual that he was and for the legacy he has left not only with his family but also with the Members of this Body.

I am privileged, Mr. President, today to serve as one of the sponsors of this resolution.

Senator SALVATORE. Mr. President, I, too, join in with my colleagues from the other side of the aisle in remembering Senator Camiel.

I guess I go back many more years than any of you with the late Pete Camiel. Both of us started a beer business many, many years ago, and I got to know Pete from the beer business. He was always a gentleman, always kind and caring and even though we became political opponents many times later on in life, we were always friends. The only regret I have is that I was not able to attend his viewing Sunday night because I was away. I extend my condolences to Mrs. Camiel who I had talked to right before Christmas and kept in constant contact with her about her late husband.

All I can say is he had many, many virtues. He was a humble, hardworking individual who gave of himself. He gave a lot to a lot of people that people never knew about—his contributions that he did not want anybody to know about, the things he did that he felt he had to do because God had been good to him.

I have known Pete, the late Senator Camiel, his brothers and the family, Pete, Jr., if he is here today. I extend my condolences to each and every one of you, and I hope and pray and I say in my letter to you, Mrs. Camiel, that he is in heaven, right there where he should be.

Senator BELL. Mr. President, with my respects to the family of my former lifelong friend, Pete, I would like to go

back when I was first in the Senate 30 years ago. I came over from the House a lot younger than I am right now. Pete Camiel was extremely polite to me. We were the Minority, Pete was the Majority and he was just a very fine person. His word was good. He worked hard. He held the respect of everybody in this Senate Chamber, and when God took him, we lost a gentleman.

Senator FATTAH. Mr. President, I did not have the opportunity to serve with Pete Camiel in the Senate, but became friends with Pete as I came to the Legislature in the House first and now in the Senate. I just want to take a minute and reflect. It was Emerson who once said that a man who does not involve himself in the passion and the action of his times risks being judged not to have lived. Pete Camiel was, as I am sure Vince will tell us, very involved in the passion and action of his times as a young high school student. I remember reading about his exploits and his fights with the former mayor and others but, more importantly, as I got to know him here in Harrisburg, he was someone we could always depend on and call on and count on to be helpful in a variety of matters. He was a son of Philadelphia who will truly be missed and someone who has made a contribution that I think if any of us have the opportunity to give a similar level of contribution, we would all be better off for it. I just wanted to add my words to the record.

Senator JONES. Mr. President, I rise to also give my condolences to the family. I did not serve with Peter Camiel in the Senate. However, I served with him in a different way. I think it would be remiss of me if I did not stand and let you know perhaps another side of Pete Camiel.

Years ago I was Chairman of the Philadelphia Welfare Rights Organization, an organization that fought for people who were on welfare who wanted an opportunity to do better in life. Pete Camiel was a person who astounded me because he was a person I could talk to. He was a contributor because we did not believe in accepting state, city or federal funds and yet we ran an organization. As a matter of fact, I was chairman of that organization for six years and subsequently he supported me in the Philadelphia Citizens in Action Organization. It was not just his money that he helped us with, but it was the advice that he would give me and also the encouragement. And I want you all to know that Pete Camiel was very much concerned about the little people in every aspect, and I would hope that we would remember that in his time and in his space, Pete Camiel made a difference to a lot of people.

Senator WILLIAMS. Mr. President, I would like to add to the remarks of my fellow Senators on the occasion of remembering Senator Camiel. The thing that jumps out at me in knowing Senator Camiel for several years is that he was probably the most understated statesperson and political figure that we have had in Philadelphia. We are all well aware of people who are active in politics and active in government and promote that image and perspective until it becomes larger than life, and there is nothing wrong with that. Senator Camiel, from where I saw it, was a giant of a person and a

participant and one who had a full scope and full breadth of interest, information and activity, and he put it to work and it impacted on people. Having all of those qualities and being excellent in all of them, I guess it is natural to sort of be understated, but here now I will say from my own perspective, I saw him on many fronts. Indeed, he was a giant of a person. The Philadelphia community and I am sure the State of Pennsylvania owes him a significant debt. To be a politician, of course, is a role where you are looked at in a thankless manner, as we all know. No one ever appends to that, that one may be a statesperson together with that. One may never think that you may be a connoisseur of the arts and promote that. One may never think that you help people individually in their causes for meritorious and beneficial things to people. One may never think that you are the connecting link with people who can get an overall job done. One would never think that your style and your impact just changes the growth of a party and the growth of a community because your style is not to impose but to lead by doing, and Pete Camiel, obviously, had all of that. I watched, I guess, several Democratic Party chairpeople in Philadelphia, and I do not know one who impacted on so many areas as Senator Camiel did. He had a gentleness and a toughness. He would engage with everybody. Race did not fit in his political conversations. He just got the job done. I would just like to add my small experience with the Senator and to state here now, with his family present and with his peers present, that his loss was a significant loss, an understated loss, and I think at this time perhaps we say words that may help to not just uplift the stature of a full-scoped person but also to imprint on the here and now the lessons that he taught as he participated and as he lived.

Senator LEWIS. Mr. President, as each of us goes through our public experience, there are those who impact upon it in different ways. I doubt that many have had the kind of individual experience and impact as I have in the presence of Pete Camiel. I do not know of any person who has had more of an impact and who has made a greater impression upon me in the 17 years in which I have been involved in public service, and I rise to share these comments because I think that one of the truly great aspects of Pete Camiel was this intense personalism which he could generate. Those of us who had the opportunity to work with him knew that the interest he took in us was genuine and it was deep, and he really encouraged us to respond to him in a similar way. There are not many who do that. For me public service may well never have been a reality had it not been for Pete Camiel, a man whom I met, who discussed with me the challenges of serving in public office, and as the result of those meetings determined that he had enough faith and enough confidence in me to give me his support in my first bid for elected office. I worked hard and I was lucky, but I would not say to anyone that those elements alone would have carried the day. I know that I would not have been successful without the initial opportunity and support that Peter provided for me, and I have been grateful for that for the 17 years now in which I have had the opportunity to serve in this Senate, grateful because his influence went far beyond merely

that beginning. I looked to him to really begin to try to establish a sense of personal value. I had no experience in the political or the public arena, and what I quickly came to understand was that at the core of Pete's life was a fundamental sense of values that were really right on target. I knew that his manner of dealing with people and with problems was to be absolutely forthright and, yet, while doing so, there was really a gentleness, a considerateness about him that showed a true care and compassion for people in whatever circumstances they might have found themselves.

Probably the most important thing that I learned was to live by a word that you have given. In the business of politics, I think we all know there is nothing more valuable than a commitment that is given, and Peter taught me that when one does that, one has to honor those pledges. Indirectly, what he also taught me was that one should not give commitments indiscreetly. Make sure you understand what is being asked. Make sure you are prepared to meet the obligations and, if, after that reflection, you feel it is the right thing to do, then do not hesitate and become known by the fact that when you have made a commitment that you are going to honor it. I think that those values really have served me enormously well, and I have to say to you that in the last few days as I have heard words said, and as I have read articles that have been written, there have been references to Peter as a politician. On some instances, those references had overtones of derogation. I have been saddened by that, because to me those who have published those thoughts did not understand the man and do not understand the true requirements of a public and political system. I am proud to be associated with politicians who are willing to be defined by the virtues and the values that Pete Camiel set.

Peter, I want to thank you, and while I am sad at your parting, I hope that all of these things I have mentioned which you have really helped me develop are legacies that I can take and share with others. I can think of no greater tribute to any individual than for one of us to be able to say the things which he held so dear and which he shared with us will, in fact, span the generations, and I make my commitment and give my word to you that I will attempt to do that in the years that lie ahead.

Senator FUMO. Mr. President, I may not have known Pete Camiel for 30 years, but I knew him for almost 20, and I was probably closer to him than anyone else in this Chamber. I first met Pete in 1972 when I got a phone call at my home about midnight from the Governor, then Governor Shapp, saying to me there were some problems and he wanted me to go down to city committee and work with Pete Camiel. I had heard of Pete but never worked with him. I popped up in his office. He looked at me a little bit suspiciously. I looked at him a little bit confused, but we went on from there. We had been together through the highs and the lows and the ups and the downs that always come with every political career. I could tell you stories about Pete Camiel that you would laugh about, stories that you would cry about. Pete was a very loyal person, and I guess I really saw the caliber of the man during

those very tumultuous years in Philadelphia during the so-called Rizzo-Camiel wars. I watched Pete beat Frank Rizzo. I watched Frank Rizzo beat Pete. I remember all the people—and I am sure that Nina does as well, she is with us today—that Pete helped, made, as a matter of fact, people who probably could not get elected to anything without his help, and I watched them turn on him and leave him when they got scared when he lost. Pete would never believe it. He stood to the end saying they will be back. But some of them and many of them never did come back. Yes, he was persecuted, he was ridiculed and we all know what the media has done. There was a time when he was the hero of the media, when he was fighting Frank Rizzo, because he was not the hero of the media, and there was a time he was not the hero of the media. But through it all, Pete was consistent. He was a self-made man, a person who came from very, very humble beginnings, knew what poor people went through because he was poor and, yet, made his mark on this earth not only politically, but financially and successfully.

Pete was a pilot. I used to listen for hours in amazement, and I have to admit sometimes after a while in boredom, when he would tell the stories about how he found Fatland Farm, flying over it in a plane, hidden behind so many trees. He bought it and pulled all those trees out and made it into a showcase right next to Valley Forge Park. Pete was a farmer, a real farmer. I remember going out and watching him drive a combine, farming corn. He was real, he loved it. It kept him in shape. I remember he smoked. He smoked Camels. You could not get him to stop and if he did not have a Camel, if he had a filter-tipped cigarette, he would rip off the filter and smoke that. He was the real Marlboro man, I guess, and the real man from Camels. In the end I guess it did him in. He was a hero for organized labor of Jewish causes honored by Histrut. I remember one time he got Ted Kennedy to come into Philadelphia for the Allied Jewish Appeal when no one else could. I remember that very well because the night before was the night he got elected chairman in one of the most raucous chairman's elections that ever hit Philadelphia. I remember when he lost the Primary to Frank Rizzo. I was a young kid working in the back, and I remember the real powerhouses of Philadelphia Democratic politics—George Schwartz and Herb Fineman. Pete always had this mystery, and people believed in him. I sat there and I knew the truth sometimes and I remember one time in particular George Schwartz called me up. It was after the devastating Primary, and he said, "All right, what's Pete's plan?"

I said, "George, there is no plan."

He said, "He has to have a plan, he has to have a plan."

I said, "Well, if I hear about it, I'll tell you."

Then I remember Herb Fineman calling me up. "All right, Vince, what's the plan?"

"Herb, there is no plan. We're just sitting here."

Pete had a strength about him that people were attracted to, and when there was nothing left, they still held onto his charisma. We have lost—and when I say "we" I mean all of Pennsylvania—a great servant in Pete Camiel. I guess, although

death is never something fitting, but if it is, it is fitting that he and Mr. Republican, George Bloom, had passed away in such a short span, because Pete was Mr. Democrat. I know that he and George Bloom had a deep respect for each other because political parties did not make a difference. Pete was a professional politician and that meant a lot more to him than a party label.

I think that I would like to close my remarks today on behalf of my good friend by reading into the record a Daily News editorial that was written yesterday. It is entitled, "The Last of the Bosses. Flesh-and-Blood Democracy."

"At first, it seems kind of sad that a man who contributed as much as Peter J. Camiel did will be remembered mostly for passing the lie detector test that Frank Rizzo flunked.

"But after thinking about it for a while, it's an almost perfect memorial to the last of the city's effective political bosses.

"Pete Camiel wasn't like the new breed of politicians, who deal in quick slogans and think patronage is something to be dealt out to pinstriped lawyers and brokers.

"Camiel was flesh-and-blood democracy the way it really works, charming and tough and totally human. We will miss him."

And the question recurring,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. Will all those who support the resolution please rise for a moment of silence.

(Whereupon, the Senate en banc stood in a moment of silence in solemn respect to the memory of Senator PETER J. CAMIEL.)

The PRESIDENT pro tempore. The Chair declares the resolution unanimously adopted.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

### MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN CENTER

December 11, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Burke, Jr., R. R. 2, Box 244, Sugarloaf 18249, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Angeline L. Lamana, Hazleton, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE HEALTH CARE  
POLICY BOARD

December 14, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marcia J. Eldred, 2423 Wynnefield Drive, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 11, 1991, and until her successor is appointed and qualified, vice Francis R. Grady, Camp Hill, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE  
BOARD OF NURSING

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sister Rita Moriarty, S.C.C., R.N., Divine Providence Hospital, 1100 Grampian Boulevard, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

DISTRICT JUSTICE

December 4, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jayne F. Duncan, Esquire, 271 Stone Mill Drive, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 2-3-09, to serve until the first Monday of January, 1992, vice Harold E. Greiner, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton

Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

SENATE RESOLUTION

DESIGNATING JANUARY, 1991, AS  
"PENNSYLVANIA CRIME STOPPERS MONTH"

Senators SHUMAKER, HOPPER, BELL, BRIGHTBILL, PETERSON, MELLOW and RHOADES offered the following resolution (*Senate Resolution No. 14*), which was read, considered and adopted:

In the Senate, February 5, 1991.

A RESOLUTION

Designating January, 1991, as "Pennsylvania Crime Stoppers Month."

WHEREAS, Crime Stoppers is an international organization with over 450 units formed to help curb the crime rate in communities by channeling information received to the proper authorities for investigation; and

WHEREAS, Pennsylvania Crime Stoppers, a Pennsylvania not-for-profit organization, will celebrate its 6th anniversary during 1991, having been formed in 1986 through the efforts of the Pennsylvania Chamber of Business & Industry, the Pennsylvania Chiefs of Police Association, the Pennsylvania State Police and interested businesses and citizens of the Commonwealth of Pennsylvania; and

WHEREAS, Pennsylvania Crime Stoppers is under the direction of a board of directors from the business community and concerned citizens; and

WHEREAS, Pennsylvania Crime Stoppers' operations are managed by the Pennsylvania State Police, Bureau of Community Services, which handles telephone calls through 1-800-4-PATIPS and which distributes to appropriate law enforcement agencies all information received for investigation; and

WHEREAS, Pennsylvania Crime Stoppers works in conjunction with over 23 county and regional Crime Stoppers organizations throughout the Commonwealth of Pennsylvania; and

WHEREAS, January is "National Crime Stoppers Month"; therefore be it

RESOLVED, That the Senate designate January, 1991, as "Pennsylvania Crime Stoppers Month" and wholeheartedly commend Pennsylvania Crime Stoppers and the county and regional Crime Stoppers organizations throughout this Commonwealth for their efforts and success in helping to fight and deter crime in Pennsylvania; and be it further

RESOLVED, That the Senate urge public support of this worthy endeavor.



## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Hart by Senator Afflerbach.

Congratulations of the Senate were extended to George Halter by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel Amos Souder by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Zembower, Mr. and Mrs. Herbert Ward, Mr. and Mrs. Earl Stuby, Mr. and Mrs. Landis F. Shriver, Mr. and Mrs. John A. Musser, Jr., Mr. and Mrs. Lee E. Keefer, Mr. and Mrs. Charles A. Heim, Mr. and Mrs. Paul E. Everetts and to Mr. and Mrs. Webster Bennett by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. John Harry, Mr. and Mrs. Merle J. Pope, Sr., Mr. and Mrs. Lawrence Lord, Mr. and Mrs. Clifton Miller, Mr. and Mrs. Stanley Dymond, Dr. Robert S. Capin, Michael S. Moore and to George W. Warren by Senator Lemmond.

Congratulations of the Senate were extended to Richard Woodruff, Jr. by Senator Loeper.

Congratulations of the Senate were extended to Freddy Adam and to Emil Wagner by Senator O'Pake.

Congratulations of the Senate were extended to Thomas L. Collins by Senator Punt.

Congratulations of the Senate were extended to Lehigh University by Senator Reibman.

Congratulations of the Senate were extended to the International Brotherhood of Electrical Workers, Local Union No. 143 of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Finis Palmer by Senator Stapleton.

Congratulations of the Senate were extended to Ervin W. Lewis and to Theodore Claypoole by Senator Wenger.

## CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Paul R. Shaffer by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Honorable Peter J. Camiel by Senator Mellow and the entire Senate.

## BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 14, 26, 208 and 278.**

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

## HOUSE MESSAGE

### HOUSE BILL FOR CONCURRENCE

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

February 5, 1991

**HB 67** — Committee on Banking and Insurance.

## ANNOUNCEMENTS BY THE SECRETARY

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

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, FEBRUARY 6, 1991

Off the Floor	JUDICIARY (to consider House Bill No. 1)	Rules Committee Conference Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 16 and certain executive nominations)	Rules Committee Conference Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Room 156 Senate Majority Caucus Room
2:30 P.M.	BANKING AND INSURANCE (to consider House Bill No. 67)	Room 461 4th Floor North Wing
3:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Consumer Advocate)	Room 156 Senate Majority Caucus Room
4:30 P.M.	APPROPRIATIONS (Budget Hearing - Small Business Advocate)	Room 156 Senate Majority Caucus Room

MONDAY, FEBRUARY 25, 1991

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Room 156 Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Room 156 Senate Majority Caucus Room
11:30 A.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Room 156 Senate Majority Caucus Room



1:30 P.M.	APPROPRIATIONS (Budget Hearing - Pennsylvania State University)	Room 156 Senate Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Room 156 Senate Majority Caucus Room

## TUESDAY, FEBRUARY 26, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Room 156 Senate Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Revenue)	Room 156 Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Room 156 Senate Majority Caucus Room

## WEDNESDAY, FEBRUARY 27, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections)	Room 156 Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Military Affairs)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Room 156 Senate Majority Caucus Room
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Health Care Cost Containment)	Room 156 Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Commerce)	Room 156 Senate Majority Caucus Room

## THURSDAY, FEBRUARY 28, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Room 156 Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Pennsylvania State Police)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Room 156 Senate Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Community Affairs)	Room 156 Senate Majority Caucus Room

## MONDAY, MARCH 4, 1991

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Room 156 Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Labor and Industry)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Aging)	Room 156 Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Governor's Office)	Room 156 Senate Majority Caucus Room

## TUESDAY, MARCH 5, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Room 156 Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Room 156 Senate Majority Caucus Room

## WEDNESDAY, MARCH 6, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Environmental Resources)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Insurance)	Room 156 Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Room 156 Senate Majority Caucus Room

## THURSDAY, MARCH 7, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - PEMA)	Room 156 Senate Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Room 156 Senate Majority Caucus Room

## ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, before I make the adjournment motion today, for the information of the Members, I would advise the Republican Members that we are going to report to the first floor caucus room for a very brief caucus with the Secretary of General Services, Mr. Jannetta. Tomorrow we will convene promptly at 11:00 a.m., have a Joint Session at 11:30 a.m., to be followed again by a Republican caucus immediately upon conclusion of the Joint Session tomorrow.

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**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, February 6, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:25 p.m., Eastern Standard Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 6, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 9

### SENATE

WEDNESDAY, February 6, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

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

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, bless this Senate in assembly. May the Members of this honored Body use the power which has been placed in their hands to bring justice and promote harmony throughout our Commonwealth, all to Your greater glory. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 5, 1991.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with, and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would ask for a temporary Capitol leave for Senator Fisher who is in a meeting in his office.

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

### LEAVE OF ABSENCE

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

And the question recurring,

Will the Senate agree to the motion?

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

### YEAS—49

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

### NAYS—0

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

The PRESIDENT. The Journal is approved.

### SPECIAL ORDER OF BUSINESS

### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the following committee meetings during today's Session: the Committee on Judiciary to consider House Bill No. 1 and the Committee on Banking and Insurance to consider House Bill No. 67.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for a meeting of the Committee on Judiciary to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Would the Members of the Committee on Judiciary please report to the Rules room at the rear of the Senate Chamber for a brief meeting.

### AFTER RECESS

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

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

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

### **SECRETARY OF GENERAL SERVICES**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable David L. Jannetta, 312 Logan Boulevard, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as Secretary of General Services, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

### **NOMINATION LAID ON THE TABLE**

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

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

## **ANNOUNCEMENT BY MAJORITY LEADER**

Senator LOEPER. Mr. President, at this time I believe a committee from the House has arrived for the purpose of a Joint Session. For the information of the Members, it would be our intention after the Joint Session simply to leave the desk open this afternoon pending action of a recessed committee meeting and we would adjourn the formal Session later today, but there will be no more votes taken in today's Session.

## **COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE**

The PRESIDENT. The President pro tempore of the Senate has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: the gentleman from Montgomery, Senator Richard A. Tilghman; the gentleman from Venango, Senator John E. Peterson; and the gentleman from Beaver, Senator Gerald J. LaValle. Would Senator Tilghman, Senator Peterson and Senator LaValle please leave immediately to discharge their duties.

## **HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION**

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present a committee on behalf of the House of Representatives.

The PRESIDENT. Would you bring the committee forth, please.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the chairman of the escort committee from the House, Representative John H. Broujos.

Mr. BROUJOS. Mr. President, we are a committee of the House appointed to inform the Senate that the House is ready to receive the Members of the Senate in Joint Session and to escort the Members of the Senate to the Hall of the House.

The PRESIDENT. The Chair thanks Chairman Broujos and the committee from the House.

## **SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE**

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms and the House committee so that we may proceed to the Joint Session.

## **RECESS**

The PRESIDENT. The Chair now declares a recess of the Senate for one-half hour.

## **AFTER RECESS**

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

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

## **COMMUNICATION FROM THE GOVERNOR**

### **BUDGET MESSAGE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

1991-92 BUDGET MESSAGE OF  
GOVERNOR ROBERT P. CASEY  
WEDNESDAY, FEBRUARY 6, 1991

Lt. Governor Singel, Speaker O'Donnell, President Pro Tem Jubelirer, members of the General Assembly, the Cabinet, and my fellow citizens:

Last month at my Inauguration, I spoke of the national recession that threatens both our people and our institutions, compounded by the threat of war, and by growing human needs here at home.

The very next day that war began.

Transfixing the world.

Uniting our nation in prayer for a speedy end to the conflict and the safe return of our brave young men and women.

And making judgments on our state's economic future even more uncertain and difficult.

We meet today to chart Pennsylvania's fiscal future. In setting this course, I commend to you the direction I set out for our people on Inauguration Day and in my State of the Commonwealth message last week:

I said then that we understand the difficulties and trials which lie ahead, but we also look to the future with confidence; and will respond to our present situation with energy and a belief in ourselves.

That the recession is no reason to lower our sights, but only to renew our efforts.

That we must get the most out of every dollar entrusted to us; and that we would not ask our people to pay more without first making government spend less.

That we will not let this economic downturn turn us away from our best hopes for Pennsylvania's future, because we're not here just to manage problems, but to make more progress.

And, finally, I stated my determination to overcome the challenges of the recession with strong and decisive action.

The budget I propose here today is built on the bedrock of these statements.

It responds to the fiscal challenge we face. But not at the expense of our children, our schools or our jobs. In fact, this budget recognizes that our economic future depends on our continued investment in both our human capital and our physical infrastructure. In the essential building blocks of a thriving economy and a more fair society.

#### I. Responding to the National Recession

To understand our challenge, we must understand clearly the nature of the recession and its impact on our revenues and expenditures.

Falling like a giant hammer blow in the final quarter of calendar 1990, the recession simultaneously drove state revenues sharply down, and state expenditures sharply up.

The hammer blow having fallen, the recession deepened with lightning speed all across the country. And because of it the fiscal landscape is literally shifting almost daily beneath everyone's feet, including our own. Some 40 other states are now struggling with what California's new governor called "unprecedented" revenue shortfalls.

No wonder. California's deficit jumped from seven to 10 billion dollars in just the past several weeks.

Connecticut's deficit increased 10 percent in just three weeks, to 2.4 billion.

New York's deficit for this year grew by \$900 million in a single month. And its projected deficit for next year doubled since last October from \$3 to \$6 billion. This, even after \$2.3 billion in new taxes and \$1 billion in new budget cuts.

New Jersey's projected deficit grew from \$300 to \$800 million, even after \$2.8 billion in new taxes.

These states and others still face multi-billion dollar deficits even though they've already had multi-billion dollar tax increases, coupled with massive service cutbacks, over the past several years.

Clearly, Pennsylvania's in a much stronger position to respond to the present challenge. Thanks to our tight spending controls and prudent management, which have seen us through the last four years without any tax increase or significant reduction in services.

We're in better shape for a simple reason. We've spent less. Except for New Hampshire, since 1986 we've held increases in state spending lower than any other state in the region. While our state budget has grown by only 22 percent in that time, most of our neighbors have increased spending anywhere from 30 to 95 percent.

We continue to have the lowest number of state employees per capita of any state in the nation. And despite major new commitments we've made in staffing state prisons and protecting our natural environment, we have fewer state workers on the payroll today than four years ago.

What will be the recession's estimated cost to Pennsylvania this year and next? Billions of dollars in lost revenues and increased expenditures—compounded by sharp federal cutbacks and new fiscal burdens from a society shattered by a drug epidemic and the crowded prisons which are its by-product.

What has been our response this year?

A bare-bones budget, hiring freeze, management salary cuts, employee layoffs, the closing of hospitals, program reductions, cuts in grants, subsidies and non-preferred appropriations, adding up to \$700 million in cuts and savings this year alone.

I've already directed that we take a hard new look at every aspect of government spending and management: Contracts. Inventory. State properties. Revenue collection. And personnel.

In each of these areas, and others, we'll cut our expenses even more. Work harder and smarter. And save the taxpayers' money.

We'll continue to work diligently, right up to June 30, to further reduce this year's budget gap as much as possible. And to do it in ways which at the same time will save us money in the years ahead.

What, then, will our response to the recession be in the budget I present today?

The painful reality of sharply declining revenue and sharply increasing costs has forced me to impose in this budget the toughest cost-cutting measures ever invoked by a Pennsylvania governor. Squeezing more than \$750 million in operating and program costs out of a budget that was already lean.

We'll cut over \$55 million from our own operating expenses. Including \$10 million from agency administrative costs. Thirty million from new personnel cuts. And \$16 million from the closing or consolidation of additional state institutions.

We've subjected every program to stern and unrelenting scrutiny. Some face outright cuts. In others, we discovered how we can avoid certain costs in the first place.

We've made the tough decisions to gain control over critical areas of explosive spending growth. But I cannot do this

alone. These areas will also require your legislative action if we're to have any chance of keeping our future budgets under control.

Medical assistance, which is rising at a rate of 21 percent a year—and where we'll trim \$81 million.

Hospitals and nursing homes—where we'll save \$135 million through new pooled reimbursement systems.

Special Education—where I'll ask you to enact urgently needed reforms that will produce \$141 million in savings.

Scaling back non-preferred appropriations will save another \$34.7 million.

Plus more than \$200 million in costs that we've cut from dozens of grant and subsidy programs.

And I also recently used the line-item veto to cut some \$1,431,000,000 from the bloated capital budget.

In short, I've done my very best to get the most out of every dollar, and haven't asked our people to pay more without first making government spend less. These tough actions to reduce spending and save taxpayer dollars are unprecedented in the history of the Commonwealth.

But even this extraordinary effort hasn't been sufficient to overcome the fiscal tidal wave caused by this recession.

Because unlike the recession of 1982, this one comes on top of a decade-long federal retreat from helping our states and cities. On top of a crack epidemic which caused an explosion in costs on virtually every page of our budget: Not only for more drug treatment and law enforcement, but for new prisons and prosecutors, for abused children and battered wives, for emergency rooms and AIDS programs.

It's a tidal wave which we cannot survive by spending cuts alone. The legitimate needs of our people continue to grow. More cuts would only jeopardize essential services and the fiscal integrity of the state. To close the budget gap this year and next, our heavy spending cuts must be supplemented by new revenues.

But to raise these revenues, I do not propose to increase the rate of the sales tax, the gasoline tax, or the personal income tax. Rather, I propose that these revenues be raised by a fiscal plan which is fair and equitable, and will not unduly burden working families in our state.

## II. Major New Reforms in Education Funding

We're not just here to manage problems, but to make more progress toward realizing our vision of Pennsylvania's future. A Pennsylvania that's alive with economic vitality and opportunity for all our people. To make that vision a reality we have to invest in those crucial building blocks of future growth. Starting with our schools and our children.

Because we know that education is essential to giving every child the chance to make the most of themselves in life and to compete for the jobs of the future. Jobs which increasingly demand improved levels of literacy, high technology skills and mastery of complex tasks.

Together, we've responded to the need. We've increased state support for public education by a billion dollars over the past four years. And made major new investments in literacy and higher education.

And this year, despite the severe budget constraints we face, I'm recommending that we increase state aid to our local schools by another \$188 million. Bringing our total commitment to basic education up to \$4.8 billion in this budget.

This substantial new investment will help our children, while at the same time relieve the burden on local homeowners whose property taxes also support our schools.

But what's important isn't just "how much" we're investing, but "how" and "where."

Today I suggest we do more than simply increase our financial investment in the education of Pennsylvania's children. Today I propose we take a revolutionary step toward giving all our children in every community the chance for the best possible education. By fundamentally reforming the way we fund our local school districts.

I recommend a change in our basic education subsidy formula to take greater account of the special financial and educational challenges our poorer school districts face. This new approach will sharply increase assistance to districts with larger numbers of poor children. And it will narrow the existing gap in spending per student among the state's 501 districts.

Every school district in Pennsylvania will share in the added funding, receiving more total state dollars this year than last. But poorer districts will receive comparatively larger increases. The amount depends on the level of need, not the accident of geography. Because the state education subsidy formula will better reflect those local needs.

The result of these important changes will be to allow even the most hard-pressed community to boost what it spends on each student's education to a level closer to that of far wealthier districts.

Ours is a vision of greater educational opportunity for all of our young people. And especially for those starting out life with the steepest hills to climb.

We'll also invest another \$3 million in our school performance incentive program which over the past three years has already awarded \$15 million in grants to hundreds of Pennsylvania schools which have improved performances in math, reading, drop-out prevention, and preparing students for college. It ensures greater accountability by shifting funding priorities toward rewarding measurable success, not mediocrity.

At the same time, I propose that we invest \$476 million in special education, including a \$59 million increase. But only if we once and for all draw the line on its runaway cost.

We must fundamentally alter the way we pay for special education services—right now—in this legislative session. By placing the responsibility for special education right where it belongs: With locally elected school boards.

A new reimbursement formula I will reintroduce this session will produce substantial—and almost immediate—reductions in special education's annual cost to the taxpayer. Cost overruns which last year reached \$99 million more than you appropriated.



My proposal will ensure better management, tighter fiscal accountability and most importantly, improved services for children with special needs. It will also include a one-time payment of \$160 million to cover all of the outstanding special education costs from the current school year.

This year, we must once and for all come to grips with these runaway special education costs. I urge you in the strongest possible terms to enact these crucial reforms. Because if you don't, you'll be subjecting our taxpayers to runaway costs and potential budget deficits in the future.

This budget also expands economic opportunity by making sure that we have the skilled work force Pennsylvania companies will need to remain profitable in the future.

Our state's community colleges provide a crucial point of access to better jobs and a better life for many students. Enrollment is up sharply across our state. So I've recommended that we increase state funding for community colleges by \$8 million.

We must continue to help families bear the burden of paying for a college education. I believe that one of the best ways to support higher education and expand opportunity for all young people is to give direct financial help to students and their families and let them decide on the college of their choice.

So for the fifth straight year, I recommend that we add another 10 percent to the Pennsylvania Higher Education Assistance Agency scholarship program. This will bring our five-year increase to an unprecedented 55 percent.

And I propose that we do not reduce funding for Penn State, Pitt, Temple and Lincoln Universities and the State System of Higher Education. But rather, that we provide the same amount appropriated last year.

Altogether, we'll invest some \$1.3 billion, or 10 percent of our total state budget in higher education.

Over the past four years, we've created Pennsylvania's first statewide literacy program. And we've funded it with some \$26 million. This year, we'll continue to make sure that more of our people can realize their potential in life by helping them learn to read. With another \$7 million appropriation for adult literacy.

And we'll invest \$300,000 in creating the statewide school-business partnership that I announced last week in my State of the Commonwealth message. The partnership will allow our companies and our schools to join together in new ways to improve education and ensure that more of our young people are equipped with the skills they need for success. And at the same time reduce the growing expense that business now pays to train the increasing number of workers who simply aren't prepared for the modern work place.

### III. New Approaches to Caring for Our Children

In addition to education, the wisest investment we can make in our future is in caring for our children from the very dawn of life. And like education, these are the investments we cannot afford not to make.

We will begin by improving how we care for abused, neglected or delinquent children. Last week, in my State of

the Commonwealth message, I told you I would propose a completely new approach to the way we reimburse counties for these critical services.

I recommend a \$42 million increase—22 percent—in what we spend to take care of children who need our help. With the state agreeing to reimburse every county a fair amount for every child who receives care, based on solid estimates—so long as the care is consistent with state standards and goals.

Our aim is twofold: To create a fair system that ensures that every child who needs care receives it. And at the same time to control our spending.

We'll also continue to expand our historic investment in the programs which help our children grow up healthy and strong, well-nourished and well-educated.

Once again I recommend that we invest state funds in the Women, Infant and Children nutrition program—better known as WIC. In the face of recession, some other states have cut back. That's a mistake. I propose we increase our investment by \$2 million—a 13 percent increase—so WIC's vital services will help 3,500 more women and their children each month.

We'll add \$6.6 million to our Healthy Beginnings program, which brings prenatal and early childhood medical care to young mothers and their children. This will open the door to medical care for 32,000 additional poor pregnant women and young children—bringing the program to a total of 150,000 people all across the state.

We'll also invest \$9.6 million new state dollars in our early intervention program for young children. It's an effort to catch developmental problems early, when it can make the biggest difference in improving a child's chances to succeed in school, and in life.

These are all investments which we know save us big dollars in the long run. According to Congress, for every one dollar invested, WIC saves us three dollars or more in health care costs. A dollar's worth of prenatal care saves an estimated \$3.38 in special care for low-birthweight babies.

That's why we're supporting these early interventions even at a time of tight budget constraints. Because we simply can't afford not to do it.

We will also strengthen our safety net for disadvantaged children whose families are either impoverished or struggling on the lowest of incomes.

With the help of \$38.8 million in new federal funds, we'll create Pennsylvania's first comprehensive child care system. Now, thousands of parents who've never had access to this kind of child care before will be able to work without worry.

And we'll add about 3,400 children from low income families to a new At-Risk Child Care Program that offers special help to children who come from families on the brink of dependency. Altogether, our expanded day care commitment will dramatically improve the lives of nearly 6,900 children and their families who up to now had no help at all.

Investing in our children is essential if we're to define our own destiny. But meeting the human needs of all our people defines what kind of state we are today. So in spite of the

recession, in this budget we've held the line on funding for many other programs at the same levels as last year. And even provided some important improvements. So we'll still be there to help people in the greatest need who count on us the most.

Funding for most human services will remain stable, as will community mental health and community mental retardation. Along with our programs for the homeless and for the innocent victims of rape and domestic violence.

We'll continue PENNFREE's anti-drug programs that we so successfully launched together 18 months ago. While also sparing our other anti-drug abuse programs from any reductions. And increasing state and federal money to fight AIDS.

And to chart a course for the future, I've asked the Governor's Drug Policy Council to develop a long-range set of anti-drug abuse strategies that will guide our policies, programs and spending through the rest of the 1990s.

This budget also maintains current levels of funding for our nationally acclaimed environmental programs. With your help over the past four years, we've made unprecedented financial commitments to these efforts. Commitments which will allow us to continue our unmatched record of environmental protection and enforcement, recycling and toxic waste cleanup, even in this year of tight budget constraints.

#### IV. Reining-In Exploding Medical Assistance Costs

We must also rein in runaway medical assistance costs. For in the past year, two seemingly unrelated events have conspired to compound this chronic problem into a potentially devastating fiscal and human crisis.

First, federal mandates have significantly increased our costs, but without the extra federal dollars to pay for them.

Second, the recession claimed its inevitable human toll, with more and more people falling into our safety nets as they lose the ability to take care of themselves.

Medical assistance caseloads jumped 70,000 through just part of last year. Now that we're fully in the recession's grip, we're adding as many as 11,000 new cases a month. And the bill is soaring right along with them: Up \$290 million in the past year.

Every month we recalculate the totals upward. But we can slow the numbers down without disrupting services.

I propose to save at least \$216 million in medical assistance expenses by imposing stringent cost containment measures in this budget. Including asking Pennsylvania's nursing homes to join in a pooled reimbursement system similar to that adopted by 170 hospitals across the state just two weeks ago. These reforms will save the taxpayers \$135 million.

Legislation is needed if we are to get control over these costs—which are eating us alive. If we don't put the brakes on now, the cost of medical assistance will jeopardize the financial stability of the Commonwealth.

Without your action, next year's medical assistance price tag will soar to almost \$2 billion—consuming nearly one-fifth of the entire budget that's on your desks this morning.

Even with tough controls, many of these costs will continue to increase unless the federal government stops mandating new programs without giving us the financial support to pay for them.

#### V. Preserving the Lottery Fund and Supporting Older Citizens

Though not nearly as daunting as medical assistance, our programs for adults and older Pennsylvanians are also straining under the parallel pressures of recession and human need.

But we will not turn away from the older members of our families, from the frail or disabled, from those who need our protection and care.

We're already proceeding with construction of a fourth veterans' home in Scranton—and the 250 jobs it brings with it. And we're going forward with plans to build the fifth and sixth veterans' homes in the southwestern and southeastern areas of the state.

We'll also move forward with our program of personalized services that enable older people to live at home instead of in an institution. With an increase of almost \$10 million—39 percent—we'll expand attendant care services so physically disabled older citizens will have access to health care, delivered meals and adult day care, all in their own home. And \$4.2 million to extend intensive in-home services and the Family Caregiver Support Program statewide.

And we must continue our program to keep the Lottery Fund fiscally sound. We must get control over the skyrocketing costs of the PACE prescription drug program. If we don't take action now, the future of the Fund itself will be in danger.

I am today proposing a plan to maintain the fiscal stability of the Lottery while at the same time continuing to meet the priority needs of older Pennsylvanians. This requires that we realize nearly \$140 million in cost savings this year. To do it, we will ask a little of everyone and not a lot of anyone.

First, we will protect the eligibility of people in the PACE prescription drug program who've received a raise in their social security payments. But it will only work if cardholders share in a higher co-pay. We will reduce the price of prescription drugs so we can limit the co-pay increase to just \$2.

Second, I propose legislation to require drug manufacturers to pay the same rebates for PACE that federal law now requires for medical assistance. For a savings of \$40 million.

Third, we'll cut \$35 million from the cost of the Free Transit and Shared Ride programs. And we'll turn over Shared Ride's operations to the Department of Aging; together with a guarantee that vital transportation needs still be met: rides to the doctor, to adult day care, to the grocery store. And fourth, we can save another \$3 million by asking older drivers to pay what everyone else pays to register their cars.

I will continue my long-term commitment to keep the Lottery Fund solvent, too. Over the past four years, we've shifted \$337 million in program costs to the General Fund, where they belong. And this year we'll help the Lottery even more by moving an additional \$20 million in costs for long-term care out of the Lottery into the General Fund.

#### VI. Protecting Citizen Safety

More than ever, we need to ensure that our streets and neighborhoods are safe. Made no mistake about it: Even though the war in the Gulf has pushed our own war on drugs off the front page—drug-related crime is still a major problem in every Pennsylvania community.

Together, thanks to PENNFREE, we're fighting back. With the greatest investment this state's ever made in law enforcement. More than \$87 million in state and federal dollars in the past two years alone. Money for the biggest expansion ever in the state police and attorney general's office. Money that helps communities band together in local drug task forces. Money for municipal police departments that are hard-pressed to mount drug offensives on their own.

And we've backed it up with some of the toughest anti-drug legislation in the country. Laws you passed and I signed. Laws that brought the President's own drug czar to this very chamber to tell us in person that, together, we're national leaders in the fight to free our people from the ravages of drugs.

With this budget, our fight continues unabated. We'll reinforce PENNFREE's historic war on drug dealers by pumping 27 million in state and federal dollars into drug law enforcement. Providing new PENNFREE grants to urban police departments. Adding eight new local drug task forces. Upgrading State Police crime labs to keep up with the record numbers of drug-related arrests and prosecutions.

We will press forward with the largest prison expansion program in the state's history. Constructing seven new prisons. Adding 9,000 prison cells between now and 1994. And creating more than 24,000 new, permanent jobs all over the state in the process.

With 37 million new dollars, this budget will help keep our prisons secure and our communities safe by adding 1,000 corrections personnel statewide. We'll staff a new 500-bed prison in Crawford County. And we'll bring the capacity of our community service centers to more than 200.

It's time for the criminals to pay part of the price of justice, too. I propose legislation to generate \$24.5 million in fees that will force criminals—including drunk drivers—to pay for their crimes. With the money going to help pay the high costs of county corrections and parole supervision, and programs to aid crime victims, including notification when the criminal is to be released from prison.

#### VII. Investing in the Building Blocks of Economic Growth

We're not just here to manage problems, but to make more progress. And that's exactly what we've been doing over the past four years. Across the board, we've made Pennsylvania a place for business and families to grow and prosper. Our companies have been the direct beneficiaries of billions in state investments in our schools, our physical infrastructure, our tax policies and our nationally acclaimed economic development strategies.

After years of deadlock, we paid our state's unemployment compensation debt to the federal government. That meant tax cuts for Pennsylvania business totaling \$815 million over the past two years. And even more important, a level playing field with companies in other states.

We've already made an unprecedented investment in the new highways. Airports. Water and sewer systems that support economic growth. In every corner of our state.

Nearly \$730 million already committed through our PENN-VEST clean water program.

A record-breaking \$4.2 billion in new roads, highways and bridges.

\$93 million in our ports.

An historic four-year, \$223 million commitment to developing high technology.

Including an unmatched \$115 million invested in research and development through the Ben Franklin Partnership.

Through our Commerce Department, we give Pennsylvania business a quarter of a billion dollars in low-interest loans each year.

And this year, we'll continue to make Pennsylvania an even better place to build a business and create new jobs.

Last week, I announced our accelerated \$500 million capital investment program to create new jobs and give our construction industry the jolt it needs to come out of this recession. Jobs from building new roads, bridges and airports. New mass transit, water and sewer systems. New state corrections and higher education projects. All the new public infrastructure which makes private investment possible.

But to keep this momentum going, it's vital that you approve the legislation I also proposed last week to issue \$300 million in bonds to underwrite the Pennsylvania Economic Revitalization Fund. I will soon send you that legislation to put the necessary referendum on the ballot this May so our people can again vote to revitalize Pennsylvania's economy.

Armed with these funds, we'll continue to expand our investment in high technology. With a \$7 million—40 percent increase for our nationally renowned Industrial Resource Centers...which put technology to work for Pennsylvania's small and medium-sized manufacturers.

We'll add another \$1 million to our ongoing investment in the Pittsburgh Supercomputing Center. Another \$1 million for engineering school equipment needs. And \$400,000 to develop Light Microscope Imaging and Biotechnology at Carnegie Mellon University.

We'll add more than \$23 million to all our key job creation funds: including a \$5.5 million increase for Business Infrastructure Development grants; a \$12.5 million increase for the Pennsylvania Industrial Development Authority and \$5.3 million increase to our business Machinery and Equipment Loan Fund.

We're requesting \$37 million for Housing and Redevelopment, much of it earmarked for economic development projects.

This year, we'll also invest another \$15 million in our Regional Opportunities program. An effort that has successfully targeted the full range of state programs to help communities make the most of their unique assets. And to create new jobs where a few years ago there was only lost hope.

These business incentive programs compliment our \$28 million Sunny Day Fund, a program that has already used

\$87.5 million to create over 9,000 Pennsylvania jobs over the past four years. Including the new jobs that Sony will bring to New Stanton in Westmoreland County. That Ford Electronics brings to Montgomery County. And that Lord & Taylor brings to Luzerne County.

We'll invest \$75 million in the kind of job training that will help more of our young people enter the work place. Including a \$2.5 million increase for the Pennsylvania Conservation Corps. Two-point-eight million dollars for Job Centers. Almost thirty-nine million for Vocational Education programs. And \$24.8 million to prepare public assistance clients for the jobs they need to get off the welfare rolls.

And we'll maintain agriculture's position as Pennsylvania's number one industry, by building on the new investments we've made over the past four years in agricultural research, promotion, animal health, farmland preservation and our famous Farm Show arena. This year, our General Fund commitment to agriculture will be 25 percent higher than it was five years ago.

#### VIII. Spreading the Burden More Fairly

Better schools. New roads, water and sewer systems. Expanded job creation efforts. Improved programs that give all children the chance to grow healthy and strong. These are the public investments which make our state a place where business and families can prosper.

While our brave young men and women use old-fashioned courage and high tech hardware to do what President Bush called "the hard work of freedom" in the Persian Gulf, we will do the hard work of freedom here at home.

But we're seriously handicapped in doing that work by federal policy which has forced Pennsylvania—and other states—not only to make up the difference in billions of lost federal dollars, but also to keep up with the explosive new costs of human services, health care, prisons, and more. We are the ones who must step forward to prevent further decay of our physical infrastructure and decline of our families.

But we will not let this economic downturn turn us away from our best hopes for Pennsylvania's future. Instead, we're taking strong and decisive action. We're squeezing the most value out of every dollar that's entrusted to us. And, as this budget shows, we're not asking our people to pay more before ensuring that government spends less. Instead, we're paying for the public investments we must make by doing without the things we don't need.

Because of our strong fiscal policies, Pennsylvania's had no new taxes for four straight years. And believe me, if we could do it again this year, we would. Yet it's clear that new revenue will be necessary if we're to support essential services and invest in a better future.

I do not propose to raise the necessary revenue by increasing the rate of the sales tax, the gas tax or the personal income tax. These fall most heavily on working families, who are already feeling the brunt of the recession. Rather, I'm recommending a plan that's both fair and equitable.

I recommend that we increase the tax on cigarettes. And there's a sound reason for this. Smoking is costing us all bill-

ions of dollars every year in medical costs, lost productivity and increased public spending. It's fair to ask that cigarette smoking, which is causing so much of this cost, help pay for it.

Just last week, the federal Center for Disease Control reported that 434,000 Americans died in 1988 from health problems caused by smoking, an 11 percent increase over the 1985 total. Cardiovascular disease remains far and away the number one cause of death in our nation. And smoking is a key contributing factor.

In Pennsylvania, our own public health experts estimate that in 1985, the latest year for which statistics are available, the growing tab from smoking was \$2.9 billion in direct and indirect health costs. With what's happened to health care costs, we can only guess how high that number is today.

At the same time, we know state medical assistance costs are out of control. Increasing at a rate of some 21 percent a year.

Yet the current cigarette tax yields only a fraction of these costs.

So if the tobacco lobby wants to give us the label of being the number one state in the nation when it comes to taxing cigarettes...so be it.

Over the past decade, corporations have been paying less and less of Pennsylvania's overall tax burden. Due primarily to exemptions, loopholes and lower corporate tax rates.

In modern Pennsylvania history, there's generally been a 70-30 split in our revenue base between taxes contributed by individuals and those paid by companies. While the share paid by corporations was up to 34 percent in 1970, it hovered for years around 28 percent.

And in the 1980s, that corporate share of our tax burden dropped to a mere 23 percent. Leaving consumers and working families to pay the other 77 percent.

No one has a stronger interest in developing a better trained, better educated, more productive work force than business. In building new roads, airports and water systems. In expanding our investment in our children's education. In the key public investments that will be receiving new state funding this year.

So it makes good economic sense to bring the corporate contribution to our revenues into a more equitable balance with consumer taxes. I propose to do this by increasing the rates, eliminating exemptions and closing loopholes in our corporate taxes.

We'll also reform the administration and enforcement of the existing system. So we have both greater fairness and additional revenue.

Finally, I propose that we close the sales tax loophole for such non-essential items as liquor sold in restaurants, cable TV and long distance telephone charges.

If we take these steps to make our tax system more fair and equitable, then we should be able to ensure a balanced budget and maintain Pennsylvania's fiscal integrity both this year and next. Subject to two conditions. One we cannot control. And one we must control.

First, the Persian Gulf war. No one can predict the economic effect of a long conflict. We can only pray for the fighting to end soon so that our troops can return to their homes and their families.

Second, we can only balance future budgets without new taxes if you adopt the vital cost control measures I've outlined for medical assistance, special education, the PACE program and children's services. Your action is imperative to our success.

#### IX. Joining Together to Make the Tough Choices

This is a tough year and a tough budget. Beginning today, you join me in facing some of the most difficult decisions we've ever had to make. Decisions that will define what kind of state we are and hope to be. For even as we share our people's concern about the future in these uncertain times, so too are we the custodians of their hopes.

The measure of our stewardship in the weeks and months ahead lies in our actions and in our unity.

As President Roosevelt said in the midst of economic hardship nearly two generation ago:

"We refuse to leave the problems of our common welfare to be solved by winds of chance or hurricanes of disaster...We all go up—or else we all go down—as one people."

So I urge all of you, on both sides of the aisle, to join me in meeting our common challenge.

To join together in continuing Pennsylvania's record of fiscal integrity.

To join together in giving Pennsylvania the resources to meet the essential needs of our people today; and to realize our vision of the Pennsylvania of tomorrow.

At this moment, our nation is at war and our economy is in recession. It's time for us to join together and do the right thing for Pennsylvania.

And we must reach out to our people for their support, as well.

But to do what this difficult year demands of us, we must together bear the responsibility of leadership. And together embrace the opportunity which leadership offers.

That's what we came here to do. All of us. Democrats and Republicans.

We came to make the tough choices that this budget presents. So our children can live a better life in a better state.

We've been challenged before. And we have prevailed. By working together, we will prevail again. So let's get to work.

#### BILLS INTRODUCED AND REFERRED

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

February 5, 1991

Senators GREENLEAF, BELL and HELFRICK presented to the Chair **SB 381**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for teaching ridership safety to pupils; and making an editorial change.

Which was committed to the Committee on EDUCATION, February 5, 1991.

Senators GREENLEAF, BELL, LYNCH, PETERSON and ANDREZESKI presented to the Chair **SB 382**, entitled:

An Act requiring the disclosure of gemstone treatments; and providing remedies.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 5, 1991.

Senators GREENLEAF, BELL, AFFLERBACH, MUSTO, ANDREZESKI and RHOADES presented to the Chair **SB 383**, entitled:

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), entitled "The Casualty and Surety Rate Regulatory Act," further providing for rate administration.

Which was committed to the Committee on BANKING AND INSURANCE, February 5, 1991.

Senators GREENLEAF, FISHER, AFFLERBACH and MUSTO presented to the Chair **SB 384**, entitled:

An Act requiring amplified telephones for the hard-of-hearing in certain buildings.

Which was committed to the Committee on LABOR AND INDUSTRY, February 5, 1991.

Senators GREENLEAF, BELL and ANDREZESKI presented to the Chair **SB 385**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding from the sales and use tax food and materials for certified seeing eye dogs, leader dogs and hearing ear dogs.

Which was committed to the Committee on FINANCE, February 5, 1991.

Senator GREENLEAF presented to the Chair **SB 386**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further establishing a duty to stop vehicles at accident scenes; and providing an exception from the duty for emergency vehicles.

Which was committed to the Committee on TRANSPORTATION, February 5, 1991.

Senators GREENLEAF and GREENWOOD presented to the Chair **SB 387**, entitled:

An Act providing for the submission to the electors of this Commonwealth of a referendum relating to the establishment of a private enterprise system for the sale of wine and liquor.

Which was committed to the Committee on LAW AND JUSTICE, February 5, 1991.

Senators GREENLEAF, BELL, HELFRICK, CORMAN, PETERSON and WENGER presented to the Chair **SB 388**, entitled:

An Act providing for drug testing for mass transit employees; providing for discharge of mass transit employees as a result of drug testing; and conferring powers and duties on the Department of Health.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 5, 1991.

Senators GREENLEAF, WENGER, HELFRICK, FATTAH, BELL, REIBMAN and AFFLERBACH presented to the Chair **SB 389**, entitled:

An Act providing for the regulation of travel promoters; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and providing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 5, 1991.

Senators GREENLEAF, O'PAKE, BELAN, SALVATORE, BAKER, RHOADES, LOEPER, PECORA, LAVALLE, HOPPER and BORTNER presented to the Chair **SB 390**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 5, 1991.

Senator GREENLEAF presented to the Chair **SB 391**, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," extending the act to leases of automobiles.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 5, 1991.

Senators GREENLEAF, LAVALLE and BELL presented to the Chair **SB 392**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the amount which police departments may charge for copies of accident reports.

Which was committed to the Committee on TRANSPORTATION, February 5, 1991.

Senators GREENLEAF, BELL, BELAN, PORTERFIELD, SALVATORE, LAVALLE and REIBMAN presented to the Chair **SB 393**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as amended, "Senior Citizens Rebate and Assistance Act," adding a definition; and further providing for property tax, rent rebate, inflation cost, filing of claim and proof of claim.

Which was committed to the Committee on AGING AND YOUTH, February 5, 1991.

Senators GREENLEAF, SALVATORE, BELL, AFFLERBACH and HOPPER presented to the Chair **SB 394**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," providing for methods of making compensation payments.

Which was committed to the Committee on LABOR AND INDUSTRY, February 5, 1991.

Senators GREENLEAF, BELL and HOPPER presented to the Chair **SB 395**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing a penalty for operating certain vehicles without required braking systems.

Which was committed to the Committee on TRANSPORTATION, February 5, 1991.

Senators GREENLEAF, HOPPER, AFFLERBACH, BELL, FATTAH and LAVALLE presented to the Chair **SB 396**, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," providing for the licensing of emergency police ambulance services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 5, 1991.

Senators GREENLEAF, BELL, FATTAH, LAVALLE, AFFLERBACH, FISHER, REIBMAN, BELAN, PORTERFIELD and RHOADES presented to the Chair **SB 397**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 5, 1991.

Senators GREENLEAF, BELL, LAVALLE, REIBMAN and GREENWOOD presented to the Chair **SB 398**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons required to report suspected child abuse.

Which was committed to the Committee on AGING AND YOUTH, February 5, 1991.

Senators GREENLEAF, BELAN, SALVATORE, FATTAH, PORTERFIELD, BELL, LAVALLE, REIBMAN, SHAFFER, STAPLETON, LEWIS, AFFLERBACH and ANDREZESKI presented to the Chair **SB 399**, entitled:

An Act relating to the rights of purchasers of defective new motor vehicles; creating a motor vehicle arbitration board; imposing obligations, duties of refund and replacement; making appropriations; and making repeals.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 5, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

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

February 5, 1991

**DESIGNATING MARCH 1 AS "ST. DAVID'S DAY"; AND HONORING THE MANY PENNSYLVANIANS OF WELSH HERITAGE**

Senators LEMMOND, BORTNER, SHUMAKER, FISHER, HOPPER, STOUT, BODACK, JONES, MADIGAN, DAWIDA, SCANLON, REIBMAN, LYNCH, JUBELIRER, MELLOW, MUSTO and O'PAKE offered the following resolution (*Senate Resolution No. 15*), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 5, 1991.

**A RESOLUTION**

Designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

WHEREAS, St. David is the patron saint of Wales, and March 1, St. David's feast day, is the Welsh National Holiday, celebrated by Welshmen throughout the world; and

WHEREAS, William Penn was the first of many from Wales to settle in Pennsylvania; and

WHEREAS, During the 19th Century, thousands of people moved from Wales to Pennsylvania seeking employment; and

WHEREAS, Since Pennsylvania and Wales both include rare anthracite coal among their natural resources, many of the settlers from Wales settled in Pennsylvania's coal regions; and

WHEREAS, Pennsylvania now has the highest concentration of Welsh people anywhere outside of Great Britain; and

WHEREAS, The rich Welsh traditions and heritage have had a tremendous impact on Pennsylvania; therefore be it

RESOLVED, That the Senate designate March 1 as "St. David's Day" and honor the many Pennsylvanians of Welsh heritage.

**ENCOURAGING PENNSYLVANIA EMPLOYERS TO ASSIST EMPLOYEES SERVING IN THE MIDDLE EAST**

Senators PECORA, MELLOW, LOEPER, HOPPER, BODACK, SHUMAKER, ARMSTRONG, SCANLON, BELAN, STOUT, FUMO and HOLL offered the following resolution (*Senate Resolution No. 16*), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 5, 1991.

**A RESOLUTION**

Encouraging Pennsylvania employers to assist employees serving in the Middle East.

WHEREAS, On January 16, 1991, the United States of America entered into hostilities with the Republic of Iraq, pursuant to Joint Resolution of Congress and various Resolutions of the Security Council of the United Nations; and

WHEREAS, Members of the Armed Forces Reserve and the National Guard are being called into the active service of the United States by the President of the United States of America; and

WHEREAS, Those called into active service and their families are making a substantial sacrifice for the common good of the citizens of the United States and of this Commonwealth, including the risking of their lives in our defense; therefore be it

RESOLVED, By the Senate of the Commonwealth of Pennsylvania that employers within this Commonwealth are strongly encouraged to take all reasonable steps necessary to assist their employees who are called to active service in support of the current conflict as members of the Armed Forces Reserve and the National Guard by ameliorating the financial hardship which their employees and their employees' families may suffer as a result of the disparity between their civilian and military compensation and benefits.

**APPOINTMENTS BY PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. The Chair wishes to announce he has made the following appointments:

Senator J. Barry Stout as a member of the Local Government Commission.

Senator Tim Shaffer as a member of the Pennsylvania Emergency Management Council.

Senator Allyson Schwartz as a member of the Capitol Preservation Committee.

Senator Michael E. Bortner as a member of the Local Government Commission.

Senator H. Craig Lewis as a member of the Legislative Budget and Finance Committee.

Senator Michael M. Dawida as a member of the Joint Committee of the Health Care Services Malpractice Act.

Senator Leonard J. Bodack as a member of the Capitol Preservation Committee.

Senator Patrick J. Stapleton as a member of the Board of Directors of the Center for Rural Pennsylvania.

Senator Eugene E. Porterfield as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Albert V. Belan as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Michael A. O'Pake as a member of the Board of the Ben Franklin Partnership Fund and the Children's Trust Fund Board.

Senator Raphael J. Musto as a member of the Low-Level Waste Advisory Committee and the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator J. William Lincoln as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee, the Mining and Reclamation Advisory Board and the Legislative Audit Advisory Commission.

**REPORTS FROM COMMITTEES**

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

**HB 67 (Pr. No. 75)**

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," reenacting and amending provisions relating to service charges and restricting collection activities.



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

**HB 1 (Pr. No. 166)**

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 16 (Pr. No. 414)**

A Resolution encouraging Pennsylvania employers to assist employees serving in the Middle East.

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

**CALENDAR**

**SECOND CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**SB 14, 26, 208 and 278** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**UNFINISHED BUSINESS**

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Bernadette Klotz by Senator Bodack.

Congratulations of the Senate were extended to Gary Royer by Senator Corman.

Congratulations of the Senate were extended to John P. Gianvittorio, Dave Shuster and to La Grolla by Senator Fumo.

Congratulations of the Senate were extended to Jane Catanzaro by Senator Greenleaf.

Congratulations of the Senate were extended to Cub Scout Pack 36 of Chalfont by Senator Greenwood.

Congratulations of the Senate were extended to Robert J. Donohue, Jr. by Senator Loeper.

Congratulations of the Senate were extended to Gerald Swinton Shumway, Mr. and Mrs. Lawrence Turi and to Mr. and Mrs. John H. Pauling by Senator Madigan.

Congratulations of the Senate were extended to Vince Evans and to the 28th Infantry Division by Senator Musto.

Congratulations of the Senate were extended to Robert G. Stewart, Justin Paul Henthorn, Stephen J. Platt, Matthew William Street, Todd Robert Fowler and to Theta Chi Fraternity by Senator Shaffer.

Congratulations of the Senate were extended to Colonel Ronald M. Sharpe by Senators Shumaker and Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Porter H. Johnston by Senator Stapleton.

Congratulations of the Senate were extended to Mae Dittus by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Bernard Killen by Senator Stout.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to.

The bills were as follows:

**HB 1 and 67.**

And said bills having been considered for the first time,

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

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, February 11, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:55 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 11, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 10

### SENATE

MONDAY, February 11, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend KARIN CARROLL, Associate Pastor of Camp Hill Presbyterian Church, Camp Hill, offered the following prayer:

Let us pray.

Almighty and ever-living God, Maker of every good and perfect gift, Your blessings refresh us without fail. We give thanks on this day for new opportunities to serve, for continued freedom to speak openly and for the privilege of representative and orderly government.

God of power and might, in this time of war we pray for peace—not the peace which draws lines in the sand and cries for vengeance, but the peace which heals ancient hatreds and reconciles ancient foes. We lift up in prayer those leaders of many nations who at this hour must make decisions about events in the Persian Gulf. Grant them wisdom and compassion, integrity and humility. We also lift up in prayer those soldiers and civilians of many nations whose lives and futures depend on the decisions of others. Grant them patience and humor, courage and trust.

God of past, present and future: In this time of uncertainty we pray for vision. May those who serve in this Chamber today be inspired by a vision of the future of this Commonwealth, a vision of what is good and just, a vision of what is life-affirming and healthful, a vision of what is fair and merciful. Then may we all be led to do justice, love mercy and walk humbly with You, O God.

For the companionship of colleagues, for honest disagreement, for lessons learned from the past and the challenges of these perilous times, we give You thanks.

Praise be to You, O God, now and forevermore. Amen.

The PRESIDENT. The Chair thanks Reverend Carroll who is the guest this week of Senator Hopper.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 6, 1991.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### DISTRICT JUSTICE

February 6, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Delores Gail Cole Bristol, 523 Water Street, Ulysses 16948-0078, Potter County, Twenty-fifth Senatorial District, for appointment as District Justice in and for the County of Potter, Magisterial District 55-3-02, to serve until the first Monday of January, 1994, vice Jeanne M. Cole, resigned.

ROBERT P. CASEY.

#### DISTRICT JUSTICE

February 6, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ernest J. DiAchille, 1413 White Oak Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-2-06, to serve until the first Monday of January, 1992, vice Rinaldo J. Secola, mandatory retirement.

ROBERT P. CASEY.

#### DISTRICT JUSTICE

February 6, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Llewellyn B. Wells, R. D. 1, Box 155C, Corsica 15829 (Clarion Township), Clarion County, Forty-first Senatorial District, for appointment as District Justice in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January, 1992, vice Alta LaVerne Hamilton, resigned.

ROBERT P. CASEY.

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

February 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James T. Atherton, Jr., 42 Crescent Avenue, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Elbern Alkire, Jr., Emmaus, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

February 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James R. Duffy, HC 1, Box 2247, Lynndale, Tafton 18464, Pike County, Twentieth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 1991, and until his successor is appointed and qualified, vice Martha B. Schoeninger, Wayne, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

February 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Regina Ryan Rodriguez (Democrat), R. D. 1, Box 163, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

DISTRICT JUSTICE

February 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Antonia Deraco, 830 North Seventh Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as District Justice in and for the County of Lebanon, Magisterial District 52-2-01, to serve until the first Monday of January, 1992, vice Catherine M. Coyle, resigned.

ROBERT P. CASEY.

MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George W. Franz, 11 Stirling Way, Chadds Ford 19317, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Clifford Lewis, Flourtown, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy D. Lewis, 201 Long Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until her successor is appointed and qualified, vice Joan H. Cadwalader, Unionville, resigned.

ROBERT P. CASEY.

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

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William F. Barry, 425 Morgantown Street, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gayle Hawkins Bush, 5111 Dakota Street, Philadelphia 19130, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Audrey S. Pittman, Philadelphia, whose term expired.

ROBERT P. CASEY.

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

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William M. Kern, Esquire, 347 Main Street, Clarion 16214, Clarion County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Richard C. Snebold, Jr., Wexford, whose term expired.

ROBERT P. CASEY.

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

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fred C. McIlhattan, Box 27, Peterson Avenue, Knox 16232, Clarion County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald L. Stroup, 110 North Fourth Avenue, Clarion 16214, Clarion County, Sixth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul A. Weaver, 1072 Sunset Drive, Clarion 16214, Clarion County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
ENERGY DEVELOPMENT AUTHORITY

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jeffrey S. Craig, 8 Ellsworth Terrace, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Werner Fricker, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. O'Donnell, 1505 Madison Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Shane, 440 School Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Charles J. Potter, Ph.D., Indiana, deceased.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gealy W. Wallwork, 102 Country Club Lane, Kittanning 16201, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice John B. McCue, Esquire, Kittanning, whose term expired.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF LINCOLN  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Darrell R. Gordon, 275 Melrose Avenue, Merion Station 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1993, and until his successor is appointed and qualified, vice Spencer J. Andress, Oxford, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE PLANNING BOARD

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joann Bell, 8439 Suffolk Road, Philadelphia 19138, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

ROBERT P. CASEY.

MEMBER OF THE STATE PLANNING BOARD

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joanne R. Denworth, 310 South Second Street, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

ROBERT P. CASEY.

MEMBER OF THE STATE REAL  
ESTATE COMMISSION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Howard J. Hanna, Jr., 4737 Bavard Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel K. Lamb, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reginald H. Bethel, 3326 Webster Avenue, Pittsburgh 15219-3916, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lewis Degennaro, M.D., Medical Arts Building, 327 North Washington Avenue, Scranton 18503, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Neal E. Mann, North East, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Joseph H. Irwin, Jr. (Public Member), 658 West Third Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve until November 15, 1991 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara F. Zsigovits, Whitehall, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, G. Davis Greene, Jr., 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of The State Employees' Retirement Board, to serve for a term of four years, and until his successor is appointed and qualified, vice James Scheiner, Harrisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sarah W. Hargrove, 423 Walnut Street #124, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, and until her successor is appointed and qualified, vice Christine Crist, Camp Hill, resigned.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Augusta A. Clark, Esquire, 1313 Lafayette Place, Philadelphia 19122, Philadelphia County, Second Senatorial District, for appointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1991, and until her successor is appointed and qualified, vice Edward H. Rosen, Narberth, whose term expired.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Seventeenth Senatorial District, for appointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1994, and until his successor is appointed and qualified, vice Edward F. Mannino, Esq., Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry O. Sather, McConnellstown, whose term expired.

ROBERT P. CASEY.

TREASURER, MONTGOMERY COUNTY

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Maza, Breeze Hill Farm, Box 47, R. D. 2, Pennsburg 18073, Montgomery County, Twenty-fourth Senatorial District, for appointment as Treasurer, in and for the County of Montgomery, to serve until the first Monday of January, 1992, vice Floriana Bloss, resigned.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jess E. Rollin (Republican), P. O. Box 385, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Bernyce A. Dufton, Clearfield, resigned.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald J. Bonner (Democrat), 48 Walden Drive, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Rita B. Casey, Kingston, deceased.

ROBERT P. CASEY.

**MEMBER OF THE PHILADELPHIA COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Audrey Pittman (Democrat), 1227 South 61st Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Joseph Toner, III, Philadelphia, resigned.

ROBERT P. CASEY.

**MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon Beckner Ritenour (Democrat), R. D. 6, Box 226A, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorris Jean Keen (Democrat), 120 Verna Road, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Elizabeth Fenton, Lewisburg, resigned.

ROBERT P. CASEY.

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Matthew Silberman, Ph.D. (Democrat), 121 Verna Road, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for reappointment as a member of the Union County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Adrian E. Spielman (Republican), 735 Market Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Harris Lemon, Mifflinburg, resigned.

ROBERT P. CASEY.

**MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Patricia Finan (Democrat), Box 151, Lake Winola 18625, Wyoming County, Twentieth Senatorial District, for appointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ruth Hug (Democrat), R. D. 1, Box 93, Factoryville 18419, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE INDUSTRIAL BOARD**

February 8, 1991.



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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of L. Robert Kimball, 619 West Horner Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

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

ROBERT P. CASEY.

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

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

#### **DISTRICT JUSTICE**

February 7, 1991.

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

Please note the nomination dated February 6, 1991 for the appointment of Ernest J. DiAchille, 1413 White Oak Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, as District Justice in and for the County of Allegheny, Magisterial District 5-2-06, to serve until the first Monday of January, 1992, vice Rinaldo J. Secola, mandatory retirement, should be corrected to read:

Ernest J. D'Achille, 1413 White Oak Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, as District Justice in and for the County of Allegheny, Magisterial District 5-2-06, to serve until the first Monday of January, 1992, vice Rinaldo J. Secola, mandatory retirement.

### **GENERAL COMMUNICATION**

#### **LISTS OF LOBBYISTS AND ORGANIZATIONS**

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

#### **SENATE OF PENNSYLVANIA**

February 6, 1991

To the Honorable, the Senate of the Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from January 1, 1991 through January 31, 1991 inclusive, for the 174th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN  
Secretary  
Senate of Pennsylvania  
JOHN J. ZUBECK  
Chief Clerk  
House of Representatives

(See Appendix for complete list.)

### **APPOINTMENTS BY PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Hardy Williams as a member of the State Planning Board.

Senator William J. Stewart as a member of the Board of Directors of the Energy Development Authority.

Senator Roxanne Jones as a member of the Pennsylvania Minority Business Development Authority.

Senator Michael A. O'Pake as a member of the Pennsylvania Heritage Affairs Commission.

Senator J. William Lincoln as a member of the State Transportation Advisory Committee.

Senator Jeanette F. Reibman as a member of the Council on the Arts.

Senator Francis J. Lynch as a member of the Vietnam Veterans' Health Initiative Commission.

Senator Michael E. Bortner as a member of the Pennsylvania Commission on Sentencing.

Senator Noah W. Wenger as a member of the Capitol Preservation Committee.

Senator Roy C. Afflerbach as a member of the Legislative Budget and Finance Committee.

Senator Allyson Schwartz as a member of the joint committee to review the need for cost-of-living supplements.

Senator Roger A. Madigan as a member of the Board of Directors of the Pennsylvania College of Technology.

Senator Robert D. Robbins as a member of the Legislative Budget and Finance Committee.

Senator Earl M. Baker as a member of the Local Government Commission.

Senator D. Michael Fisher as a member of the Executive Committee of the Eastern Regional Conference of the Council of State Governments and the Port of Pittsburgh Commission.

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Resolution No. 15 and certain nominations.

**BILLS IN PLACE**

Senator HART presented to the Chair several bills.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I ask for a temporary Capitol leave for Senator Baker.

Senator STAPLETON. Mr. President, I ask for legislative leaves for Senator Andrezeski, Senator Jones and Senator Lincoln.

The PRESIDENT. Senator Fisher asks temporary Capitol leave for Senator Baker. Senator Stapleton requests legislative leaves for Senator Andrezeski, Senator Jones and Senator Lincoln. The Chair hears no objection. Those leaves will be granted.

**LEAVES OF ABSENCE**

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

Senator STAPLETON asked and obtained leaves of absence for Senator WILLIAMS and Senator LYNCH, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION****RECESS ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, February 11, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 11, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, March 11, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

**YEAS—47**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer

Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	

NAYS—0

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

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lincoln and his legislative leave will be cancelled.

**CALENDAR****SECOND CONSIDERATION CALENDAR****BILL ON SECOND CONSIDERATION**

**HB 1 (Pr. No. 166)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Considered the second time and agreed to,

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

**BILLS REREFERRED**

**SB 14 (Pr. No. 14)** — The Senate proceeded to consideration of the bill, entitled:

An Act imposing restrictions and prohibitions on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; providing for the powers and duties of the Environmental Quality Board; and imposing penalties.

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

**SB 26 (Pr. No. 26)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1987 (P. L. 187, No. 24), entitled "An act requiring retail gasoline dealers to post gasoline additive information;....," requiring the Department of Agriculture to establish standards relating to octane levels and additives, to develop a testing program and to enforce the standards established; and making an appropriation.

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

## BILL ON SECOND CONSIDERATION

**HB 67 (Pr. No. 75)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," reenacting and amending provisions relating to service charges and restricting collection activities.

Considered the second time and agreed to,

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

## BILLS REREFERRED

**SB 208 (Pr. No. 392)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for household hazardous waste collection programs; further providing for the Recycling Fund; making a fund transfer; providing for a grant program; and making an appropriation.

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

**SB 278 (Pr. No. 287)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," repealing provisions relating to county liability; and discharging certain county liability.

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

## SENATE RESOLUTION NO. 16, CALLED UP

Senator LOEPER, without objection, called up from page 2 of the Calendar, **Senate Resolution No. 16**, entitled:

A Resolution encouraging Pennsylvania employers to assist employees serving in the Middle East.

On the question,

Will the Senate adopt the resolution?

## SENATE RESOLUTION NO. 16, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 16.

The motion was agreed to and the resolution was adopted.

## RECESS

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

## AFTER RECESS

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

## UNFINISHED BUSINESS

## RESOLUTION REPORTED FROM COMMITTEE

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

## SR 15 (Pr. No. 413)

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

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

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

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

## DISTRICT JUSTICE

January 10, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steve A. Divietro, 3800 Farmersville Road, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Magisterial District 3-2-09, to serve until the first Monday of January, 1992, vice Walter F. Auch, Jr., mandatory retirement.

ROBERT P. CASEY.

## NOMINATION LAID ON THE TABLE

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

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

## SENATE RESOLUTION

The PRESIDENT pro tempore. Mr. President, on behalf of Senator Hopper, Senator Stout, Senator Shumaker, myself and the Senate, I ask unanimous consent to offer a memorial resolution and ask for its immediate consideration.

The PRESIDENT. Senator Jubelirer asks unanimous consent to offer the following condolence resolution which was read as follows:

In the Senate, February 11, 1991

## A RESOLUTION

Expressing the deep sadness of the Senate of Pennsylvania at the death of George I. Bloom, a good friend and respected politician.

WHEREAS, On February 3, 1991, George I. Bloom, one of Pennsylvania's political legends, died at the age of 92; and

WHEREAS, George I. Bloom voted in every election since 1919, a fact of which he was very proud; and

WHEREAS, His love for politics developed early when, at the age of 13, he distributed handbills for local candidates in his native Washington County; and

WHEREAS, He served as secretary to Governor Edward Martin and then accompanied him to the United States Senate as his chief of staff; and

WHEREAS, He became Secretary of the Commonwealth under Governor William Scranton; and

WHEREAS, He was appointed to the Pennsylvania Public Utility Commission where he served as chairman for ten years; and

WHEREAS, George I. Bloom was known as "Mr. Republican" for his dedication to and hard work for the Republican party, including over 50 years as a member of the Republican State Committee with over six years as chairman; and

WHEREAS, On March 26, 1977, he was named Honorary Chairman of the Republican State Committee and is enshrined in the Pennsylvania GOP Hall of Fame; and

WHEREAS, George I. Bloom had the respect and friendship of many persons in both political parties; and

WHEREAS, George I. Bloom was a compassionate man who was always ready to take time to help people, to listen, give advice and do whatever he could, an approach that brought him many friends, some powerful and some not-so-powerful, from all around the State; and

WHEREAS, George I. Bloom had close ties with the Senate of Pennsylvania. A Senate seat was the only publicly elected office that he ever sought when he ran for the Washington County seat in 1938 and was narrowly defeated. He had many good friends in the Senate from both sides of the aisle. In 1988, on the occasion of his 90th birthday, the Senate held a ceremony honoring him which he and his wife, Luella, attended; therefore be it

RESOLVED, that the Senate express its deep sadness at the death of George I. Bloom, a good friend and respected politician, and direct that copies of this resolution sponsored by Senators Robert C. Jubelirer, John D. Hopper, J. Barry Stout and John J. Shumaker, on behalf of the Senate be transmitted to his niece, Carol Sue Kaminsky.

On the question,

Will the Senate adopt the resolution?

#### RESOLUTION ADOPTED

The PRESIDENT pro tempore. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. Mr. President, I might add before I make remarks on the life of George I. Bloom, that many other Members of the Senate have signed the Memorial Resolution. I would ask the Secretary of the Senate to hold it for a short time after the Session for anyone else who has not had the opportunity to sign the George I. Bloom Memorial Resolution to have the opportunity to do so.

Mr. President and Members of the Senate, Pennsylvania truly has lost one of its greatest citizens. Our party, the Republican Party, has lost its captain or legend, if you will. A true Member, as I have talked about halls of fame in the past, of a hall of fame—the Pennsylvania GOP Hall of Fame—and

a friend to all. Someone who, although he was identified and has been honored as a Member of my party, nevertheless, I think each of us knows very well that George Bloom had friends on both sides of the aisle, very deep friendships, both personal and political.

The hallmark of George Bloom as I listened to the eulogies at his funeral, and certainly anytime I talked with him, it always started out with, "What can I do for you?" George I. Bloom was known for those six words, not just saying them, but he truly did many things for other people both in the political world we live in and in what I will call the real world where he was very active in charitable organizations and in giving of himself. That was really the hallmark of this legend, George I. Bloom.

I first got to know George Bloom when, I guess, I was nine or ten years old. He graduated from law school with my father. They were fraternity brothers and close personal friends and so my first introduction to politics at home outside the home area was by someone by the name of George Bloom. When I got to know this man, I realized what a very special human being he was. He was very compassionate, very dedicated, very committed, very close to the things he loved most—close to his religious faith, close to his party, close to his community, close to his family, and that family was an extended family. George Bloom married late in life. He was 60 years of age when he and Luella got married. They never had children, but he had nieces and nephews. Most importantly, George Bloom's extended family were the many people he came into contact with, the many people to whom he was able to say, "What can I do for you?"

How many people at their funeral will have the kind of turnout that a George Bloom has to be able to pay their respects? There were two governors there and a third one would have been there if he had not been in California. There were Senators, there were Congressmen, there were people from all walks of life, from the political world to the outside world of the person who just happened to come into contact with George Bloom but who wanted to come and pay their last respects.

We are very fortunate to have had the opportunity in this Senate to have honored this great legend in our Body, and I think it was most appropriate to do so. You see, Mr. President, I believe that George Bloom truly gave the term "politician" the very best sense of that word. I grew up in a household where I was taught that my word was my bond and when I gave my word I had better keep it or else I had better not give it. That is the kind of world that George Bloom lived in, the professional politician, the politician who befriended people of all walks of life in both parties, even though he was a partisan in the sense that he served a governor and he served his party as its leader. But the most important characteristic about him was his honesty and integrity. Regardless of whether you liked him—and there were many certainly who did not like him because he fought with one governor pretty regularly—George Bloom was an honest, decent human being, a person who lived by his word and as I said, gave our

profession a fine reputation, a name that the politician could say that is the truest sense of the goodness in that meaning. Unfortunately, the term "politician" has very much slipped in the public's eye. People like George I. Bloom are not around anymore. There are very few left. It is the last of a breed, the last of that person who committed his life to the dedication of his community, his family, his congregation and his party. They do not exist anymore and it is kind of sad, but I would like to, at least on this day, remember in this Body, a Body he loved from the bottom of his heart, a very special human being. George, wherever you are, you had a great impact on my life and I will never forget you for being someone very special. I am sure as each of us reflects on George Bloom we will always remember that, George, you may have asked us what can you do for us, but you gave so much more of yourself than just that and it was more than just words. I hope that as time goes by the name George Bloom will not be forgotten in this Body or outside of it as the person who brought honesty, integrity, dedication and commitment to a profession that each of us has chosen to follow.

Senator SHUMAKER. Mr. President, I look back to a few weeks ago when George Bloom called me on the Friday before he died. He invited me to lunch that Friday and he called to go over the menu to see if I agreed with it. That does not sound like much to people, but George had people to help him at the house and yet he called to be sure that in his home he was going to have that which I liked. George Bloom was that way in life all the time. When you say he was beloved by Republicans and Democrats alike, sometimes that is a rhetorical question and sometimes it is a statement made only because people like to hear it, but not in the case of George Bloom. Friendship to him was probably the greatest thing in the world. He was a great believer and a great supporter of his party. I know that the people on the other side always held this man in the highest respect. Often I would be asked by people, if I saw them out of town, How is George Bloom doing? They were not Republicans, they were Democrats.

He was quite a man. He was not only a politician and a statesman but something much more. He was a friend to many, many people in this Body and to many people in Pennsylvania. In the last years of his life he was in a wheelchair, but that did not stop him from doing anything. He would come to functions. If invited, he would come to any affair and he would come in his wheelchair. We never acknowledged that he was in a wheelchair because we never thought of him as being in a wheelchair. George Bloom was there and that made the event, and it is going to be a long time in Pennsylvania before we see men like George Bloom in politics again. It would be wonderful if in every generation we could have those kinds of people leading us.

The gentleman from Blair, Senator Jubelirer, mentioned that he was proud of his family, he was proud of his party and he was proud of his religion. There was one other thing: He was terribly proud of his friends. He never boasted about them, but if you called George Bloom on the phone, it would take him five minutes to get into action to see if he could help

you. A call would come back and he would say, John, this is something that maybe I could look into—this is before I even considered elective office—and then he would come back and he would say, this cannot be done and he gave you the reason why.

A returned phone call from George Bloom was kind of like a returned call, for me at a young age, from God because I grew up respecting him as much as any person in politics, and I rise today to pay my respects to this gentleman. I shall never forget him personally because he made me feel, every time I was near him, as though I was the most important thing he had to do for that day, that I was the most important thing in his life, as a matter of fact, and anybody who has had that contact, in either party here, when you were with him there was some glow, there was some radiation, there was something in that man that made you feel you were in the company of greatness. He said he only ran for public office once, but what he did for this state he did for a lifetime. So, Mr. President, I rise in the greatest respect for one of the finest men I have ever known, to a great friend, and I say, George, we will never forget you because Pennsylvania is a lot better because of you.

Senator BAKER. Mr. President, I rise to support the resolution and to express my appreciation for what George Bloom did for the Commonwealth of Pennsylvania. As a former chairman of the Republican Party myself, I have a unique appreciation for one who served in that position for six years. I served in that position for four years, which is longer than anybody since George Bloom, and the job of the state chairman is an unsung, unheralded and sometimes thankless task for which George Bloom set a standard which we, in the Republican Party, and I am sure all Pennsylvanians, respect for not only his commitment to a party, but also to serving a party for the greater good of his community and for the state. I appreciated the advice and support that he gave me as a state chairman and as a politician, and I would like to mention three areas in which I think that George Bloom draws a contrast with the situation that we have today.

I think today the term "politics" as a profession and the term "politician" are often terms of ridicule. They are terms of skepticism, and yet George Bloom was proud of being a politician, as we should be proud of being politicians, because it gave him an opportunity to serve and to work with people. He often indicated his pride in his profession. He was a true grass roots politician with his roots in Washington County and his understanding of local politics in the sense that all politics is in a sense local.

Another unique thing about George Bloom was that he believed in the political party, and today it has become routine for candidates and for those who aspire to political favoritism to attempt to bypass whichever party, to work around it, to use it as a tool for ambition and, yet, without commitment to the institution itself. George Bloom was an institution builder and his commitment to the party was not just for a moment, but it was for the long term for the party as an accountable institution, for an organization that could function to achieve policy and to achieve good for the people.

Finally, the third thing I would like to say that is different about George Bloom was that he liked to call people or to be called just to say hello and just to share thoughts and not necessarily waiting for the time when you wanted something or when he wanted something. I think that is a little different from the way a lot of people are in politics when they call when they do need something or want something. George believed in keeping the lines of communication open. In the process he was often able to do good for people and to ask for the things or the tokens of politics and yet he was always a gentleman, always someone who dealt on the basis of a mutually shared commitment to ideals.

So, it gives me pleasure to second the eloquent comments of those who have preceded me and I will not try to reiterate the aspects of George's life, but simply say that we do need people like George Bloom in politics. I think if we had more people like George Bloom in politics we would have a system in which we could see a brighter luster on the politician's image.

Senator STOUT. Mr. President, as a Washington Countian, I rise to support the resolution in memory of a distinguished Washington Countian, George I. Bloom. The relationship between the Stout family and George Bloom went back for many, many years. My late father started teaching school in the Burgettstown area during the hard times of the Depression, when the Bloom family was located there in Burgettstown. My father had told me of many times in which George was helpful to people within that community during the dire straits of the Depression, and George went on to distinguish himself in politics throughout the Commonwealth. I remember as a freshman House member in 1971, one of the first people to greet me here in Harrisburg and call and offer their help was George Bloom. Over the years when Mr. Bloom was serving as Chairman of the PUC, two or three times a year George would call and ask me to come over to his office there in the PUC and have lunch with him. What he wanted to do was catch up on Washington County politics. Literally, he would clean off a little space at the end of that long conference table piled high with correspondence and bills and so forth, and his memory always amazed me. He would go back literally precinct by precinct starting in northern Washington County and through the City of Washington and down into the Lemont Valley area talking about the upcoming election, who was running for office and so forth. He wanted to keep in contact with his many friends there in Washington County. When you stop and think about it, that was kind of unique, Washington County being a heavily Democratic county, nearly four to one in registrations, and here this Republican had so many friends. In fact, the Governor who the gentleman from Blair, Senator Jubelirer, alluded to who had difficulty with George, as a House Member one time there was a piece of legislation that the Governor at that time was supporting that would have put a crimp in George's power—I forget the details now since it has been nearly 20 years ago. I remember getting called into the Governor's Office as to why I was not supportive of that legislation. I said, "Well, Governor, George Bloom is from Washington County and, quite

frankly, he has more friends out there than you do." So as a practical politician I was supporting my friend George Bloom. Many times on other occasions I was trying to deal with a utility problem. I had gone through all the channels and was getting nowhere to help my constituents. One visit over to George, and he picked up the phone and in a matter of five or ten minutes the problem was solved. And it is very true, he would always ask you what he could do for you. He had many, many friends from Washington County who were saddened by his death. He continued to be respected over the years as a person whose word was good. If he could help you, he would do that. And he never forgot the people in Washington County and was always there to support and help them.

Indeed, it is fitting that this Body honor the memory of George Bloom, and as long as there are people here who remember that, George's memory will live on.

Senator LOEPER. Mr. President, I also rise in support of the resolution and unlike some of the previous speakers, never really had the opportunity to get that close to George Bloom but certainly by reputation knew of his outstanding contributions to our party and to the many candidates throughout the state and to the people of Pennsylvania.

I took some time to just quickly peruse some of the clips that had been written after Mr. Bloom's death recently. I think some of the things that were said in there really highlight what kind of a man George Bloom was. I think just the fact that he began his first political work at age 13, getting involved in his first campaign, says something about an almost natural instinct for getting involved politically, trying to work for other people and trying to help other people. I think it is interesting and one thing I saw was that after completing his PUC term in 1975, Mr. Bloom remained not only a State Committee Member and attended many of the National Conventions of the Republican Party, but each time he went to any kind of a meeting, he would always receive a standing ovation from his fellow party members whenever he was introduced. I think after he retired from the PUC it was quite telling when he said at his retirement that, "I am not going to sit in a rocking chair and rust." He was going to continue that commitment and remain involved through the rest of his life. I think it was indicative of the kind of man George Bloom was that he really never considered himself a power in the political process even though we all know that certainly was one of his hallmarks and one thing he was. He had been a member of the Republican State Committee from 1939 until 1981, and at that time in 1981 George Bloom was named as a State Committeeman Emeritus in recognition of his long involvement with the state party. I thought it was telling also what kind of a person George Bloom was that he was always an affable man in public, but was neither a long-winded speaker nor a back-slapping fun lover after hours, so to speak. He nevertheless had a private sense of humor, and I think that one of the incidents I noted was when his law firm's automobile he had been using was stolen during a state committee meeting in Harrisburg, back during the 1950s, and he had to call his brother in Little Washington. He telephoned his brother to

say, Izzy, your Cadillac has been stolen, send mine immediately, and I think that indicates the kind of person and sense of humor that George Bloom had. I think if we take a look, too, we will see that this past November George Bloom voted, once again, this time by absentee ballot, for the 71st consecutive election that he cast his ballot, and I think that is a record that many of us would have a hard time to try to match in the years ahead. Again, I think that those who worked along with George Bloom remembered him as a person who was certainly an up-front man whose word might be as good as a legal contract. If he gave you his word, it was binding and you knew you could count on it, and that certainly earned George Bloom the bipartisan praise that prompted a Special Session of this Senate in 1988 in his honor. I think that for all the dabbling in the high level political rooms and hallways of democracy, friends of George Bloom always said that he never forgot the common men and women who had formed the foundation of Pennsylvania, and for George Bloom it made no difference whether you were a Republican or a Democrat, a black or a white, or something in between. He felt his obligation in life was to help people, those people who had problems. As was said earlier by some of the previous speakers, George Bloom always said to people, What is it I can do for you? I think that Pennsylvania will certainly have a hard time replacing a gentleman of the characteristics of George Bloom and the contributions that he made to this Commonwealth, but we wish those who are still in his family well. Pennsylvania is going to miss a true gentleman and public servant in George Bloom.

Senator STAPLETON. Mr. President, I did not intend to speak, but I recall back in 1970 when I first came to the Senate of Pennsylvania, I was up on the fourth floor in a little cubbyhole and a fellow by the name of George Bloom asked if he could meet with me. I believe I was just in the Senate for a couple of weeks. I met with him not knowing what he had in mind, but he came in and told me that he felt I should join the Grand Old Party, coming from a district that is all Republican in all of my counties, that I would feel much more comfortable with him and his people than where I was. We certainly talked a great deal that day, and I am going to say that at least every year, from then on until the last couple of years, we would meet at least once for lunch. He would inquire about his many good Republican friends back in Indiana County, Mrs. Bennett in Jefferson County and friends in Clarion and Armstrong Counties, and he had friends in all of the counties. He continued to call me every now and then to remind me of his feelings and the feelings of some of his close Republican friends and some of their views on some legislation, and what have you. I did not know the gentleman that well, but whenever we would see each other we would have a discussion and I am sure to this day he probably still felt that I should have joined the Grand Old Party and been a part of George Bloom.

Senator HOPPER. Mr. President, I, too, rise in support of this resolution before us, and I agree completely with the remarks made by our colleagues who preceded me. George moved into Camp Hill some years ago and was a good friend

of mine for many years. In the mid 1970s he assisted me greatly when I was trying to make a decision on whether to get involved in the governmental process or not, and that assistance has lasted for almost 15 years now and, I say, Thank you, George, wherever you are.

The PRESIDENT. Would the Members of the Senate, on the question of the adoption of the resolution, who wish to support the resolution please rise and join in a moment of silence.

(Whereupon, the Senate en banc stood in a moment of silence in solemn respect to the memory of GEORGE I. BLOOM.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Earle J. Hershey by Senator Armstrong.

Congratulations of the Senate were extended to Ted Golembiewski and to Spigno Saturnia Italo American Society by Senator Bodack.

Congratulations of the Senate were extended to Allen W. Baldwin, Paul J. Failla, Gregory P. Quatchak, John Lennon, Daniel R. Sosso, Kevin R. Reilly, Jeffrey A. Przygocki, Randall Lee Hart and to Richard R. Cessar by Senator Hart.

Congratulations of the Senate were extended to Clay C. Hess by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Ario E. Welch, Mr. and Mrs. Joseph J. Rondinella, Sr., Mr. and Mrs. Joseph A. Quinn, Sr. and to Leila Mae Winans Bacon by Senator Lemmond.

Congratulations of the Senate were extended to Nicholas J. Mollo, Timothy Regan Birkner, William R. Wallace and to Daniel Joseph Kent by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. William J. Scanlon by Senator Scanlon.

Congratulations of the Senate were extended to Mr. and Mrs. Odell Anderson by Senator Stout.

Congratulations of the Senate were extended to Ellis F. Martzall by Senator Wenger.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Melvin Frederick Johnson by Senator Jones.

### ANNOUNCEMENTS BY THE SECRETARY

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



## SENATE OF PENNSYLVANIA

## COMMITTEE MEETINGS

TUESDAY, FEBRUARY 12, 1991

10:15 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 28 and 166 and Swine Health Regulations from the Depart- ment of Agriculture - I.D. No. 002-068)	Room 8E-A Hearing Room East Wing
11:00 A.M.	EDUCATION (to discuss the Federal Vocational Education-Carl Perkins Bill)	Room 461 4th Floor North Wing
11:00 A.M.	JUDICIARY (to consider Senate Bills No. 4, 303, 304 and 347)	Room 8E-B Hearing Room East Wing

MONDAY, FEBRUARY 25, 1991

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Room 156 Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Room 156 Senate Majority Caucus Room
11:30 A.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Room 156 Senate Majority Caucus Room
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Pennsyl- vania State University)	Room 156 Senate Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Room 156 Senate Majority Caucus Room

TUESDAY, FEBRUARY 26, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of State)	Room 156 Senate Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Revenue)	Room 156 Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of General Services)	Room 156 Senate Majority Caucus Room

WEDNESDAY, FEBRUARY 27, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Corrections)	Room 156 Senate Majority Caucus Room
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11:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Military Affairs)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Room 156 Senate Majority Caucus Room
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Health Care Cost Containment)	Room 156 Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Commerce)	Room 156 Senate Majority Caucus Room

THURSDAY, FEBRUARY 28, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Room 156 Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Pennsyl- vania State Police)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Room 156 Senate Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Community Affairs)	Room 156 Senate Majority Caucus Room

MONDAY, MARCH 4, 1991

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Transportation)	Room 156 Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Labor and Industry)	Room 156 Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Aging)	Room 156 Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Governor's Office)	Room 156 Senate Majority Caucus Room

TUESDAY, MARCH 5, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Health)	Room 156 Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Public Welfare)	Room 156 Senate Majority Caucus Room

WEDNESDAY, MARCH 6, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Environmental Resources)	Room 156 Senate Majority Caucus Room
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Insurance)	Room 156 Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Agriculture)	Room 156 Senate Majority Caucus Room

THURSDAY, MARCH 7, 1991

9:00 A.M.	APPROPRIATIONS (Budget Hearing - PEMA)	Room 156 Senate Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Education)	Room 156 Senate Majority Caucus Room

### ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, before I make the adjournment motion for today, I would just remind the Members that the Senate will convene at 11:30 a.m. tomorrow morning for our Session, and, also, all Republican Members of the Senate, I would ask to report immediately to the first floor caucus room upon the adjournment for a caucus in preparation for that.

### ANNOUNCEMENT BY MINORITY LEADER

Senator MELLOW. Mr. President, prior to final disposal of the motion, I would like to ask all Democrat Members to report immediately upon the conclusion of Session to our caucus room at the rear of the Chamber for a very brief but very important caucus.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, February 12, 1991, at 11:30 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:05 p.m., Eastern Standard Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 12, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 11

### SENATE

TUESDAY, February 12, 1991.

The Senate met at 11:30 a.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend KARIN CARROLL, Associate Pastor of Camp Hill Presbyterian Church, Camp Hill, offered the following prayer:

Let us pray.

Gracious and mighty God, judge of all nations, You have given us another day rich with blessing.

We thank You for all those who labor in this Chamber to govern and to guide, and we ask Your blessing on what they accomplish here.

God of our ancestors, in every age You raise up leaders to guide us in times of peril. On this day we remember especially Abraham Lincoln, who gave the last full measure of devotion and public service to this country. In these troubled times, we lift up in prayer his plea for peace:

With malice toward none; with charity for all; with firmness in the right, as You give us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

These and all our prayers we lift up in the name which is above all names. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 11, 1991.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harvey Portner, 7901 Rodgers Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ruth M. Tucker, 2225 Lloyd Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until her successor is appointed and qualified.

ROBERT P. CASEY.

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

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael Mokotoff, Ph.D., Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fitz Eugene Dixon, Jr., P. O. Box 178, 665 Thomas Road, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

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

February 11, 1991

**HB 25 and 70** — Committee on Judiciary.

**HB 28, 52 and 53** — Committee on Consumer Protection and Professional Licensure.

**HB 57** — Committee on Banking and Insurance.

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

Recess Adjournment.

**RESOLUTIONS INTRODUCED AND REFERRED**

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

February 11, 1991

**DIRECTING THE JOINT STATE GOVERNMENT  
COMMISSION TO CONDUCT A STUDY IN  
RELATION TO THE PERSIAN GULF WAR**

Senators BELL, SHUMAKER, PUNT, SCANLON, HOLL, SALVATORE, BELAN, HELFRICK, MUSTO, MADIGAN, ANDREZESKI, SHAFFER, LAVALLE, ROBBINS, O'PAKE, GREENWOOD, LYNCH, PECORA, JONES, RHOADES, STOUT, JUBELIRER, STAPLETON, WENGER, STEWART, LEMMOND, FUMO, FISHER, CORMAN, LOEPER, PETERSON and HOPPER offered the following resolution (**Senate Resolution No. 18**), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, February 11, 1991.

**A RESOLUTION**

Directing the Joint State Government Commission to conduct a study in relation to the Persian Gulf War.

WHEREAS, The war in the Persian Gulf area has involved sending our finest young men and women thousands of miles away from our shorelines to insure that the mandates of the United Nations are successfully accomplished; and

WHEREAS, Many Pennsylvanians are included in the armed forces in the Persian Gulf serving in the best tradition of our concept of citizen-soldier. Some have already made the supreme sacrifice, including several Pennsylvanians; and

WHEREAS, The Commonwealth of Pennsylvania has compensated the veterans of World War I, World War II, the Korean Conflict and the Vietnam War. It is only proper that Pennsylvanians who are serving and will continue to serve in the Persian Gulf War be compensated in a similar manner by the Commonwealth; therefore be it

RESOLVED, That the Senate direct the Joint State Government Commission to conduct a study to do the following:

(1) Determine the number of Pennsylvanians who are serving in the Persian Gulf.

(2) Determine the amount of money which will be needed to compensate Pennsylvania veterans for service in the Persian Gulf.

(3) Determine the exact dates of service in the Persian Gulf which will qualify a veteran for compensation.

(4) Examine existing laws of the Commonwealth relating to veterans and recommend any changes necessary to compensate Pennsylvania veterans of the Persian Gulf War; and be it further

RESOLVED, That the Joint State Government Commission make a report of its findings and recommendations as soon as possible.

**MEMORIALIZING THE CONGRESS OF  
THE UNITED STATES TO CONTINUE  
SUPPORT AND FUNDING FOR THE  
DELAWARE ESTUARY PROGRAM**

Senators FUMO, MUSTO, BRIGHTBILL and TILGHMAN offered the following resolution (**Senate Resolution No. 19**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 11, 1991.

**A RESOLUTION**

Memorializing the Congress of the United States to continue support and funding for the Delaware Estuary Program.

WHEREAS, The National Estuary Program was initiated by the United States Environmental Protection Agency in 1985 and was formalized and expanded as part of the "Water Quality Act of 1987" in efforts to formulate comprehensive plans to restore certain significant estuaries in this country; and

WHEREAS, The Federal legislation specifically identifies the Delaware estuary as one to which priority consideration should be given; and

WHEREAS, The Delaware estuary is a dynamic ecosystem and a resource of great significance to the people of Pennsylvania, New Jersey and Delaware, as well as the nation; and

WHEREAS, The Delaware estuary has suffered abuse over a long period, and its condition is of concern to this Commonwealth; and

WHEREAS, In response to the joint petition of the Governors of Pennsylvania, New Jersey and Delaware, the United States Environmental Protection Agency established the Delaware Estuary Program to carry out the cooperative planning for, and management of, the Delaware estuary; and

WHEREAS, The Commonwealth applauds the attention the estuary has received from the Federal Government and the continuing efforts on behalf of the estuary made by members of the Delaware Estuary Program to identify, preserve and enhance the environmental and economic resources of the estuary and pledges to continue its support of their activities; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the Congress of the United States to continue existing support and funding for the Delaware Estuary Program and for the governmental departments and agencies participating in the program and respectfully request the Congress of the United States to provide additional Federal funding as needed to insure the continued development and implementation of comprehensive management plans for the estuary; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress, the Administrator of the United States Environmental Protection Agency, the Administrators of Regions II and III thereof and to each member of Congress from Pennsylvania.

**URGING THE DEPARTMENT OF  
TRANSPORTATION AND THE PENNSYLVANIA  
TURNPIKE COMMISSION TO CONDUCT A  
STUDY OF UNCONNECTED TURNPIKE  
INTERCHANGES, WITH PARTICULAR CONCERN  
TO THE I-70 INTERSECTION AT BREEZEWOOD,  
PENNSYLVANIA, TO INSURE MAXIMUM  
PUBLIC SAFETY AND CONVENIENCE**

Senators DAWIDA, STOUT, RHOADES and ANDREZESKI offered the following resolution (**Senate Resolution No. 20**), which was read and referred to the Committee on Transportation:

In the Senate, February 11, 1991.

**A RESOLUTION**

Urging the Department of Transportation and the Pennsylvania Turnpike Commission to conduct a study of unconnected turnpike interchanges, with particular concern to the I-70 intersection at Breezewood, Pennsylvania, to insure maximum public safety and convenience.

WHEREAS, There are several Pennsylvania Turnpike interchanges that are not connected with a limited access highway; and

WHEREAS, These unconnected interchanges pose a serious public safety concern, resulting in numerous accidents; and

WHEREAS, One particularly dangerous interchange is Breezewood near Interstate 70; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Department of Transportation and the Pennsylvania Turnpike Commission to conduct a study of the unconnected turnpike interchanges, with particular concern to the I-70 interchange at Breezewood, and to explore ways to connect all interchanges with limited access highways to insure maximum public safety and convenience.

**REQUESTING THE DEPARTMENT OF HEALTH  
TO ESTABLISH AN OVERSIGHT COMMITTEE  
TO CHECK INTO POTENTIAL ABUSES  
RELATING TO THE USE OF PSYCHOLOGICAL  
BEDS IN HOSPITALS**

Senator DAWIDA offered the following resolution (**Senate Resolution No. 21**), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, February 11, 1991.

**A RESOLUTION**

Requesting the Department of Health to establish an oversight committee to check into potential abuses relating to the use of psychological beds in hospitals.

WHEREAS, People are being inappropriately housed in psychological beds; and

WHEREAS, There are cost problems for the Commonwealth associated with improper use of psychological beds; and

WHEREAS, It is not appropriate for some people to be housed in psychological beds, especially those suffering from senile dementia; therefore be it

RESOLVED, That the Senate of Pennsylvania request the Department of Health to establish an oversight committee to check into potential abuses relating to the use of psychological beds in hospitals; and be it further

RESOLVED, That a copy of this resolution be delivered to the Department of Health.

**URGING THE GOVERNOR TO ESTABLISH AN  
ECONOMIC PARTNERSHIP AND A TRADE  
MISSION WITH POLAND, IN PARTICULAR,  
AND EASTERN EUROPE, IN GENERAL, IN  
LIGHT OF THE CHANGING POLITICAL AND  
ECONOMIC CONDITIONS IN THE SOVIET BLOC**

Senator DAWIDA offered the following resolution (**Senate Resolution No. 22**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 11, 1991.

## A RESOLUTION

Urging the Governor to establish an economic partnership and a trade mission with Poland, in particular, and Eastern Europe, in general, in light of the changing political and economic conditions in the Soviet bloc.

WHEREAS, Changing political and economic conditions in the Soviet bloc of nations provide opportunities which may be mutually beneficial to those nations and this Commonwealth; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Governor to take steps to establish an economic partnership with Poland, in particular, and the other nations of Eastern Europe; and be it further

RESOLVED, That the Senate urge the Governor to establish a trade mission which would develop business ties between Pennsylvania business, civic and political leaders and Poland business, civic and political leaders. The goal thereof shall be to have 50 Pennsylvania companies participating for the purpose of economic development. The Senate further urges that the General Assembly appropriate the one-time sum of \$250,000 for this purpose.

### DIRECTING THE APPOINTMENT OF A SPECIAL COMMISSION TO STUDY THE INDUSTRIAL HAZARDS OF VIDEO DISPLAY TERMINALS

Senators ANDREZESKI, BORTNER, JONES, MUSTO, REIBMAN and AFFLERBACH offered the following resolution (*Senate Resolution No. 23*), which was read and referred to the Committee on Labor and Industry:

In the Senate, February 11, 1991.

## A RESOLUTION

Directing the appointment of a special commission to study the industrial hazards of video display terminals.

WHEREAS, There has recently been an epidemic of health problems among employees who use video display terminals; and

WHEREAS, Currently, approximately 7 million Americans operate video display terminals and that number is expected to grow to over 40 million by 1991; and

WHEREAS, There appears to be a need for minimum occupational health and safety standards for the operation of video display terminals at places of employment to protect operators against radiation, air containing hazardous chemical exposures, eyestrain, body pains, boredom, lethargy and other associated ill effects; therefore be it

RESOLVED, That the President pro tempore of the Senate and the Governor appoint a special commission of ten persons to make a thorough and complete investigation of the industrial hazards of video display terminals and how best to protect against those hazards. Five of the persons shall be appointed by the President pro tempore and shall include three members from the majority party, one of whom shall be the chairman of the Labor and Industry Committee, and two members from the minority party, one of whom shall be the minority chairman of the Labor and Industry Committee. Five of the persons shall be appointed by the Governor and shall include one member from each of the following organizations: the AFL-CIO, the AFSCME, the Pennsylvania Optometric Association, the Pennsylvania Medical Society and the Pennsylvania Chamber of Commerce; and be it further

RESOLVED, That the commission may hold hearings, take testimony and make its investigations at such places as it deems necessary within this Commonwealth; and be it further

RESOLVED, That the commission make a report of its findings and recommendations to the Senate not later than December 31, 1991; and be it further

RESOLVED, That a copy of this resolution be transmitted to Governor Robert P. Casey.

### MEMORIALIZING CONGRESS TO REJECT ANY PROPOSAL TO ESTABLISH A NATIONAL LOTTERY

Senators ANDREZESKI, BORTNER, JONES, STEWART, MUSTO, REIBMAN, LAVALLE, BELAN, AFFLERBACH and LYNCH offered the following resolution (*Senate Resolution No. 24*), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 11, 1991.

## A RESOLUTION

Memorializing Congress to reject any proposal to establish a national lottery.

WHEREAS, There are currently 22 states which have established lottery programs to augment state government funds for a variety of worthwhile programs; and

WHEREAS, The Pennsylvania Lottery is the nation's leading lottery in terms of ticket sales and cumulative profits over the past three years; and

WHEREAS, The Pennsylvania Lottery was established to benefit senior citizens living in this Commonwealth by providing funds for the operation of the Department of Aging, the Property Tax and Rent Rebate Program, the Pharmaceutical Assistance Contract for the Elderly (PACE) Program, the Shared Ride and Free Mass Transit Programs, County Aging Programs, the Older Persons Income Needs (OPIN) Program and reimbursements for nursing homes and medical assistance; and

WHEREAS, Various proposals on the Federal level to institute a national lottery would have an extremely adverse effect on the success and profitability of the Pennsylvania Lottery; and

WHEREAS, The establishment of a national lottery would impact on the State's ability to fund existing senior citizen programs at their current levels; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to reject any proposal for the establishment of a national lottery, which would compete with and be counterproductive to the continued operation of existing state lotteries, including the Pennsylvania Lottery; and be it further

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

### AMENDING THE RULES OF THE SENATE RELATING TO TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

Senators ANDREZESKI, BORTNER, JONES, STEWART, BELAN, AFFLERBACH and O'PAKE offered the following resolution (*Senate Resolution No. 25*), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 11, 1991.

## A RESOLUTION

Amending the Rules of the Senate relating to television and radio coverage of Senate proceedings.

WHEREAS, The Senate of Pennsylvania finds and declares that the success of democratic government rests upon an informed electorate; and



WHEREAS, A majority of the citizens of this Commonwealth depend on broadcast media as a major source of information; and

WHEREAS, The television and radio broadcasting of the proceedings of the Senate will give the citizens of this Commonwealth maximum direct public access to such proceedings and thereby assist them in achieving a better understanding of the public issues and of the practices and procedures of the Senate as a representative and legislative body; and

WHEREAS, It is the purpose of this resolution to provide a means, in conformity with acceptable standards of dignity, propriety and decorum, by which the proceedings of the Senate may be covered by television and radio broadcasts; and

WHEREAS, These broadcasts will be made for the information, education and enlightenment of the general public on the basis of providing accurate and impartial news coverage concerning the operations, practices and procedures of the Senate as a representative and legislative body; and

WHEREAS, These broadcasts will provide for the development of a perspective of understanding by the general public concerning the role and function of the Senate under the Constitution of Pennsylvania; and

WHEREAS, It is the intent of this resolution that the general conduct of the proceedings covered and personal behavior of the members of the Senate and of the television and radio personnel involved shall be in strict conformity with and in observance of acceptable standards of dignity, propriety, courtesy and decorum that is traditionally associated with and observed by the Senate; and

WHEREAS, The television and radio broadcasting of the sessions of the Senate shall in no way distort the objects and purposes of the proceedings or activities of the members of the Senate involved in said proceedings, or in connection with the general work of the Senate; and

WHEREAS, Television and radio coverage of the proceedings of the Senate shall in no way cast discredit or dishonor on the members of the Senate, or bring the Senate or any members thereof into disrepute; and

WHEREAS, The television and radio coverage of the Senate is a privilege granted by the Senate and shall be permitted and conducted only in strict conformity with the purposes, provisions and requirements of this resolution; therefore be it

RESOLVED, That the Rules of the Senate be amended by adding a rule to read:

**RULE XL  
TELEVISION AND RADIO  
COVERAGE OF SESSIONS  
OF THE SENATE**

**Coverage in General**

1. Television and radio coverage of the proceedings in the Chamber of the Senate of Pennsylvania shall be authorized on a continuing basis, from gavel to gavel, except for caucuses and off-the-floor committee meetings.

Televised gavel-to-gavel coverage shall commence with a test period to last at least six months dating from the adoption of this rule. During this test period, no television or radio broadcast signal will be sent outside the capitol building for public or private use.

**Type of Coverage**

2. Coverage shall provide a complete, unedited record of what is said on the floor of the Senate and is intended to be an informative documentary, and not a staged performance, and is to be free from editorial analysis.

Only the presiding officer and the persons actually speaking shall be covered by the cameras during the proceedings and debate. Cameras shall not pan the entire Senate Chamber.

During roll call votes, and other votes, the cameras will be focused on the presiding officer and the appropriate clerks.

During recesses of the Senate, cameras shall be turned off.

The name of the Senator who is speaking shall be superimposed on the bottom of the screen.

Still photographs of the proceedings are prohibited.

The Committee on Rules may decide other minor issues which may develop.

**Administration and Procurement**

3. A lighting and camera consultant shall be hired by the Chief Clerk of the Senate to assist in the implementation of broadcast equipment.

The Office of the Chief Clerk shall be responsible for the installation of equipment and for the operation of the television broadcast, including the hiring of the necessary technical personnel.

All equipment shall be owned and operated by the Senate so that the Senate can more effectively supervise the broadcasts and prevent disruption of the normal proceedings.

**Access**

4. The continuous broadcast of the Senate shall be provided free of charge to any licensed radio or television station; the Rules Committee may, however, authorize other entities, such as government agencies and universities, to receive broadcasts.

**Further Provisions**

5. The State Museum and Archives shall store the historical copies which may be reviewed free of charge at the Museum. Copies may be made for the cost of the copy.

No coverage shall be used or made available for use as partisan political campaign material to promote or oppose the candidacy of any person for elective office, whether in paid political broadcasts or otherwise; and use of the coverage so provided shall be subject to all State and Federal laws relating to elections and campaign practices.

No part of such coverage or any recording thereof shall be used in any commercial advertisement.

Any live coverage shall be without and presented without any commercial sponsorship, except when it is part of a bona fide news program or public affairs documentary.

Nothing in any contract entered into by the Office of the Chief Clerk regarding installations of equipment shall permit any control over microphones in the Senate Chamber to be exercised by anyone but the appropriate Senate officers and employees.

Any television or radio network or station may or may not, at its discretion, broadcast any or all such coverage, either live or through the use of edited portions, in news broadcasts and other appropriate programs.

Offices of Senators and their staff are to be furnished with monitors to view the live proceedings.

**Funding**

6. This program shall be funded through the normal appropriation procedures.

**DIRECTING THE BANKING AND INSURANCE  
COMMITTEE TO INVESTIGATE PENNSYLVANIA  
BLUE CROSS-BLUE SHIELD**

Senator GREENLEAF offered the following resolution (Senate Resolution No. 26), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 11, 1991.

**A RESOLUTION**

Directing the Banking and Insurance Committee to investigate Pennsylvania Blue Cross-Blue Shield.

RESOLVED, That the Senate direct the Banking and Insurance Committee to conduct an investigation of the operations, procedures and spending practices of Pennsylvania Blue Cross-Blue Shield.

### APPOINTMENT BY MAJORITY LEADER

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Senator James C. Greenwood as a member of the Governor's Commission for Children and Families.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator H. Craig Lewis as a member of the Task Force on Economic Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Michael M. Dawida as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Anthony B. Andrezeski as a member of the Committee on Health and Social Services of the Eastern Regional Conference of the Council of State Governments.

Senator Vincent J. Fumo as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator Raphael J. Musto as a member of the Committee on Environment of the Eastern Regional Conference of the Council of State Governments and the Committee on Energy and Public Utilities of the Eastern Regional Conference of the Council of State Governments.

### REPORTS FROM COMMITTEE

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported the following bills:

#### SB 28 (Pr. No. 28)

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

#### SB 166 (Pr. No. 175)

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," authorizing direct commercial sales of agricultural commodities.

### BILLS IN PLACE

Senator SCHWARTZ presented to the Chair several bills.  
Senator LOEPER presented to the Chair several bills.

### LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request legislative leave for Senator Jones and a temporary Capitol leave for Senator Lincoln.

The PRESIDENT. Senator Fisher asks temporary Capitol leave for Senator Armstrong. Senator Mellow asks legislative leave for Senator Jones and temporary Capitol leave for Senator Lincoln. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

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

Senator MELLOW asked and obtained leaves of absence for Senator LYNCH and Senator WILLIAMS, for today's Session, for personal reasons.

### CALENDAR

#### SENATE RESOLUTION NO. 15, CALLED UP OUT OF ORDER

Senator LOEPER, without objection, called up out of order from page 1 of the Calendar, as a Special Order of Business, **Senate Resolution No. 15**, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 15, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 15.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—47

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

#### NAYS—0

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

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR VINCENT J. FUMO  
PRESENTED TO SENATE**

Senator FUMO. Mr. President, I am very proud today to introduce my daughter Allison who has come with us today. For all the old men in here, this is my daughter, not my granddaughter, and I am quite pleased to have her with us. I urge all my colleagues who are around my age not to worry about it if you have another child, that you will be 67 when she graduates from high school, but she has been a joy to my life and my wife's life, and I would like to introduce her now as well as my wife and her nanny, Barbara, and ask the Senate to give them its warm welcome.

The PRESIDENT. Would the Senate please join me in welcoming young Allison and Jane Fumo and the guests of Senator Fumo to the floor of the Senate.

(Applause.)

The PRESIDENT. The Chair cannot help noticing that she must be a Fumo since she is aggressively reaching for the microphone.

Senator SALVATORE. I wanted to say that Senator Fumo should not attribute that baby to himself, but to Jane and how beautiful Jane is. That is why they have a beautiful baby, because if it were not for Jane, there would not be a beautiful baby.

The PRESIDENT. The Chair thanks the gentleman for that necessary correction.

**GUESTS OF SENATOR F. JOSEPH LOEPER  
AND SENATOR RICHARD A. TILGHMAN  
PRESENTED TO SENATE**

Senator LOEPER. Mr. President, while we are under the order of business of introductions, I am also very fortunate to have two special friends who are Delaware Countians here visiting the Capitol today. One is our Superior Court Judge, the Honorable Stephen J. McEwen, and also a constituent of Senator Tilghman from Havertown, Mr. Tom McCue. I was wondering if the Senate would extend its warm welcome to those two gentlemen.

The PRESIDENT. Would the guests please rise so we can welcome you to the Senate.

(Applause.)

**SPECIAL ORDER OF BUSINESS****CEREMONY IN COMMEMORATION OF  
ABRAHAM LINCOLN**

Senator HART. Mr. President, the tradition of the Lincoln Day Address goes back a long way, not just here in the Senate of Pennsylvania, but throughout the nation as Republicans harken back to the roots of our party and our philosophy and all Americans honor the memory of one of our greatest leaders and pause to recall his ideals. The audience today is a bipartisan one, and I would be remiss to ignore the fact that

our friends on the other side of the aisle have a similar and equally important tradition in honoring the memories of Thomas Jefferson and Andrew Jackson. In fact, Lincoln himself partook of that tradition. Lincoln, Jefferson and Jackson—men from widely diverse backgrounds who led this nation at uniquely challenging periods of our history, yet, all three represent the best of what we are as people and what we are challenged to be in government. Each of these men put their faith in the basic common sense and wisdom of individual citizens, the men and women who form the backbone of our nation—our constituents. And they believed in the great things that individuals can do if they are given the right tools. From this belief in the people sprang a commitment to support, protect and expand the freedoms and the opportunities available to all the people of this nation.

As Lincoln once said, "Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands, everywhere. Destroy this spirit, and you have planted the seeds of despotism at your own door." What sets Lincoln apart in the American mind was not only his deep belief in the dignity of every person, but his commitment to turn those beliefs into action. With a bold stroke of his pen, Abraham Lincoln offered a share of the American dream to men and women who had spent their lives in chains under the tyranny of slavery. Lincoln chose to end this abominable institution because he believed that the primary aim of government was to uplift citizens, to help them improve their lot in life, not to force them to live their lives as another man's property. After all, Lincoln was a living embodiment of the American dream, rising from humble beginnings, teaching himself to read, learning the law, seeking and losing election to public office and enduring merciless public criticism to become one of the greatest leaders this nation has ever seen. Just as he believed that he could rise from poverty, so he believed that government should work to help others find the path to prosperity and opportunity. He said, "The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all or cannot do so well for themselves." The aim of government, as he said, is the elevation of mankind. But while this aim is a simple one, helping people to live their lives in an increasing degree of comfort, achieving that is difficult, and as history has proven, it is quite elusive. When you examine the course of so many debates, not only here in this Senate but across the history of our nation, so much centers on the best way to offer a helping hand to the poor, the young, the elderly and the ill.

As we look across this Commonwealth today on the 182nd anniversary of the birth of Abraham Lincoln, we see so much of his work and philosophy remains unfulfilled and economic chains remain on far too many citizens—black and white, urban and rural. They are all around us, if we would just look: the fatherless family in public housing projects; the children who need an extra push to get a start in life; the former steelworker who is still searching for a steady job that will keep his family afloat; and the elderly who worry about how

they will gather the funds to pay their next property tax bill, let alone to pay for their next major operation.

If we believe that this government is "one of the people, by the people and for the people," then we must search for the most straight and sure path that will lead all the people of Pennsylvania toward the American dream. While these times are surely far different from the Pennsylvania of the 1860s, the path of freedom and opportunity is hardly different. To walk that path, men and women must have the means to control their own economic destiny. This is not a new idea. During Lincoln's administration, in order to put enterprising Americans on the road to prosperity, homesteaders were granted 162 acres of land, allowing them to set out in life with a real stake in the nation they were to settle in. This landmark policy authored by a Pennsylvania Congressman, who, by the way, was the first Republican Speaker in the U.S. House, tapped into the powerful ideals of the Free Soil movement. Simply put, it empowered Americans to better their lot while building and developing the vast American West. Homesteading worked because the land belonged to the people, and it was their own hard work that made a difference between success and failure. Frankly, for them it meant the difference between eating and starving. The formulas of yesterday are not obsolete today merely because the times have changed. When we talk about housing in the 1990s, there is no question that the temptation is for us to simply build more public housing projects where families can rent a limited number of small units at a rock-bottom price. But what investment does a family have in that building and what kinds of roots can they put down in a complex that is so large that it needs its own zip code? Without a stake in their own homes, residents have less incentive to halt the rising decay and violent crime that have become synonymous with large housing projects. We must do all we can to encourage the transformation from tenant to owner or from unemployed worker to entrepreneur, to give people a chance at owning a small slice of the American dream instead of being chained to a future that grows darker day after day. But it is not only through home ownership that we can put the citizens of Pennsylvania back into the economic driver's seat.

Whole communities in this state are still reeling from a loss of manufacturing jobs. In my area the product was steel; in the northeast, textiles; in other areas the product was glass. Yet these communities, once vibrant, must not be written off. There is too much physical capital there and, more importantly, there is too much human capital there. So we must redouble our efforts to create economic opportunity, not through government fiat but through the free market and entrepreneurial spirit that built this nation.

And that's not all we can do. Whether we talk about expanding opportunities in education or improving health care in other areas, the bottom line is that we must create incentives and flexibility, not rigid mandates. The time has come for us to return to the philosophy of Abraham Lincoln, a philosophy that says that individuals are the world's foremost experts on the proper course of their own lives, a philos-

ophy that we in government must respect. It reminds me of an old saying, "Don't give a man a fish, but teach him how to fish." We must, as Lincoln said, listen to the "better angels of our nature" and help the citizens of this nation end their dependency on government, not by cutting them off, casting them away or ignoring their plight, but by offering them a path towards progress and prosperity and by giving them power over their own future. It won't be easy, yet we cannot be deterred from proposing bold solutions simply because those ideas may draw fire or be set upon by naysayers. As Lincoln said, "Let us to the end dare to do our duty." We can take inspiration from the leadership of Abraham Lincoln, who was able to move this nation forward at a time of great national crisis. Even as he managed one of the most devastating and divisive conflicts this nation has ever seen, he still believed in meeting all of the challenges before him.

Today, as brave American men and women are on the front lines in defense of freedom, we know that our task in government is to meet all the challenges that lie before this state and nation, and when our troops return home, as we hope and pray they will very soon, we want them to return to a land that has continued to grow and create new opportunities for its people. I really believe that we in the Senate of Pennsylvania can be the agents of a new Emancipation Proclamation for the people of Pennsylvania, young and old, rural and urban, black and white. We can meet the challenges not only of today, but of a new century that offers opportunities to those who, like Abraham Lincoln, are bold enough to seize them.

(Applause.)

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Ironically, Senator Lincoln has just arrived and his temporary Capitol leave will be cancelled.

Senator LINCOLN. Mr. President, for years I have been in the General Assembly and listened to the Republican Party one time a year take credit for Abraham Lincoln, and particularly during the '80s through campaigns for President. Reagan got elected by quoting Truman, by quoting Roosevelt, by taking credit for half of the things the Democrat Party did in this century. Bush has done basically the same thing, and thank God that Abraham Lincoln was born like the rest of us or the Republican Party probably would never even acknowledge he was around. The civil rights records of the Republican Party during the 1980s and through the Bush Administration have been atrocious. If Abraham Lincoln were alive today, I can assure you he would really, really love the speech that was very well given by the Senator from Allegheny County. But I think he also would shudder at the record of the Republican Party on what we have seen in the last ten years on the attack on civil rights that was so hard fought for through the 1950s and 1960s. I personally am offended because at some point in time my family probably had some relationship to Abraham Lincoln.

## POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a point of order.

Senator LINCOLN. Mr. President, I resent the interruption. I never interrupted the gentle lady from Allegheny, Senator Hart, one time, and I disagreed with everything she was saying.

The PRESIDENT. If the gentleman would yield for just a minute, let us find out why Senator Brightbill rises. For what purpose does the gentleman rise?

Senator BRIGHTBILL. I rise to a point of order, Mr. President.

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state his point.

Senator BRIGHTBILL. The speech that was given is a traditional ceremonial speech of the Senate, and I would suggest that the gentleman's comments ought to be made during Petitions and Remonstrances.

Senator LINCOLN. Mr. President, I think that is when the speech should have been given.

The PRESIDENT. The Chair would advise the gentleman from Fayette that, indeed, the tradition that has been established is to allow this Lincoln Day Address to occur as a special order of business in the middle of the agenda, and the gentleman is further correct that the Chair really should have sought unanimous consent for Senator Lincoln's rebuttal-type remarks at this time.

Senator LINCOLN. Mr. President, I have no problem with that, and I think if Senator Brightbill would have objected immediately to this, I would have said that. But I think once the truth started to come out and the salt was rubbed in the wounds a little bit is when the objection came out.

The PRESIDENT. If the gentlemen would all yield, let me attempt to clear this up. At the moment, the gentleman's remarks are out of order inasmuch as we are on the order of business of consideration of today's Calendar.

Senator LINCOLN. Mr. President, I would object to that ruling on the basis that the objection was not timely made by the Republican Senator from Lebanon County.

The PRESIDENT. The Chair thanks the gentleman for that, but the fact remains that if there is an objection at all, the gentleman is denied unanimous consent to proceed at this time. His remarks are perfectly acceptable under Petitions and Remonstrances and I would suggest that that would be the proper forum.

Senator LINCOLN. Mr. President, I am not aware of any motion or any question being raised or any consent being asked for before Senator Hart spoke, and I do not remember, and if you check the record, I do not believe that she had unanimous consent to make her remarks.

## POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, is the gentleman appealing the ruling of the Chair?

Senator LINCOLN. Mr. President, I am not. I think I have made my point.

Senator MELLOW. Mr. President, prior to the next order of business, I would like the record to show that a number of years ago Senator Tom Lamb, who was at that time the Democrat Majority Leader, admonished Senator Hager, who was a newly elected Republican Senator, for his very partisan remarks with regard to the same topic that the gentleman from Fayette, Senator Lincoln, was rebutting, and I believe there was precedent for the rebuttal to have taken place, if you would have the Secretary of the Senate research the legislative history.

The PRESIDENT. The Chair agrees that there, perhaps, has been precedent. The Chair would simply point out that the speeches occur by unanimous consent and there has been a unanimous consent objection issued here, and we will continue with the Calendar at this time.

## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1 (Pr. No. 166)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. Mr. President and Members of the Senate, surely this is a day long awaited by many who were concerned and care about the state's judicial system. It is sometimes difficult to appreciate that a good government constitutional amendment has such a long road to passage. I think it is regrettable that it took a series of events somewhat negative in nature to make judicial reform a popular proposition. Nonetheless, our approval this Session, following last Session's action, is a substantial victory for the public interest. This package revamped judicial discipline with more open proceedings, clear-cut judicial ethics requirements and greater financial accountability for the Judicial Branch and is worthy of legislative approval and voter approval of inclusion in our State Constitution.

The Senate has contributed a great deal to this process, Mr. President, repeatedly passing bills Session after Session. Stalwart advocates of judicial reform are former Members such as Senator Dick Snyder and Senator Jack Stauffer and my colleague, the Chairman of the Committee on Judiciary, Senator Stewart Greenleaf, and others, who have played leadership roles, and longtime backers in the House of Representatives

led by the Majority Leader, H. William DeWeese, joined with new champions to give the needed push for passage in that chamber.

Mr. President, I think it is very important that we acknowledge the Members of the Committee on Judiciary who commendably and forthrightly have embraced this cause, as well as the public interest groups, the editorial writers and the concerned citizens who helped keep the issue alive. I would like to point out, Mr. President, that we have an outstanding judiciary in this state, both at the county level and at the appellate level, and I believe those members are enhanced by this legislation. Obviously, there are exceptions and the public needs to understand those exceptions, that they be done in the sunshine. I believe, frankly, today we are represented here by one of the most outstanding members of the appellate judiciary in Judge McEwen, and it is an honor for me to talk about this issue with a distinguished member of the Appellate Court in attendance.

It is also good that the move toward reform was not detoured by the late breaking controversy over county court funding. This proposed amendment is neither the cause of the problem nor the solution to that issue. That the General Assembly must act on judicial funding is a matter of history merely reaffirmed by this amendment. Today, finally, is a beginning. It is the start of our appeal to the people of Pennsylvania, Mr. President, to overwhelmingly support this proposition on May 21st, an appeal that should be and I am sure will be broad based and bipartisan. Judicial reform is not the end of our quest to give our citizens a quality judicial system that they trust and respect, but it is a notable milestone, a necessary foundation for public confidence and a proud moment for every Member of this Senate who has supported that over so many years.

#### RECONSIDERATION OF HB 1

Senator FUMO. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment No. A0124:

Amend Sec. 1 (Sec. 22), page 13, line 30; page 14, lines 1 through 4, by striking out "No" in line 30, page 13, and all of lines 1 through 4, page 14

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, this amendment would delete from the bill language which appears at the bottom of page 13 and the top of page 14, the clear intent of which is to prohibit the Supreme Court from being allowed to mandate missed monies. Mr. President, we already have an opinion of the Pennsylvania Supreme Court ordering us to fund county court costs. The Supreme Court has not enforced that order because we in the General Assembly, through informal chan-

nels, have advised them that we are studying the situation and attempting to define what is meant by court costs at the county level. When we first began to look into this, we found out that for the 67 counties of Pennsylvania, each one does it differently, each court charges different things. For example, the sheriff in some places charges the court costs to the probation department and others, and there are 67 different varieties out there of what county court costs are. Pursuant to our attempt to try to unify the accounting system so we could comply with the court order, this General Assembly published in the Pennsylvania Bulletin, I believe a year or two ago, a request for proposals and did, in fact, receive a number of proposals from major accounting firms throughout the Commonwealth to come in and study the court systems so they could come back and advise us so that we could adequately determine what would be county court costs on a uniform basis.

Mr. President, we started to do that. The leadership of the four caucuses met and discussed it. We drafted the RFP. We even received the RFPs and then the whole thing kind of died. Mr. President, I think it is our obligation to comply with that order because our counties throughout this Commonwealth are suffering severe financial hardship in funding a state unified judicial court system, and we have not given them adequate aid to do that. In Philadelphia alone, the county court costs of our city are over \$100 million a year and growing. It is only this year, through the efforts of Justice Papadakos and Justice Cappy, that the Supreme Court is trying to help us in Philadelphia to curb some of these costs. Quite frankly, Mr. President, if you read the media accounts of this effort, political forces have attempted to block them at each and every turn of the road. Those political forces include those who want to keep the outrageous political patronage in the Philadelphia Court System alive. Mr. President, I do not think it is wise for us to order—by constitutional amendment or otherwise—and restrict the Supreme Court from mandating missing money. It is a basic, fundamental constitutional principle that was embodied in our United States Constitution, and I do not know why we in Pennsylvania want to break from that precedent.

Mr. President, if this bill goes forth as written, it would clearly prohibit the Supreme Court from ordering us at the state level to fund those county court costs, and that would inure to the detriment of all counties in Pennsylvania, every single one of them. We have an obligation to fund this system. We should meet it. I know for a fact that politically we will never meet it unless we are ordered to do so by a nonpolitical Supreme Court which has done so. It is unfair for us to take advantage of their understanding of our problems by now attempting to sandbag them and attempt to pass a constitutional amendment such as this, Mr. President. Therefore, I ask for an affirmative vote on the amendment so we can rectify this situation for our counties.

Senator LOEPER. Mr. President, I rise to oppose the amendment. As the Members may recall, a few weeks ago we dealt in this Chamber with the issue of Senate Bill No. 1,



which was exactly the same legislation, and the gentleman from Allegheny, Senator Scanlon, at that time offered a somewhat expanded amendment essentially covering the same broad category of material that the gentleman from Philadelphia, Senator Fumo, has offered today. At that time it was indicated there was no direct relationship between the bill and any intent or implication as far as court funding. I think what we saw at that time was that county commissioners had suggested that language contained in the version of either Senate Bill No. 1 or House Bill No. 1 overturns a 1987 Supreme Court decision in the Allegheny County case relating to county court funding. In particular, it seems that concern has focused around the language on page 13 of the bill, lines 26 through 30, which says, "No money shall be paid out of the State Treasury for the operation of the unified judicial system except pursuant to an appropriation approved by the General Assembly and upon warrant issued by the proper officer." It is suggested, Mr. President, that this language was developed by the General Assembly to overturn the Allegheny County court case. This charge, by a history which I am going to try to develop here, simply is without merit and is false. Suggestion has been made that this language was inserted into Senate Bill No. 1 in the House on June 29th in a last minute attempt to overturn the Allegheny County case. This also is false, Mr. President. The Allegheny County case was filed on March 16, 1985, was argued in the Supreme Court on September 18, 1986 and decided by the Supreme Court on December 7, 1987. Reargument was denied on January 19, 1988. Identical language to the language that is incorporated in Senate Bill No. 1 was included in Senate judicial reform proposals as far back as 1983. Senate Bill No. 792 was introduced on June 1, 1983 in response to considerable controversy about the operation of the Appellate Courts. The original bill was introduced by Senator Stauffer and was joined by Senator Snyder, Senator Shumaker, Senator Stapleton, Senator Howard, Senator Bell, Senator Moore, Senator Corman, Senator Pecora, Senator Wilt and Senator Brightbill, and an even more comprehensive judicial reform bill, Senate Bill No. 1100, was introduced on October 21, 1983 by Senator Jubelirer, Senator Stauffer, Senator Fisher, Senator Moore, Senator Tilghman, Senator Howard, Senator Shumaker and Senator Helfrick. It included the identical language and was approved by the Senate on June 19, 1984 by unanimous vote. Subsequent to that date, Mr. President, another judicial reform proposal was approved by the Senate on June 29, 1984, which once again included the same provision. The legislation was approved twice by the Senate in the 1985-86 Session and once again in the 1987-88 Session and again in the 1989-90 Session, and the development of this language clearly preceded the Allegheny County court case. The particular language that parallels language is found in Article III, Section 24 of the Constitution, which provides that "No money shall be paid out of the treasury, except on appropriations made by law and on warrant issued by the proper officers...." This language has been viewed as governing access to the Treasury and is generally prohibiting disbursements from the Treasury except pursuant

to legislatively approved appropriations. There was a concern that the court might sometimes simply issue orders for payments from the Treasury without regard to the Commonwealth budgeting process and the General Assembly's control over the public purse. While there have been no court orders which have directed such payment by the Treasury, there was dicta in the court opinions, back through the '70s, that suggested the court might believe it had the authority to order such payments, appropriations and budget limits notwithstanding.

Additionally, the courts have, on a number of occasions, ruled as though Article V, the judiciary article, was self-contained in the provisions of the Constitution not included in or directly referenced in Article V, and were not controlling on the judiciary. As a safeguard to that, to assure the General Assembly's ability to protect the public purse, language was recommended for incorporation in Article V to make that matter absolutely clear. This is in no way, Mr. President, intended to interfere with the Supreme Court's ability to declare a state statute as unconstitutional. Instead, it only assures, Mr. President, that spending will be done with the blessing of the General Assembly. Even though this language has been before the General Assembly ever since 1983 and has been approved by this Senate repeatedly since 1984, the commissioners failed to raise the spectrum of the impact on the Allegheny County case in any serious fashion until June of 1990. Concern apparently emerged after an analyst for the House Appropriations Committee included a line within the House fiscal note on Senate Bill No. 1 that said, "In effect, it repeals the County Court decision." Since that time the matter has been reviewed at senior levels in the House Appropriations Committee and the final note has been revised at the senior levels in the House insofar as that statement was concerned. I think it is very important to note for the record that, in fact, on January 29th of 1991 the chairman of the House Appropriations Committee quoted, unfortunately, that the statement was wrong when it was written, and I believe that it remains wrong in its conclusion. Therefore, the statement was not based on a legal opinion available to the analysts who drew the conclusion at the time. Therefore, Mr. President, it is my view that this amendment is not necessary, and I would ask for a negative vote on the amendment.

Senator BORTNER. Mr. President, I also rise to oppose the amendment and perhaps we have a difference of opinion on what the language of this amendment means. I have talked to a number of lawyers who have researched the issue and I have looked at it myself, and I am satisfied that it is the position of the gentleman from Delaware, Senator Loeper, that is the correct one in terms of what the language of this amendment not only was intending to do but regardless of what it might have been intended to do, what the effect of that language would be. The language we are referring to appears in what would now be Subsection (b) of Section 22, Article V, of the Pennsylvania Constitution. It says that "No moneys shall be paid out of the State Treasury for the operation of the unified judicial system except pursuant to an appropriation



approved by the General Assembly and upon warrant issued by the proper officer." This language does not amend Article V, Section 1, which establishes the unified judiciary system. Rather, the amendment deals with the financial affairs in the budgets of only portions of the unified judicial system: the Supreme Court, the Superior Court, Commonwealth Court, the Court Administrator of Pennsylvania and other statewide court agencies. Again, I would emphasize that this proposed amendment is simply silent with respect to the finances of the remainder of the unified judicial system. I think it is also stretching the language of the amendment to argue that it does, in fact, overrule the County of Allegheny. The proposed amendment does not amend that section which the court hung its hat on in making that decision and does not in any way mention funding of the Courts of Common Pleas which was, in fact, the subject matter of the County of Allegheny. Thus, in order to have that effect on the Supreme Court's decision, as was stated in the County of Allegheny, the proposed amendment would need to be interpreted as overruling that decision by implication. I think in interpreting a provision of the Constitution, that is a step the Appellate Courts would not be inclined to take. While we could disagree, I suppose, or argue more about the language of the amendment, the real problem is that by adopting this language we would be going back to step one. We would not be able to get this constitutional amendment on the May Primary ballot. We would be postponing at least for another Session of this Legislature the time in which we move ahead with what I believe is a very, very important issue, an issue concerning changing the system by which judges are disciplined in this state. For the reasons I have stated, that it does not, in fact, make that change, and secondly, it is the importance of this issue on our judicial system, I would urge my colleagues to oppose the amendment.

Senator SCHWARTZ. Mr. President, just briefly I would like to speak in favor of the amendment. I feel very strongly that we do not in any way want to overrule or voice opinion against the County of Allegheny suit, and I feel strongly that we need to move ahead in some fashion on a unified court system and to address quite directly the funding issue. Certainly the court problems in Philadelphia are not alone. There is a system across the state that needs attention from those of us in the General Assembly, and I would, while being a strong advocate for the judicial reform on the judicial discipline bill and will vote for it, want to certainly set on record my support for the fact that we will and should attend to the issue of funding a unified court system in the state.

Senator LOEPER. Mr. President, I had not intended to further speak on the amendment. However, I think the remarks of the gentle lady from Philadelphia would indicate in her support of this amendment, essentially what we would be doing if this amendment was adopted is killing judicial reform, an eight-year effort for the voters to have an opportunity to vote on in the May Primary ballot. I think we have laid out the history. It has taken eight years to get us to this point where this question could go before the voters. The question

will go before the voters in a two-part question, one dealing with judicial discipline, the other dealing with the funding of the court system, and it would be up to the voters to determine again what the progress of that would be. I think that to amend this today, to put ourselves in a position where eight years of work on judicial reform legislation would not have the opportunity to go to the voters, is certainly a disservice to the public and the people of Pennsylvania.

Senator FUMO. Mr. President, it was not my intention to speak again, but I just want to remind the Majority Leader of a saying from my Irish-English mother, "Haste makes waste." If we look at the way this bill came to us in the middle of the night on the 29th of June in a trade for a vote on the State Song, an amendment was stuck in the House by a Member who was in Russia at the time. You know, Mr. President, we have really run this thing through in a haphazard fashion and I do think in this particular instance haste will make waste, and if we have to delay this process for a little bit longer to get it right, I think that is what we are obligated to do. But the way in which this bill came to us the first time was horrendous and now to see it fast track just because we have to do something because we have been trying for eight years, in my opinion, is absolutely no excuse whatsoever to let this thing happen and hurt the counties of Pennsylvania which are already suffering and having to raise local taxes just to meet their burdens to deliver their regular services, Mr. President.

#### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the question recurring,

Shall the bill pass finally?

Senator FUMO. Mr. President, I rise to oppose this bill and I recognize when we passed a similar piece of legislation a week or so ago the vote was 47-1. I am proud that I was the one. Mr. President, I rise to oppose the bill most importantly because our amendment did not go in, and I think would wreak havoc upon the county courts of Pennsylvania to allow that to happen. Quite frankly, that was my major interest. But having looked at the bill I think there are some other areas which we really should look at. I doubt if we will because there seems to be this stampede to the gate so everyone can wrap themselves in the cloak of reform and halos and everything else that goes with it. I think this bill is obnoxious. It is obnoxious to the Judiciary and I think it is obnoxious to us that we would even consider it.

Mr. President, let me point out just a few examples. On page 3, it states that any member of the commission, after his term is over, may still sit on a case provided that case was started while his commission was still there. We had a situation recently with the current Judicial Board where one member of that board so hated the judge in front of him that he knowingly convened the meeting when he knew that all sides were going to request a delay of that hearing because no one was ready. The day before his term expired, Mr. President, he convened that hearing to allow for a three-month continuance of the case so he could vent out his personal vendetta against that particular judge after his term had expired. We seem to have this great belief that everyone who sits on these commissions is holier than God Almighty and their motives are untainted. That has not been the case. What we have seen already, we should not allow it to continue in law. When a person's term is over, it is over regardless of what shenanigans they attempt to use to stay on the case.

Mr. President, on page 4, it says, "The Governor may remove any member only for cause." What does "cause" mean? Nowhere in here does it say what "cause" means. Mr. President, I have seen vindictive governors who have politically been vindictive and who were deeply upset at some rulings of the court and who might very easily be persuaded to find some "cause" to remove a member who did not agree with the philosophy of that governor. As I read it, the governor can remove any member, even one appointed by the Supreme Court, not just his own. That is a dangerous precedent, Mr. President.

Mr. President, another particular piece of language is very interesting. It appears on page 7 when we talk about the confidentiality of the proceedings. The bill is very clear that when the allegation is first made against the member of the judiciary, that allegation is confidential until and only if there are enough grounds to go further. But the bill says—and I cannot believe that there is this language in a constitutional amendment—or "...in any case in which, independent of any action by the Judicial Conduct Board, the fact that an investigation is in progress becomes public...." Is that not terrific, Mr. President? The person who makes that public in many cases is the unnamed source who most times is on the Judicial Conduct Board who would like to leak it to the press. In that event, Mr. President, we would cover this constitutionally? Constitutionally we admit before we even start the system is flawed. In that instance we say the judge is free to comment or he can ask the board to comment for him. What kind of arrogance and hypocrisy can we be dealing with today when we have now legalized leaks? How many of us would like to stand trial on a complaint from a constituent by a court of legislative conduct appointed by the Governor on which sits more regular citizens than, let us say, two Legislators and three members of the public? Would that not be a lot of fun? We do not do that for ourselves, but we do that for others. Again, Mr. President, any one of those people can sit past his term, provided the hearing has been started.

Also on page 10, we have the fact that there is now a standard of proof that is very weak that requires removing this person from office. It is not beyond a reasonable doubt, it is not preponderance of the evidence, it is "clear and convincing evidence," a new standard to me. Maybe I am not that well versed in some of these standards, but, Mr. President, I think in a case like this it should take a lot more than clear and convincing evidence to remove anyone from his officially elected position. Mr. President, these people are elected by the people.

Lastly, Mr. President, we are so sure that we are going to administer this bill fairly and justly in a reasonable and sophisticated fashion that on page 13 we talk about if a justice of the Supreme Court wants to appeal a hearing here, it will be tried by seven judges picked by lot. Are we not all confident in that procedure? Mr. President, this is a slap in the face to the judiciary and it is a slap in the face of good government. It keeps some editorial writers happy. It does do that because maybe they are upset with some of the opinions of the Supreme Court as well on some libel cases. What we should be striving for in this Commonwealth is a free and independent judiciary. There is a way to remove members of the court by impeachment that we constitutionally have the power to do. That is the way our forefathers felt this should work, and it is a valid way to do it. We always try to emulate the federal system. That is the way they do it in the federal system, but here, no, we do not want to get bogged down in that stuff. We want to have a kangaroo court to remove those judges who we do not really like. Mr. President, I will grant you there always are some rotten apples that spoil the barrel, and I submit to you that those people have been dealt with and they have been dealt with severely, although maybe not as rapidly as some people would like because the court is mindful of the civil rights of those individuals. Maybe we do not like that. Maybe we are rapidly approaching a society where we would like to have dictatorship and empower the dictator to remove people instantaneously, the way they just did in China. In China you cannot hire a lawyer until you get the charges put against you, and then you have three days to go to trial. That is a quick way to do it.

Saddam Hussein, I am sure, does not have many courts that he has to worry about either. If he does not like a judge or a member of the general assembly, he is gone. Granted, it is not done through any legal process, it is just a bullet to the head usually, but it certainly is efficient. Mr. President, democracy is fraught with problems, and by definition it should be. We should not look to streamline this process to the degree that we embarrass ourselves by trying to do this.

Mr. President, I rise and ask for a negative vote on this bill and ask that it be defeated and sent back to wherever it came from. Maybe we can trade it again for another state song at 4:00 o'clock in the morning when we do the budget this year, Mr. President. That is the amount of consideration we have given this bill thus far.

(The following prepared statement was made a part of the record at the request of the gentleman from Lackawanna, Senator MELLOW:)

Mr. President, I rise today to join my colleagues in support of House Bill No. 1.

Our action today means that Pennsylvania's voters, on May 21st of this year, have the unique opportunity of changing our state Constitution to promote a more open, a more just system of justice in Pennsylvania.

That this proposal has garnered broad-based bipartisan support in both Houses of this General Assembly, in two consecutive Sessions of the General Assembly, is indicative of the need for this reform.

And while a key part of this proposal is to change the method by which judges and justices are disciplined, I think, it is most important to point out that this measure promotes a new degree of ethical conduct to help keep our judges and justices—at the outset—from being led astray. In particular, with the approval of Pennsylvania's citizens, this constitutional change will require all justices, judges, justices of the peace and other officers and employees of the courts to adhere to financial disclosure requirements equal to those that apply to all other state and local public officials.

When Pennsylvania's first ethics law was enacted by this General Assembly and went into effect in 1978—some 13 years ago—our courts said it did not apply to them. Well, this constitutional amendment will change that. With approval of the citizens, it will apply to our courts. Just like every other public official in Pennsylvania, our court officials will be required to disclose their finances, avoid conflicts of interest and meet the same ethical standards of official conduct. This proposal says, very simply, that absolutely no one—including members of our judiciary—is above the law. I not only urge an affirmative vote today, but call on Pennsylvania's citizens to approve this constitutional provision when it reaches the ballot box in the form of a referendum this spring.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Shumaker, Senator Pecora and Senator Brightbill.

The PRESIDENT. Senator Fisher asks temporary Capitol leaves for Senator Shumaker, Senator Pecora and Senator Brightbill. The Chair hears no objection. Those leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—46

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Madigan	Salvatore
Armstrong	Hart	Mellow	Scanlon
Baker	Helfrick	Musto	Schwartz
Belan	Holl	O'Pake	Shaffer
Bell	Hopper	Pecora	Shumaker

Bodack	Jones	Peterson	Stapleton
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Dawida	Lemmond	Reibman	Tilghman
Fattah	Lewis	Rhoades	Wenger
Fisher	Lincoln		

#### NAYS—1

Fumo

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

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

**HB 67 (Pr. No. 75)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," reenacting and amending provisions relating to service charges and restricting collection activities.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, prior to taking the roll on House Bill No. 67, I would just like the Members to realize that this is the bill we have talked about for many years dealing with installment sales. If we pass House Bill No. 67, we will maintain the monthly rate of installment sales at 1.5 percent per month or 18 percent annually. If House Bill No. 67 is not dealt with, it will drop to 1.25 percent per month or 15 percent annually. It is something that a number of the Members were so very much interested in, and I just wanted to bring to their attention that House Bill No. 67 is that particular proposal.

Senator ANDREZESKI. Mr. President, we are here today to argue the politics of the rich and poor and, unfortunately, once again it is a familiar story. We have the rich getting richer and the poor getting poorer. Today we are asked to protect an interest rate level that is currently at 18 percent. We are asked to protect those institutions that charge 18 percent as their installment interest rate. This is not the first time we have done this since 1982, and it probably will not be the last time that we will do this. Today before we vote I hope we please consider the enormity of what our vote will do. If we vote in favor of House Bill No. 67, we will allow banks and credit institutions to charge consumers double the prime rate of interest until June of 1994. Mr. President, the prime rate today is 9 percent. When we first voted to allow banks, department stores and other retailers to exceed the 15 percent maximum allowable interest rate which we held by law up until 1982, when we first allowed the rate to rise the prime rate was 16.5 percent. Who could not make an argument that these poor banks and retailers were losing money on money they borrowed? Stop and consider that for a moment. We passed legislation to lift the 15 percent cap when the prime rate was 16.5 percent. Then three years later when the prime rate

dropped to 10.5 percent, we extended the 18 percent cap again, just as we are prepared to do again today.

Then you can say, well, why? One of the answers that comes back is, well, we will hurt the little guy if we allow the interest rate to drop to 15 percent. A lot of retailers would have to lay off people in their credit departments. Banks might lose business because they might have to sell their credit card business, and so we have the poor banks and the poor retailers being hurt.

Today we have the same line of reasoning and the same type of argument that we have heard before. Most recently we have heard the argument applied to the minimum wage in Pennsylvania and on the national level, we argued a minimum wage bill. We were told, do not raise the minimum wage, it will hurt the little guy because he will lose his job. You really will not be helping someone because raising the minimum wage will eliminate jobs and could cost them their minimum wage jobs. So goes the logic, Mr. President. We are hurting people by helping them. We are hurting people by putting more money in their pockets, and we are hurting them by lowering the interest rate on their credit card purchases. We are hurting them because it will cost jobs here in Pennsylvania, and we are hurting them by trying to help them, by trying to allow them to keep a little bit more, just a little bit more of their hard earned money. If you say something long enough, it becomes believable, and if you make the same statements long enough, they sort of sink in. Sooner or later, Mr. President, some people are going to think that is true. I personally do not think it is true, not when the prime rate is 9 percent and not when the prime rate was 10.5 percent. If this bill would allow a ceiling of 15 percent instead of 18 percent, it is reported that we would free up \$125 million in consumer spending here in Pennsylvania. That is \$125 million that I guarantee you would not go into CDs. It would not go into Savings Bonds. It would go directly back into our economy. Unfortunately, we live on a credit card economy. Poor people spend 100, 105 and 110 percent of their income. What we would be able to do is provide an economic shot in the arm. We would be able to provide those people whom we represent a little bit more money so they could go out and buy things they need. We are living in a recessionary time. People talk about the downturn of the economy. What better time to free up \$125 million in consumer spending. Would that not help the retailers? Would that not help the banks in having more money back in on credit? I think so, Mr. President.

I would also ask my colleagues to please consider all of the people whom we represent, not perhaps those who just organize the best. It is my own personal opinion that if the poor were as good at organizing as the rich that half of us would not be here in this Chamber today, and this would simply be a perfunctory bill that brought the interest rate down to 15 percent and everyone would agree with it. I would like to thank you for the time to present this, Mr. President, and I hope that at some point, perhaps not now, but in the future, they will be able to say to everyone we represent that we are lowering the interest rates, that we are going along with a

trend that we should have been going along with for a number of years.

Senator FISHER. Mr. President, I stand here not only as the Senator from the 37th District, but also as a Pennsylvania consumer. I, too, pay those credit card bills as does everyone else probably in this Chamber and across the Commonwealth. Certainly I would like to think that maybe something we could do here would keep the rates down to the point where maybe my rate might be a little lower than what it normally is. But when we look at what we are voting on here today, we look at the setting of an interest rate ceiling. I do not think we can be totally blind to what is going on around us. When I say around us, I mean not only what is going on here in Pennsylvania, but also what is going on around us in other states, particularly those states immediately adjacent to Pennsylvania. We cannot look at ourselves as an island unto ourselves, but we have to look at what our neighbors are doing. The State of Delaware to our immediate east is a state that, quite frankly, has been the most aggressive state in this nation in trying to attract incorporations and trying to attract new jobs, and it has worked. Today I have in my possession a brochure which was recently published by the State of Delaware which is entitled "Incorporating in Delaware Where American Business Incorporates." We know that you can incorporate there no matter whether you are their neighbor or whether you are all the way across the country. The one thing that has happened in Delaware and one thing they point out in their brochure, one example, is their Financial Center Development Act which was passed in 1981. One of the things it does is removes all usury ceilings from anyone who is subject to those laws within the Commonwealth. What they point out in this brochure is that that act has been directly responsible for 35 out-of-state financial institutions, including eight of the top ten U.S. banks, opening offices in Delaware and leading to the direct creation of 11,000 new jobs in that state.

I recognize that some of our leading banks have also gone over there, but yet there are some other banks and there are other credit card businesses that have remained in this state and have continued to keep those jobs here in Pennsylvania. I know of one bank in western Pennsylvania which has remained a Pennsylvania chartered bank and continues to offer credit below the interest rate ceiling which is allowed today. But they too support the enactment of this legislation. I think really what we are doing with this legislation is sending the signal to the entire business community that: one, Pennsylvania wants them to continue to locate here; two, we want companies to consider coming back to Pennsylvania as their site of incorporation; and three, we are not setting the interest rate for all the consumers of Pennsylvania, we are setting a ceiling. I think it is through competition, through the banks and through the other financial service companies, that if they stay here and continue to offer that difference in interest payments, we are going to see their actual rate come down somewhat below the ceiling. I think it is a responsible piece of legislation. It is one that can continue to help us stay competitive, and it is one that when we look at the other things that are

going on around us—last week's message in the budget—we cannot be oblivious to a piece of legislation that may, in fact, either keep jobs here, or if we go the wrong way, cause more jobs to leave our Commonwealth and to go to the State of Delaware. This is the big picture. It is the big picture that means more than the interest rates that I pay and you pay and the other people pay, and it is one of supporting this legislation which I think is the responsible way to go in 1991 and for the next few years here in Pennsylvania.

Senator BELL. Mr. President, I heard the gentleman's argument spoken on the floor a couple of other times, that they were going into free enterprise and through free enterprise the rate will lower. I have not found it lowering at all. I find that the banks are getting every dollar they can get out of this thing. My only regret—and I am going to vote against continuing the 18 percent interest—is that our law is not so written that it goes down to 12 percent. When this 18 percent went on, the going rate was 16 percent. We gave them two percent extra. Now, at nine or ten percent, they do not need eight percent extra. I could tell you a few stories about Delaware, too. I am glad I do not live in Delaware.

Senator SCHWARTZ. Mr. President, in 1982 the General Assembly responded to the problems of inflation and rapidly rising interest rates in other sectors by increasing the ceiling on the interest rates. It was intended to be temporary as, of course, the law allows. Now while this action may well have been necessary at that time, this year's review of interest rates, as has been discussed previously, does not warrant the continuation of an increased ceiling. The fact is that interest rates have been declining. The cost of money has declined from 16.5 percent nine years ago to 9.5 percent today. The prime interest rate has dropped to 8 or 9 percent. Thus, in my opinion, it is unnecessary and possibly detrimental for the General Assembly to approve a continued interest of 18 percent ceiling on the credit card interest rates. Now is the time when we must do all we can to stimulate the economy in this Commonwealth, and one way to do that is to stimulate consumer buying. Lowering the interest rate ceiling on credit card charges could have this beneficial effect on the economy in Pennsylvania. Interest rates in Pennsylvania and across the nation are coming down. The lowest rates in Pennsylvania are now 12.9 percent and the State Employees Credit Union is at 14 percent. Consumers, particularly working middle-class families, need our help in assuring that they have the purchasing power without an undue interest burden. For these reasons I will vote against House Bill No. 67 and instead cast my vote for both economic growth and for the consumer in Pennsylvania.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Rhoades and Senator Robbins.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Rhoades and Senator Robbins. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—36

Afflerbach	Helfrick	Mellow	Salvatore
Armstrong	Holl	Musto	Scanlon
Baker	Hopper	O'Pake	Shaffer
Bortner	Jubelirer	Pecora	Shumaker
Brightbill	LaValle	Peterson	Stapleton
Fisher	Lemmond	Punt	Stewart
Greenleaf	Lewis	Reibman	Stout
Greenwood	Loeper	Rhoades	Tilghman
Hart	Madigan	Robbins	Wenger

#### NAYS—11

Andrezeski	Bodack	Fumo	Porterfield
Belan	Dawida	Jones	Schwartz
Bell	Fattah	Lincoln	

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

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

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet imminently to consider certain nominations.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber. Upon completion of that meeting, we still have some executive nominations to consider yet today.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately, the Senate will stand in brief recess. Would the Members of the Committee on Rules and Executive Nominations please convene in the Rules room at the rear of the Senate Chamber.

#### AFTER RECESS

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

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported

the following nomination, made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:

**MEMBER OF THE CRIME VICTIM'S  
COMPENSATION BOARD**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lucille M. Trench, 158 Lowell Court, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1995, and until her successor is appointed and qualified, vice O. Frank DeGarcia, Harrisburg, resigned.

ROBERT P. CASEY.

**NOMINATION LAID ON THE TABLE**

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

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

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

Which was agreed to.

**NOMINATION TAKEN FROM THE TABLE**

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

The Clerk read the nomination as follows:

**MEMBER OF THE CRIME VICTIM'S  
COMPENSATION BOARD**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lucille M. Trench, 158 Lowell Court, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1995, and until her successor is appointed and qualified, vice O. Frank DeGarcia, Harrisburg, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

**YEAS—47**

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

**NAYS—0**

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

Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

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

The Clerk read the nomination as follows:

**SECRETARY OF GENERAL SERVICES**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable David L. Jannetta, 312 Logan Boulevard, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as Secretary of General Services, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

**YEAS—45**

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

**NAYS—2**

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

Ordered, That the Governor be informed accordingly.

## NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

## DISTRICT JUSTICE

January 10, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steve A. Divietro, 3800 Farmersville Road, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Magisterial District 3-2-09, to serve until the first Monday of January, 1992, vice Walter F. Auch, Jr., mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

## YEAS—47

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

## NAYS—0

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

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

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

The motion was agreed to.

## UNFINISHED BUSINESS

## REPORTS FROM COMMITTEE

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

## SB 4 (Pr. No. 4)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and assistance.

## SB 303 (Pr. No. 469) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors.

## SB 304 (Pr. No. 314)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for detention of children.

## SB 347 (Pr. No. 470) (Amended)

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

## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the World War II veterans of the 28th Infantry Division of the Pennsylvania National Guard by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Cedric Hepner, Salvatore Olcese and to Frank D. Cimino by Senator Helfrick.

Congratulations of the Senate were extended to the Mid-Valley Football Team by Senator Mellow.

Congratulations of the Senate were extended to Ralph and Gladys Pennypacker, Trooper William A. DiGilio, Jr. and to WEEU Broadcasting Company of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Emil Yenchick by Senator Rhoades.

Congratulations of the Senate were extended to the Franklin YMCA by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Grant B. Engle by Senator Shumaker.

## BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

## SB 4, 28, 166, 303, 304 and 347.

And said bills having been considered for the first time,

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

## PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, on March 23, 1990, U.S. Senator Arlen Specter sent a letter to Saddam Hussein offering his best wishes and expressing hope that they could work together for peace and security. On January 7, 1991, Senator Specter wrote a letter to me taking credit for six single-spaced pages of accomplishments of the 101st Congress. The letter to me, which I somehow suspect was not an individual effort, is almost as silly as the one sent to Saddam Hussein. While I read in the newspaper that the junior Senator is red-faced about the letter overseas, I wonder if he is



appropriately embarrassed about his grandstanding here at home. In his letter Mr. Specter takes credit for federal deficit reduction in 1990. Either his memory is faulty or he is choosing to ignore the fact that since he was elected to the U.S. Senate in 1980, he and his Republican Presidents have worked up an accumulative deficit of \$1.3 trillion. He takes credit for introducing legislation which would strengthen the Omnibus Trade and Competitiveness Act by allowing the U.S. to retaliate against unfair trading practices in Japan and other nations. Either his memory is faulty or he is choosing to ignore the fact that since 1980 when he was elected to the Senate and Ronald Reagan was elected to the White House, American manufacturers' share of the world consumer electronics market has shrunk from 70 percent to five percent and that decline has more to do with misguided economic policies of his party than with unfair trading practices. He takes credit for the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 and the Paul Douglas Teacher Scholarship Program, both of which are named for great Democrats who are leaders in the field of education. He takes credit for the 1990 Crime Control Act, but neglects to mention that Senator Joseph Biden, Democrat of Delaware, was chief sponsor of that legislation and that he, Senator Specter, was actually thrown out of the conference committee meeting when he had tried to address it. He takes credit for cosponsoring a bill to extend through 1995 energy tax credits for solar geothermal and ocean thermal energy development. How can he ignore the complete lack of an energy conservation plan from this and the previous Republican administrations? Every advance initiated by President Jimmy Carter was halted by Ronald Reagan, and the ball has certainly not been picked up by President George Bush. Senator Specter, in his zeal to take credit, neglects to mention that his bill went nowhere, in part because of lack of support from his administration. And in the most ironic and self-serving section of all, he takes credit for an additional \$4.1 billion for programs such as Head Start, Maternal and Child Health Grants and Childhood Immunizations. Has he forgotten the enormous reductions in spending for housing, employment and training, mass transit, education and health programs which have characterized his time in the Senate? In fact, what Arlen Specter has actually done in the 101st Congress is the following: He introduced 37 bills of which four were passed into law. They were the National Neighborhood Crime Watch Day, which passed in both 1989 and 1990, the National Rehabilitation Week and the National Domestic Violence Awareness Month. All important issues, I submit, but all unimportant pieces of legislation. Like his letter, they are all puffery and no substance. In addition, he and Representative Goodling introduced identical legislation to adjust the boundaries of Gettysburg National Military Park, and the Congress enacted Representative Goodling's bill.

Politics has not changed much. In the 16th Century, in another country, in a play about the Thane of Glamis, William Shakespeare wrote the following:

"Life's but a walking shadow, a poor player  
That struts and frets his hour upon the stage,  
And then is heard no more; it is a tale  
Told by an idiot, full of sound and fury,  
Signifying nothing."

No description could be more appropriate to our junior Senator here today.

I am standing here to protest Senator Arlen Specter's letter, not because I have never seen a piece of self-serving political puffery before, but because I have seen too much. At a time when our nation is at war abroad, and we should be at war at home against poverty for 19 percent of our children, against inadequate education, dying inner cities and crumbling infrastructure, against deteriorating industrial capacity and rapidly escalating crime, our nation needs leaders of courage and strength, not leaders who pat themselves on the back for hollow victories.

We at the state level are being asked to pick up the burden for the failed domestic agenda that our national leaders have abandoned. While we struggle with our own deficit, while we struggle with balancing our budget by reducing programs which are ever more desperately needed or we are raising taxes which are ever more unwelcome, I deeply resent this shallow, self-serving political gimmickery.

My message to Senator Arlen Specter is this: Give the State of Pennsylvania the money you spent on printing and postage for this piece of claptrap and let us at least feed, clothe, house and educate at least one Pennsylvania child.

Senator FISHER. Mr. President, in my ten years here on the floor, I know that during times of Petitions and Remonstrances and at other times during the course of debate on bills and amendments, we have often had the opportunity to engage in debate that sometimes to the listener or the onlooker might sound like a little bit of a gubernatorial debate from time to time, particularly when we got to those years when the Governor and Lieutenant Governor were up for reelection or election, but never before have I heard Petitions and Remonstrances used for what maybe is going to be a new first on the floor. That is a discussion upon issues that might reflect upon a future election for the office of United States Senate. But I guess that is where we have embarked today with the remarks that have been previously delivered by my friend from Fayette County, Senator Lincoln.

Certainly, Senator Specter's record is well known to all of us. Many have seen the Senator all across this Commonwealth. I know in Pittsburgh we seem to see him with frequency at least once a week, and although I read the letter—I do not have the letter in my possession that Senator Lincoln referred to—I was, quite frankly, pretty pleased to get that response from my friend, Senator Specter, because I think he has been a Senator of accomplishments. But, here we are on the floor of the Senate and there are many issues that impact our country and our world. I do not profess at this stage to be one who feels that comfortable in debating the issues that are debated daily on the floor of the Congress and on the floor of the United States Senate, but I do feel a little more comfort-

able in addressing the issues that affect us here in Pennsylvania, particularly with the budget and the record of this administration, the Casey-Singel Administration.

Last week the Casey-Singel Administration brought before us a budget that all of us recognize was presented in very, very difficult economic times. There has been a lot of debate over the past week as to what the Governor said last week versus what he said in October and what the Lieutenant Governor said last week versus what he said in October and what, in fact, our candidate for Governor said in October. There have been comparisons. KDKA-TV did a rather effective comparison of the words of the Governor when he spoke about the billion dollar deficit last week versus how he spoke about the billion dollar deficit in the course of his debate. But yet, when we continue to look at the package that was presented—and I know that is going to be a continuation of that review, particularly in the next three weeks as the Senate Committee on Appropriations begins a thorough review of the budget requests from the departments—one of the things which strikes us in the presentation that was made last week—those documents do, in fact, take time to review—was the review that we made at the end of last week which says that really the recommendation for new taxes, when it is fully calculated and fully stated, is far more severe and asks for far more money from the people of this Commonwealth than was actually divulged in that budget statement. We found that the additional money being requested in new taxes by the Casey-Singel Administration is really a sum of almost \$180 million more than the \$1.7 billion that was announced. It surprises me in the calculation that was made that the Governor would have understated the amounts collected by particularly the cigarette tax, because that cigarette tax, if enacted, will produce an additional \$18 million because on top of that is the Pennsylvania sales tax. So when you take six percent of \$300 million you come out with another \$18 million.

There are various other items that were included and when you add them up showed additional dollars. But I think the importance of that close examination of the budget on the revenue side shows that as we are addressing it over the next four months we not only have to look at today, we have to look at tomorrow and what those revenues are going to mean in future years. We also need to look at the level of spending that has been proposed this year versus a level of spending last year and the amount of money that will actually be spent in this year's budget. Quite frankly, I find the Casey-Singel budget, which calls for an increase of spending of 6.5 percent over and above last year, rather shocking. We are asking the people across this Commonwealth to spend less but, yet, we can say it is okay for the Commonwealth of Pennsylvania to spend 6.5 percent more.

Now I am sure that this debate today is not going to resolve the issues of this budget. I am also cognizant of the fact that three weeks of hearings on the budget are not going to resolve and bring forward to the people of Pennsylvania a General Fund Budget, but they are going to get us a lot closer to the real record of the Casey-Singel Administration over the past

four years. It is going to get us a lot closer to whether or not the facts which were presented in last year's campaign were really facts or were really fiction. I believe that when we look at what we are faced with in this Commonwealth, when we look at the fact that the recommendation was presented by the Casey-Singel Administration, when we look at the impact it is going to have on the business community, we have to recognize that that impact is devastating. A lot of people do not understand the capital stock and franchise tax, and it is easy in a budget document to say that we recommend the increase in the capital stock and franchise tax of one mill and that does not sound like much to anyone. When you look at the calculation on the sheet of what one mill provides, we really are talking about a sum of less than \$100 million. When we put in the extra half mill for the refueling of the Rainy Day Fund—which I believe is rather unprecedented at a time when it is raining—that \$100 million is really nothing when you look at what the subtleties, what the small changes of such things as the repeal of the manufacturing exemption will mean to the business community—a sum of \$425 million—when you look at what the increase in the minimum tax under the capital stock and franchise tax will mean—the sum of close to \$100 million. But when you look at how that is arrived at, we are going to tell all of those small business people that the Casey-Singel Administration has tried to cultivate and bring to Pennsylvania and keep in Pennsylvania that they are going to pay a sum not of \$75.00 that they pay as a minimum tax today, but the sum of \$900.00, no matter how profitable their corporation is. That is a shocking statistic to the little people across this Commonwealth who have that Pennsylvania corporation, who might only be hiring one or two people but are providing jobs for Pennsylvania, jobs for their families all throughout this Commonwealth. Those shocking statistics I think tell a lot about the story of where the Casey-Singel Administration has taken us and where the Casey-Singel Administration intends to take us not only during the next year but the next two years and over the next four years.

Mr. President, I think we ought to leave the debates of what is happening in the Congress and the Senate of the United States there, but I think, clearly, we have an obligation to the people that we were elected to represent here in Harrisburg in the State Capitol to fully and thoroughly debate the issues which not only have us where we are today but are going to take us into the future. I, quite frankly, think that the results of what we do this year will have as much impact on the future of this Commonwealth in the 21st Century as anything we have ever done during the period of time that I have represented the people of the South Hills of Allegheny County during the past 17 years. It is not going to be easy for any of us, no matter whether we are Republicans, no matter whether we are Democrats, but I think it is important to recognize that we have enough work to do here. We have enough state issues facing us, and we do not need to debate the issues that face the Congress and the Senate of the United States.

Senator LINCOLN. Mr. President, there are several points I would like to answer of the gentleman from Allegheny,

Senator Fisher's very fine deflection of the problems that are at hand, and the Republican Party is wonderful at deflecting problems. But the first thing I would like to make very clear to Senator Fisher and all those who may have some interest in listening to this is, in his early opening remarks he seemed to indicate that there was some potential I was going to be a candidate for the U.S. Senate. I would like to say to him and the whole world that the most remote possibility in my life is to be a candidate for the U.S. Senate. I have absolutely no interest in being a U.S. Senate candidate and, in fact, I think probably the reason that Senator Fisher is here answering this challenge today is that he has some ulterior motives of being a candidate either for Governor in 1994 or potentially one of the row offices on a state level in 1992. His record of running statewide has a great deal more credibility than mine does, and I mean credibility in the fact that he has done it once and was rejected very soundly by the voters and, I think, probably would find that to be the case again if he tries to run on the same basis that he ran in whatever year that was.

Anyway, I think the real issue today is what the federal Congress has not done, what the federal leadership under three successive terms of Republican Presidents has not done, and the bearing that that has on our state problems is that we are not getting funds from the federal government in a manner that we need them for some very important issues. I am prepared to debate that at any time that Senator Fisher or anybody else on the other side wants to, but I also will tell you that we will be at these microphones many, many times over the next five or six months and we will talk about all the very difficult issues facing Pennsylvania and the Pennsylvania General Assembly. I also want to let Senator Fisher know that this record will reflect, from this microphone, the fact that in the 1989-90 Session alone, Senator Fisher forced through this Senate, because of his being in the Majority, spending bills that totaled \$35 million, \$35,458,000 to be precise, that was beyond the budget agreement that was passed back in June or early July of last year. In fact, his colleagues in the Senate passed in this General Assembly \$314,598,000 worth of spending bills that were not included in the agreed-to budget, and that history is one that could be reflected through the past several Sessions. I would also like to say to Senator Fisher that we will have an ample opportunity to debate this budget through many hours that we both probably do not want to be here to do, but that is what we have chosen. The most important thing that I did not hear in Senator Fisher's remarks was any indication whatsoever that the Republican Majority in this Senate is willing, ready and able to work towards a resolution and not continue to be partisan, to be so enamored with their hatred of a hell of a good Governor, Bob Casey, who has a four year record that I will stand and defend, not only defend, but talk to people about how wonderful it has been and put it forward as a stepping stone for the Democrat Party here in Pennsylvania. I can remember and I will have facts and I will have names and I will have dates of votes when Members of this Republican Party in the Senate of Pennsylvania voted to transfer hundreds of millions of dollars from

the Lottery Fund during the previous administration. The same people who are at the microphones now, including my dear friend Matt Ryan in the House, have a record that cannot be changed. The Majority does not change records, and the record shows that the lottery program is one area which the Republican Party in this state has practically destroyed by transferring the responsibility of General Fund spending to the Lottery Fund. This Governor in each budget that he has proposed has put money from the General Fund back into that Lottery Fund, and it is damned well good he did it, because we would really be in trouble if we did not have that money, if the lottery did not have what this administration has recommended and received in each budget to try to solidify it somewhat. I am not going to do it today, but I am prepared to stand here and give you the dates when everybody in this General Assembly voted for tax increases over a period of eight years that totaled well in excess of what this Governor has asked under a much different set of circumstances. I can tell you that I said, when we walked away from this budget process last summer, that I would take a lie detector test with every Member of the General Assembly that was there, and the one question that I wanted asked to that individual with those electrodes on him is, did you know that there was a problem with the budget that was passed and we walked away from? Did you know that it was not funded properly? Did you know that the Republican Majority in the Senate who drove that budget, who controlled that budget—did you know, Senator Fisher, when we left here last year that that budget was not going to be totally adequate to fund a full 12 months? We in the General Assembly did that and walked away from here acting like we did a wonderful job, but I would challenge any Member in this General Assembly who was in service and in office last year, that I will take a lie detector test, and when that question is asked, I am going to answer it truthfully. If they do not, I am sure that electrode is going to go ba, ba, ba, ba, ba. We gave Governor Casey the budget he has. In fact, if it was not for his insisting that we cut \$100 million—which drove this place crazy, the roof blew up in the building—because Governor Casey asked us to reduce spending by another \$100 million at the last minute because he knew that revenues were being reduced. Then the war starts in the Gulf and oil and everything else goes up. No, it is not as simplistic as, we do not have to face the things coming out of Washington. They are only proposing a budget this year that has a \$300 billion deficit. We are talking about a budget in Pennsylvania that is less than one-twentieth of that amount. Our total budget is one-twentieth, what we are going to spend to operate state government, of what this administration in Washington has continued now for the eleventh consecutive year, proposing deficit spending. Three hundred billion—hear that number—\$300 billion, and that does not even incorporate what it is costing to fight the war. So do not tell me we should not be interested in what is going on in Washington, and do not tell me I should not take the time I have to research Senator Specter's record to show how phony it is. There are two people in Pennsylvania out of 12 million who go to Wash-

ington to represent us in the U.S. Senate. If we have people down there who are more concerned with their own political future and their own looking good in the press, then I will tell you what, I do not care whether I am a Democrat or Republican, but I am going to tell you something. I care about those two people because they are the most important people who we have representing the people of Pennsylvania. If one of them is more concerned about running to Pittsburgh and Philadelphia and holding town meetings and talking about all these wonderful things that he never takes part in, then it is time. I do not care if it is Mike Fisher who runs against him in a Primary and defeats him and gets elected, because he would be one hell of a better U.S. Senator than Arlen Specter has ever even thought about being or ever has a chance of being. But do not tell me that we do not have a right to question his actions and his activities, because one of the reasons why we are getting hurt as a state is because of a lack of leadership coming out of the U.S. Senate members we have. One of them is going to be running next year, and I can tell you that I see people lining up to run against him in your party. Something has to happen even if we just shock him into starting to do his job. I guarantee you one thing, anything he sends me in the mail he better be prepared to answer for because I sure as hell am not going to throw it in the garbage without reading it real good and taking a look at it. I spent a great deal of time analyzing what he told me he did, and I do not think I have heard you say one word in defense of what I said in criticism of his record for that one particular piece of mail that he sent to me, and that was the only purpose for which I stood here today and took my time and your time. I am prepared if you want to stay here until 9:00 o'clock tonight and debate the budget. I think it is foolhardy because we will have ample time to do that. As far as I am concerned my only purpose here today was to point out to the people of Pennsylvania to the best of my ability how their Senator is not telling them quite the truth in the big mailer he just put out and how we ought to be taking a little bit harder look at him. Why this is so important to us is because of the billions and billions of dollars that we have not gotten from the federal government during the time that Reagan, Bush and Specter have been in office.

Senator FUMO. Mr. President, I am sure that the remarks of the gentleman from Fayette, Senator Lincoln, will insure that he is removed from Senator Specter's mailing list. But, in any event, Mr. President, I am not here to debate the merits of his remarks, nor of the remarks of the gentleman from Allegheny, Senator Fisher, concerning Senator Specter. I have only come back to the floor because there have been a number of statements made about the budget.

Mr. President, I feel obligated to remind this Chamber to take a look at the Legislative Journal for June 30, 1990, specifically at page 2431. These were the remarks that were made prior to us passing the budget of last year. It starts out with the gentleman from Delaware, Senator Loeper, and he was the only one, I might add, from the Majority who spoke that evening who felt there were some problems with the budget. Mr. President, I answered Senator Loeper after a long and

arduous period of time of negotiation and reminded him as I reminded the media and everyone else who was listening that that budget was a negotiated budget, that despite the fact the Republicans only put up a token number of votes, that budget could not have been enacted without the support of the Republican Majority in this Senate.

Mr. President, we all share the blame if, in fact, that budget was not balanced. It is not just Governor Casey's fault. It is everyone's in here who voted for that budget, and everyone's here who participated in the discussions on that budget, including the House Minority and Majority and the Senate Minority and Majority. I said that night if the Majority felt that that budget was not in balance, that I was fully prepared to put up tax votes from my caucus to balance that budget. There was no answer. Mr. President, I challenged the Republican Party in the most blatant form I could think of that if they did not believe the budget was balanced to stand up and say so. The Majority Party and the Republicans in this Commonwealth cannot have it both ways. They cannot vote for a budget at midnight on the 30th of June, and at 9:00 a.m. on the 1st of July say that that budget is wrong. They share the blame with everyone else if, in fact, there is any blame to be shared. The problem, Mr. President, is that we are all starting to catch that "read-my-lipitis" that was started by George Bush. As I pointed out that night, regrettably my Governor was catching onto that same disease, but at least he kept his promise for four years. So I am not impressed, nor should anyone else be by any outcry from the Republican Party about the fact that the budget was not balanced. They participated in making it that way.

Then, Mr. President, after that occurred the big spending liberals of the Republican Party passed through this Chamber \$314 million in spending over and above what was in a budget which we all now agree was unbalanced. Senator Greenwood passed a bill for \$44 million; Senator Jubelirer, \$36 million; Senator Fisher, \$35 million; Senator Salvatore, \$26 million; Senator Shaffer, \$26 million; Senator Brightbill, \$26 million; Senator Rhoades, \$21 million; Senator Loeper, \$19 million; Senator Corman, \$13 million; Senator Tilghman, \$13 million; Senator Peterson, \$13 million; Senator Greenleaf, \$10 million; and Senator Hess, \$8 million. That does not even count the frivolous expenditures of \$1 million and \$2 million that were passed on bills sponsored by Members of the Republican Party who at the same time complained, the budget is not in balance and we have to cut it, have proven themselves to be the biggest spenders in Pennsylvania's history. Mr. President, the time for the games playing has to stop now. We have reached the end of the line. We can no longer balance the budget with smoke and mirrors. The only way it could be done now is with tax votes and cuts. We are going to enter into a process which I think will yield tax votes rather than substantial cuts because the Governor has already cut the budget probably beyond where it should be cut. There are appropriation cuts in there that I disagree with and I know the Republican Majority disagrees with. How can we cut the University of Pennsylvania 60 percent in one year? How can

we cut the New Bolton Veterinary Center the way we have done it? How can we cut all those higher educational institutions? Mr. President, the budget is also designed to take care of poor school districts on the ESBE formula. I know before we are done that those Republican Members from the affluent districts are going to want a little piece of the pie to take home to their constituents so they can show they have done their job back home, and that will cost money too. That is going to be added in before we are done, Mr. President. I fully anticipate by the time we get this budget done, if we think \$1.6 billion is a lot of money, we will be over \$2 billion in spending deficits and they are going to have to be met by taxes. How should those taxes be imposed? I happen to agree with the Governor that business has not paid its fair share over the years. During the time when the Republicans controlled the front office and this Chamber, business's burden as it is opposed to those of the individual taxpayer has decreased substantially. I am not one of those crazies who said, let us tax business out of the Commonwealth, but I do believe there is an adequate amount of responsibility that they must bear for the services they get. The hundreds of millions of dollars we put in the economic development programs, which are welfare for the wealthy and the business community, have to be paid for by someone. Mr. President, I share the remarks of the gentleman that I do not think CNI ought to go above 10 percent either, but where are we going to find this money? It does not grow on trees and it certainly does not come from Washington. Where does it come from? It comes from our constituents. Until that side of the aisle is prepared to come forth with a budget that makes even deeper cuts than the one Governor Casey gave us, do not come in here and cry the blues. If you are prepared to fund that budget the way it is, as meager as it is, it is going to cost \$1.6 billion. Let us stop kidding, let us stop the political rhetoric, let us stop campaigning for 1994 and 1996 and beyond and let us worry about the fiscal problems that this Commonwealth faces today. Albeit many of those problems may have been caused by us in our failure to own up to our responsibilities, but let us stop the rhetoric and get to work, Mr. President, and start to discuss what we are going to do in raising taxes because taxes will be raised in Pennsylvania. We know it. Let us all stop trying to be heroes and go home and say, I do not want to do it. It has to be done unless the Republicans are prepared to cut that budget further, and I am willing to listen. Mr. President, I say now, before we start budget hearings, that I am fully prepared to listen to any argument the other side of the aisle has concerning budget cuts or new taxes. The fact of the matter is, we are not going to play with smoke and mirrors this year. It is going to be a tough year. I hope the other side of the aisle will be responsible at least to the degree that we can have the budget done on time. I know I am being overly optimistic in that hope, but I will still pray to God that it happens, that all the rhetoric will not take us into July, August, September, November or December, that we will own up to our responsibilities on time and stop kidding the public and stop trying to kid each other. It will not work.

**The PRESIDING OFFICER (John E. Peterson) in the Chair.**

## PETITIONS AND REMONSTRANCES

### Continued

Senator FISHER. Mr. President, I am sorry that the President had to leave to get to another meeting over in his office, and I recognize that the duties sometimes for the President of the Senate do require him to leave the floor. That seemed to have been an issue of debate a few years ago in this Commonwealth, so I do recognize that there are times that you cannot sit tied to that seat. But I want to make sure that the gentleman from Fayette, Senator Lincoln, understood what he said. I did not suspect for one moment until you said that, Mr. President, that you had any inclinations on running for the United States Senate. I really never suspected that. I do not think anyone on our side of the aisle ever suspected that and that was not the purpose of my remarks in rebuttal to yours. But I did find it curious at a time when we really have so much facing us in such a short period of time that we should have dragged in here the issues of what is going on before the Senate of the United States, particularly at a time when the President of the Senate has avowed intentions, or at least some intentions, of becoming a candidate for the United States Senate against Senator Specter. My remarks were directed in a fashion that I hope will head off, if that in fact is the case, constant debate on this floor, either at this time of the proceedings or earlier, of what could be a full scale debate across this state between the Lieutenant Governor of this Commonwealth and our sitting United States Senator, Senator Specter. Obviously, what Senator Specter has done as a record of achievement has gotten him elected and reelected a number of times by the people of Pennsylvania, and I am sure that Senator Specter is obviously willing and able to defend that record against all comers, whether they be of our own party or of the Democratic Party. I am glad that the gentleman from Philadelphia, Senator Fumo, returned to the floor. I did not realize that my remarks would bring him back here so quickly, but they did. I am glad he returned to the floor to make a couple points about what happened last year because we have really been wondering what happened last year. It is ironic that the gentleman from Philadelphia, the Minority Chairman of the Committee on Appropriations, pointed to the very page of the Legislative Journal which I had open to respond to the comment by Senator Lincoln about the lie detector test. On that same page the Majority Leader, Senator Loeper, said last year on June 30th on the debate on final passage of this budget, "I think what we have seen is really a budget that is heading toward fiscal disaster before the end of the next fiscal year." That statement, a statement which is officially part of the record, was a statement that had been uttered by the gentleman from Montgomery, Senator Tilghman, and the Appropriations staff for months before June 30th. It is a statement that all of us left here with on the night of June 30th. I know many of us, such as myself, included it in remarks we sent to all of the residents of our dis-



tricts, that we were facing troubles. But, lo and behold, the last people in this Commonwealth, other than the taxpayers, to find out about the problems that this Commonwealth faced were apparently the leaders of the Casey-Singel Administration, the Governor and the Lieutenant Governor, because in August and September and October, after the Wharton School predicted in figures which we had and figures which I am sure they had—I cannot believe that Secretary Herschok would not have passed that data along—they predicted where we were going. They predicted what we had been saying in April, May and June was, in fact, going to be correct. But, no, we had to disavow those figures. We had name calling in a debate which tried to discredit our candidate, but we had a failure to recognize up front the problems that faced this Commonwealth. I too hope, as Senator Fumo has said, that we can wrap up this budget and the budget debate on time on June 30th. The people who like to see it that way, obviously, the employees of this Commonwealth, the people who count on this Commonwealth, would want to see it that way. I am fearful with just the short four to five months that we have, rather than 10 or 12 months to have dealt with that issue if we had been forthright last June, that that might not be enough time. Had we had frank and candid discussions all throughout 1990, had we had a level of spending throughout 1990 that was consistent with the revenues coming into the Commonwealth, we would not be anywhere near as bad off as we are today. That is our principal complaint today. That has been our principal complaint over the last seven months and, quite frankly, I think that is going to be the principal roadblock that all of us face in trying to come up with a resolution of this budget, not because we are going to stand here and continue to say, "We told you so." We recognize that is going to ring stale real soon. Clearly, we are going to have to continue to remind people that we told you so, because the level of spending that this Commonwealth has been on since the beginning of this fiscal year was a level of spending that we just could not afford. We spent more than we had coming in. We spent more than we knew we had coming in, and it is going to make the problem we are faced with today twice as difficult as it would have been if we had dealt with it last year. That is my regret, Mr. President. That is the regret I have in this budget debate, and I recognize we are going to have to stand up and we are going to have to come and make some difficult decisions—all of us on this side of the aisle, all the Members of our party in both Chambers and across the state. I just wish the people of this Commonwealth, the Governor and the Lieutenant Governor who are the two top people responsible for the administration of this Commonwealth, would have been just a little more candid with the voters and with the people when they spoke throughout the course of the year. They were not. Many people are holding them responsible and justifiably so. That process is a process that I think is going to make it all the more difficult for us and probably all the more difficult for us to come together in a final resolution. I think like the rest of my caucus. We stand ready, we stand willing and we stand able, and I think it is going to take a little more

candor and a little more frankness by the people who helped to craft and shape this budget, Governor Casey and Lieutenant Governor Singel, when they are dealing with us not only this year but in the future if they want the cooperation. We all owe a responsibility to the people who elected us, but they, too, owe the responsibility to the people whom they were asking to elect them to be fair, to be honest and to be candid. I am not sure that they were.

Senator LINCOLN. Mr. President, so that the people of Pennsylvania understand completely the need for candor, the candor does go just a little bit below Lieutenant Governor Singel. This budget process that we have been involved in for the last half a dozen years or so here in Pennsylvania, each budget for at least the last six years—I am not sure beyond that because I was not personally involved in it prior to that—has been negotiated by representatives of each caucus in the General Assembly and that negotiating process generally starts sometime in early May and goes on through to whenever we finally get it finished. The product that negotiation brings about is a conference committee report. So the people understand that that is not like a bill that we passed today, like House Bill No. 67. It is a conference report which means that some bill passed that one House and then something was amended and then the House that sent it to us refused to accept the amendments and it went into a conference committee, which happens with a lot of different pieces of legislation, but on the budget it is done deliberately. A bill is picked and some very bad amendments put in it so that the other House cannot accept it, and they refuse it, we insist, if it came from the House, then a conference committee is named which represents all four caucuses, but in this manner: There are three Senate Members and there are three House Members. The Majority Party in each Body gets two of the three and the Minority Party gets one. Before that document can be brought back before the House or the Senate to be voted on for final passage, two people from each Body have to sign it, placing their signatures on a front cover showing that they approved of that particular conference report. In this case, two Republican Senators signed that conference report, along with the other four parties, a Democrat from the House, a Democrat from the Senate, the two Democrats from the House, and I am not sure whether the Republican over there did or not because the Senate Republicans have almost ignored the House Republicans in this whole budget process. But it takes two signatures in each. The Republican Members of the conference committee in the Senate did, at a public meeting, sign the conference report and then voted on having that report reported out of committee to the Senate floor and House floor. Those two people did not say at the time that I am doing this under duress, that I am doing this not knowing what is in it, that I am signing this report, knowing six months from now there is going to be one heck of a battle over whether it is accurate or not. No, they signed it. It came up on the floor and it was passed, and every Member of the Republican Senate took their legislative initiatives that were part of that package and went back home and told everybody how

wonderful they were, what they brought back for them, their education increases, or whatever else. There was not one word spoken until somewhere along the line, down the campaign, the Republican candidate, who did not need any help in denigrating the position I think, did a really, really good job in making this election easy just by the actions and the particular name calling, like the "red-neck Irishman" and a few other things, that people in Pennsylvania kind of reacted to in a manner that they just would not vote for that candidate. That person had the same information, according to Senator Fisher, but evidently did not have the ability that Senator Fisher has to articulate that so the general public believed it. I think that was a difficult task for that person to do because at that point in time the seriousness of this matter did actually not exist. Since October until now, the situation on the federal level, the impact of the six-month occupation of Saudi Arabia and our efforts to force the Iraqi troops out of Kuwait have started to take their toll on a lot of different areas. U.S. Air last night decided to cut back 3,500 employees, and one of the main reasons they gave was because the war in the Gulf has scared people into not flying and has made their expenses become considerably higher. One of our major auto makers yesterday decided to lay off thousands and thousands of American workers. So, I think to say that Bob Casey left here in July, after this budget was passed, and deliberately went through a campaign trying to mislead people is a really harsh and a really unfair way of characterizing the position we have gotten to today. I think that is totally ridiculous because if anybody is forthright and candid, I have never met a public official more forthright and more candid and more honest than Bob Casey. I believe that in the conclusion of this budget, everything that has been accomplished by this administration will have a fair opportunity, and I think that he has a hell of a lot better record to defend than Senator Specter, which started all of this particular debate. I know that I am prepared to come before this Body and before the 12 million people in Pennsylvania and tell the truth. I am prepared to do whatever it takes to solve this problem and I am prepared to make the hard votes that jeopardizes one's political career. I say to the other 49 Members of this Body, including my Democrat colleagues, that I challenge you to think in that manner, to think about what happens 10 years from now, to think about what happens two years from now, because our actions over the next six months are going to greatly determine whether Pennsylvania continues to grow in stature nationally and continues to grow economically and our children have a place to stay and our children have a place to be educated and we have health care benefits for those who cannot provide. Those are the important things that have to come out of this debate today, that we can disagree with one another and we can have our fun politically and we can be partisan and we can do all the other things, but in the final analysis the challenge that lies before this General Assembly—because it is in our hands now, it is not in Governor Casey's hands—is to see that our actions, the actions we take, the manner in which we keep ourselves busy and the manner in

which we accomplish and the manner in which we finally vote to solve these problems will have such a long-term, very serious impact on every Pennsylvanian who now is residing here in the state and all of those who will come in, through birth or through moving, in the next few years.

There is a very, very difficult task that lies before us, and I can tell you that I am willing to take whatever extra steps it takes from my caucus viewpoint to see that those problems are resolved in a manner that is not discriminating to any citizen, whether it be business or an individual taxpayer, but that it is also fair in its application to how we spend their money, too. I would ask that the Republican caucus in the Senate particularly join in that effort with the sincerity that I know they have and the feelings they have for the constituency they represent.

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

### **BILLS SIGNED**

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

**HB 1 and 67.**

### **ADJOURNMENT**

Senator FISHER. Mr. President, I move the Senate do now adjourn until Monday, March 11, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:05 p.m., Eastern Standard Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, MARCH 11, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 12

### SENATE

MONDAY, March 11, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend JOHN FERICH, Pastor of Grace United Methodist Church, Carlisle, offered the following prayer:

Let us pray.

O God, we gather to praise Your holy name and to ask Your blessing upon the Senate of Pennsylvania. You have created us in Your image and breathed into us the breath of life. You have given us minds to reason, hearts to love and souls to have eternal fellowship with Yourself. You have given us dominion over the beasts of the field, the birds of the air and the fish of the sea. You have made us a little lower than the angels. In You we live and move and have our being. For all these precious gifts of life, we give You thanks.

Bless all the men and women who grace this hallowed Chamber and work for the well-being of the Commonwealth of Pennsylvania. Give them keen minds and understanding hearts. Help them to fulfill their duties to the best of their abilities. Guide their footsteps in the paths of righteousness and truth. Help them, O God, to use their minds and talents in creative ways that will benefit our state and nation. Fill their hearts with love for their fellowmen and inspire them to work for the common good of all mankind. Free them from the chains of self-pity and cynicism and strengthen them morally and spiritually for good leadership and service to our great State of Pennsylvania and to the world. Help them in all their work and labor during their tenure of office to call upon You for divine guidance and spiritual help so that their words and deeds may be worthy of You and worthy of the trust placed in them by the citizens of Pennsylvania.

Bless the homes and families of our Legislators with love and peace, and keep our Legislators and their loved ones close to Your heart.

All these favors and blessings we pray in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Ferich who is the guest this week of Senator Hopper.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 12, 1991.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE STATE BOARD OF COSMETOLOGY

February 12, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia H. Mynick, 545 Bridge Road, Rahns 19426, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

February 12, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mildred C. Joyner, 1270 Upton Circle, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

February 13, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne N. Greene, 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

February 13, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William F. Heefner, Esquire, 555 Old Bethlehem Road, Perkasie 18944, Bucks County, Tenth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

February 13, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anna O. Rotz, P. O. Box 101, Fort Loudon 17224, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

February 13, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kurt Zwikl, 620 North 25th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**SHERIFF, WESTMORELAND COUNTY**

February 19, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary Uhrin, R. D. 3, Box 267AA, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Sheriff, in and for the County of Westmoreland, to serve until the first Monday of January, 1992, vice Regis Kelley, Sr., deceased.

ROBERT P. CASEY.

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

February 21, 1991.

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

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

ROBERT P. CASEY.

**MEMBER OF THE STATE HARNESS  
RACING COMMISSION**

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rod L. Piatt, 530 Pike Street, P. O. Box 618, Meadow Lands 15347, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. O'Hara, Jr., 2336 South Pewter Drive, Macungie 18062, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified, vice Charles J. Potter, Ph.D., Indiana, deceased.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
LIQUOR CONTROL BOARD**

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Goodman, 201 West Pine Street, Mahanoy City 17948, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 1995.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Collins, 10 Carriage Road, New Cumberland 17070, York County, Thirty-first Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy Childress (Public Member), 4608 West Brightview Avenue, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice William B. McIlwaine, Ed.D., Millersville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Smith, Box 12, Bear Creek 18602, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lee A. Stickler, Lebanon, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS AND  
PROFESSIONAL LAND SURVEYORS

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Haunani S. L. Kekuna, 1587 Promise Lane, Allentown 18106, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

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

February 21, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eugene J. Schlanger, 506 Colfax Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

February 25, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles R. Eshleman (Public Member), 54 West Sheridan Avenue, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

February 25, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda J. Mich, 807 Stones Crossing, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Helen L. Hopkins, Philadelphia, whose term expired.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY**

February 26, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James P. Blaum, Esquire, 54 Pierce Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA CANCER  
CONTROL, PREVENTION AND RESEARCH  
ADVISORY BOARD**

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. McGoff, 103 Jonslea Lane, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Adrian Samojlowicz, Ph.D., Waverly, deceased.

ROBERT P. CASEY.

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

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Floyd M. Mains, 45 Montgomery Avenue, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE**

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John A. Abom (Republican), 2708 Street Road, Box 130, Warrington 18976, Bucks County, Tenth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE**

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank P. Belmonte (Republican), 11 Glen Road, Levittown 19057, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE**

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melissa V. Bond (Democrat), 53 Pueblo Road, New Britain 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE**

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Shirley R. Hart (Democrat), R. D. 3, Box 7A, New Hope 18938, Bucks County, Tenth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE**

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Loretta Rector (Democrat), 224 Taylorsville 19067, Bucks County, Tenth Senatorial District, for appointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE**

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlene Ritter (Democrat), 1300 Winfield Avenue, Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

February 27, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan E. Sherman Rosenberg (Republican), 237 Cherry Blossom Drive, Churchville 18966, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF DENTISTRY

March 1, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Edward D. Williams, 500 Willow Grove Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin F. Weaver, III, D.D.S., Hershey, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
TURNPIKE COMMISSION

March 1, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Brady, 1301 Kimberly Drive, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor shall be duly appointed and qualified, but not longer than ninety days beyond that period, whichever period is shorter, vice Peter J. Camiel, Philadelphia, deceased.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

March 5, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David L. Johnson, 3000 Hermosa Lane, Havertown 19083, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

March 5, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jesse C. Achenbach, P. O. Box 1359, 1819 Howard Avenue, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice William J. Grim, Devon, whose term expired.

ROBERT P. CASEY.

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

March 5, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy H. Mark, 605 East Orange Street, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

DISTRICT JUSTICE

March 5, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Isaac H. Stoltzfus, 312 Queen Road, Gordonville 17529, Lancaster County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 2-3-05, to serve until the first Monday of January, 1992, vice Gilbert R. Book, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION

March 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis Roy Fredericks (District 2), 119 Fawn Valley Drive, McMurray 15317, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years, vice C. Dana Chalfant, Gibsonia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION

March 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Holman (District 5), R. D. 1, Box 256, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1993, vice Donald R. Craul, Lewisburg, terminated.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION

March 7, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George M. Miller (District 3), R. D. 1, Box 986, Brockway 15824, Jefferson County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years.

ROBERT P. CASEY.

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

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

MEMBER OF THE STATE PLANNING BOARD

February 20, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991 for the appointment of Joann Bell, 8439 Suffolk Road, Philadelphia 19138, Philadelphia County, Eighth Senatorial District, as a member of the State Planning Board to serve for a term of four years and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

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

ROBERT P. CASEY.

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

February 20, 1991.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 2, 1991 for the appointment of Raymond Sannie, 2638 Columbia Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until April 6, 1991 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Masi, Erie, resigned.

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

ROBERT P. CASEY.

CORRECTIONS TO NOMINATIONS BY THE  
GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

February 12, 1991.

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

Please note the nomination dated February 11, 1991 for the reappointment of Michael Mokotoff, Ph.D., Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, should be corrected to read:

Michael Mokotoff, Ph.D., 1256 Arrowood Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

March 1, 1991.

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



Please note the nomination dated February 27, 1991 for the appointment of Loretta Rector (Democrat), 224 Taylorsville 19067, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement, should be corrected to read:

Loretta Rector (Democrat), 224 Taylorsville Road, Yardley 19067, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

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

February 22, 1991

**HB 14 and 23** — Committee on Judiciary.

**HB 26 and 29** — Committee on Consumer Protection and Professional Licensure.

**HB 41 and 42** — Committee on Local Government.

**HB 236** — Committee on Finance.

### BILLS INTRODUCED AND REFERRED

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

February 11, 1991

Senators FISHER, LEWIS, MADIGAN, SHUMAKER, BRIGHTBILL, BAKER, WENGER, GREENWOOD, CORMAN, PETERSON and ARMSTRONG presented to the Chair **SB 400**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for product liability actions by establishing standards for the imposition of liability and otherwise addressing actions brought for recovery of damages for death or injury to persons or property alleged to have been caused by a product.

Which was committed to the Committee on JUDICIARY, February 11, 1991.

Senators FUMO, PECORA, STOUT, PETERSON, CORMAN, AFFLERBACH, MELLOW, STEWART, MUSTO, PORTERFIELD, SHAFFER, STAPLETON, FISHER, BRIGHTBILL, REIBMAN, BELAN, O'PAKE, RHOADES, WILLIAMS, ANDREZESKI and SCHWARTZ presented to the Chair **SB 401**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, February 11, 1991.

Senators BAKER, GREENWOOD, BELL, JUBELIRER, CORMAN, SHUMAKER, LEWIS, FATTAH, AFFLERBACH, HOPPER, SALVATORE and RHOADES presented to the Chair **SB 402**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators BAKER, WENGER, BELL, GREENWOOD, ANDREZESKI, FATTAH and SALVATORE presented to the Chair **SB 403**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for publication of names of delinquent support obligors.

Which was committed to the Committee on JUDICIARY, February 11, 1991.

Senators BAKER, BELL, LEMMOND, ANDREZESKI, BRIGHTBILL, FATTAH and SALVATORE presented to the Chair **SB 404**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for the Office of Child Support Legal Advocate.

Which was committed to the Committee on JUDICIARY, February 11, 1991.

Senators MELLOW, O'PAKE, REIBMAN, STAPLETON, LINCOLN, HART, MUSTO, STOUT, DAWIDA, LYNCH, FUMO, BODACK, PECORA, BELAN, SCHWARTZ, ANDREZESKI, BORTNER, JONES, AFFLERBACH, SCANLON, LAVALLE, LEWIS, WILLIAMS, PORTERFIELD, RHOADES, SHUMAKER, HELFRICK, LEMMOND, BELL and STEWART presented to the Chair **SB 405**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive; and further providing for accrued liability.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senator RHOADES presented to the Chair **SB 406**, entitled:

An Act allocating a portion of the revenues from the Oil and Gas Lease Fund to support a flood control project in Schuylkill County; and making a repeal.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1991.

Senators RHOADES, FISHER, STOUT, MELLOW, JONES, AFFLERBACH, MUSTO, REIBMAN, DAWIDA, SALVATORE, LYNCH, SCHWARTZ, BELAN, PECORA and O'PAKE presented to the Chair **SB 407**, entitled:

An Act amending the act of February 17, 1906 (P. L. 45, No. 11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such

deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," providing limitations on investments in Northern Ireland.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators RHOADES, FISHER, STOUT, MELLOW, JONES, AFFLERBACH, MUSTO, REIBMAN, DAWIDA, SALVATORE, LYNCH, SCHWARTZ, BELAN, PECORA and O'PAKE presented to the Chair **SB 408**, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," imposing restrictions on investments in Northern Ireland.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators RHOADES, FISHER, STOUT, MELLOW, JONES, AFFLERBACH, MUSTO, REIBMAN, DAWIDA, SALVATORE, LYNCH, SCHWARTZ, BELAN, PECORA and O'PAKE presented to the Chair **SB 409**, entitled:

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," imposing restrictions on investments in Northern Ireland.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators RHOADES, FISHER, STOUT, MELLOW, JONES, AFFLERBACH, MUSTO, REIBMAN, DAWIDA, SALVATORE, LYNCH, SCHWARTZ, BELAN, PECORA and O'PAKE presented to the Chair **SB 410**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, placing restrictions on investments in companies doing business in or with Northern Ireland.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators RHOADES, FISHER, STOUT, MELLOW, JONES, AFFLERBACH, MUSTO, REIBMAN, DAWIDA, SALVATORE, LYNCH, SCHWARTZ, BELAN, PECORA and O'PAKE presented to the Chair **SB 411**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, placing limitations on investments in companies doing business in or with Northern Ireland.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators RHOADES, MUSTO, REIBMAN, O'PAKE, BAKER and STOUT presented to the Chair **SB 412**, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," extending the Emergency Bond Fund to anthracite surface mines; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1991.

Senators RHOADES, HOPPER, JONES, GREENWOOD, BELL, AFFLERBACH, O'PAKE, PORTERFIELD, CORMAN, SHAFFER, LAVALLE, WENGER, PETERSON, ANDREZESKI, STOUT and SCHWARTZ presented to the Chair **SB 413**, entitled:

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

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators RHOADES, BELL, HOLL, SHAFFER, SALVATORE, WENGER, BELAN, PETERSON and MADIGAN presented to the Chair **SB 414**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," increasing the authorized membership of the Pennsylvania State Police; and making editorial changes.

Which was committed to the Committee on LAW AND JUSTICE, February 11, 1991.

Senators RHOADES, JONES, BELL, MELLOW, AFFLERBACH, O'PAKE, STEWART, PECORA, PORTERFIELD, CORMAN, PUNT, LAVALLE, FISHER, SALVATORE, SHUMAKER, PETERSON, STOUT and MADIGAN presented to the Chair **SB 415**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 11, 1991.

Senators RHOADES, LINCOLN, SHUMAKER, STOUT, CORMAN, MELLOW, REIBMAN, LEWIS, FISHER, SCANLON, MUSTO, SALVATORE, PORTERFIELD, BRIGHTBILL, LAVALLE, STAPLETON, BELAN, ROBBINS and O'PAKE presented to the Chair **SB 416**, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," further providing for proceedings involving contamination or diminution of water supplies; providing for pollutional discharges and bonds; extending the Emergency Bond Fund to anthracite surface mines; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1991.

Senators STOUT, LEMMOND, MELLOW, AFFLERBACH, SHAFFER, PORTERFIELD, BAKER, SCANLON, BELAN, SCHWARTZ, LAVALLE, BORTNER and ANDREZESKI presented to the Chair **SB 417**, entitled:

An Act amending the act of July 5, 1947 (P. L. 1217, No. 498), entitled "State Public School Building Authority Act," further providing for award of contracts.

Which was committed to the Committee on EDUCATION, February 11, 1991.

Senators STOUT, LEMMOND, MELLOW, BORTNER, LAVALLE, SCHWARTZ, BELAN, SCANLON, BAKER, PORTERFIELD, SHAFFER, AFFLERBACH and ANDREZESKI presented to the Chair **SB 418**, entitled:

An Act amending the act of May 1, 1913 (P. L. 155, No. 104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," increasing the minimum bid requirement.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 1991.

Senators STOUT, MELLOW, LEMMOND, BORTNER, AFFLERBACH, SHAFFER, PORTERFIELD, BAKER, SCANLON, BELAN, SCHWARTZ, LAVALLE and ANDREZESKI presented to the Chair **SB 419**, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further providing for the granting of concessions by an authority.

Which was committed to the Committee on TRANSPORTATION, February 11, 1991.

Senators STOUT, WENGER, MUSTO, MELLOW, BELAN, SCANLON, PECORA and ANDREZESKI presented to the Chair **SB 420**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," imposing additional responsibilities on State associations; and authorizing additional delegates to annual meetings of State associations.

Which was committed to the Committee on LOCAL GOVERNMENT, February 11, 1991.

Senators STOUT, WENGER, MUSTO, MELLOW, PECORA, SCANLON, BELAN and ANDREZESKI presented to the Chair **SB 421**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, February 11, 1991.

Senators STOUT, HART, SCANLON, MUSTO, MELLOW, REIBMAN, BELAN and ANDREZESKI presented to the Chair **SB 422**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for appointed accountants and for the appointment of independent auditors in lieu of elected auditors; and further providing for expenses of nonemployee supervisors.

Which was committed to the Committee on LOCAL GOVERNMENT, February 11, 1991.

Senator SHUMAKER presented to the Chair **SB 423**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the penalty for fleeing or attempting to elude a police officer.

Which was committed to the Committee on TRANSPORTATION, February 11, 1991.

Senators AFFLERBACH, LEWIS, BELAN, MELLOW, ANDREZESKI, SALVATORE, LAVALLE and LYNCH presented to the Chair **SB 424**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, adding provisions relating to the regulation of limousine services; and further providing for disposition of fines and penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 11, 1991.

Senators O'PAKE, MELLOW, BELL, AFFLERBACH, REIBMAN, STOUT, BELAN, ANDREZESKI, LYNCH, MUSTO, STAPLETON, SCHWARTZ, PECORA and LAVALLE presented to the Chair **SB 425**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for penalties.

Which was committed to the Committee on JUDICIARY, February 11, 1991.

Senators STOUT, GREENWOOD, MUSTO, MELLOW, STAPLETON, AFFLERBACH and ANDREZESKI presented to the Chair **SB 426**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," mandating that all school districts provide instruction for the safe driving of motor vehicles; and making an editorial change.

Which was committed to the Committee on EDUCATION, February 11, 1991.

Senators STOUT, MELLOW, REIBMAN, AFFLERBACH, STAPLETON, PORTERFIELD, BELAN, HELFRICK and LYNCH presented to the Chair **SB 427**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, authorizing retirement credit for members of the Cadet Nurse Corps.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators STOUT, MELLOW, LAVALLE, PORTERFIELD, AFFLERBACH, REIBMAN and LYNCH presented to the Chair **SB 428**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the circulation and filing of nomination petitions.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 1991.

Senators HELFRICK, MADIGAN, WENGER, SALVATORE, ARMSTRONG, PETERSON, PUNT, RHOADES, SHAFFER, STAPLETON, HART, LEMMOND, ROBBINS, STEWART, PORTERFIELD and BELAN presented to the Chair **SB 429**, entitled:

An Act limiting sites where hazardous waste treatment or disposal facilities may be placed.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1991.

Senators CORMAN, STAPLETON, RHOADES and LOEPER presented to the Chair **SB 430**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the reorganization of certain school districts into smaller school districts.

Which was committed to the Committee on EDUCATION, February 11, 1991.

Senators PECORA, BELL, STOUT, LAVALLE, ANDREZESKI, AFFLERBACH, STAPLETON, BELAN, PORTERFIELD, DAWIDA, JUBELIRER, LEMMOND, FISHER, HOLL, BRIGHTBILL, JONES, PETERSON, MUSTO, MADIGAN, HART, HELFRICK, BAKER, STEWART, REIBMAN, SCANLON, O'PAKE, MELLOW, BODACK, LEWIS, CORMAN, WENGER and LOEPER presented to the Chair **SB 431**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for visitation rights and partial custody.

Which was committed to the Committee on JUDICIARY, February 11, 1991.

Senators BELL, SHUMAKER, PUNT, SCANLON, HOLL, SALVATORE, BELAN, HELFRICK, MUSTO, MADIGAN, ANDREZESKI, SHAFFER, LAVALLE, ROBBINS, O'PAKE, GREENWOOD, LYNCH, PECORA, JONES, RHOADES, STOUT, JUBELIRER, STAPLETON, WENGER, STEWART, LEMMOND, FUMO, FISHER, CORMAN, LOEPER and PETERSON presented to the Chair **SB 432**, entitled:

An Act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Persian Gulf War Veterans' Compensation Fund; providing for powers and duties of the Governor, the Auditor General, the State Treasurer and the Board of Finance and Revenue; providing for the payment of interest on and the redemption and refunding of the bonds; and making an appropriation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 11, 1991.

Senators BELL, SHUMAKER, PUNT, SCANLON, HOLL, SALVATORE, BELAN, HELFRICK, MUSTO, MADIGAN, ANDREZESKI, SHAFFER, LAVALLE, ROBBINS, O'PAKE, GREENWOOD, LYNCH, PECORA, JONES, RHOADES, STOUT, JUBELIRER, STAPLETON, WENGER, STEWART, LEMMOND, FUMO, FISHER, CORMAN, LOEPER and PETERSON presented to the Chair **SB 433**, entitled:

An Act providing compensation to certain persons who served in the armed forces of the United States during the Persian Gulf War; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 11, 1991.

Senators STEWART, PUNT, LAVALLE, BELAN, SALVATORE, HOPPER, MUSTO, LYNCH, JONES, BORTNER, CORMAN, ROBBINS, WENGER, REIBMAN, SHAFFER, STAPLETON, PORTERFIELD, MELLOW, RHOADES, HART, PECORA, O'PAKE, BELL, AFFLERBACH, LEWIS, DAWIDA and FUMO presented to the Chair **SB 434**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Freedom Defense Campaign Medal and Ribbon.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 11, 1991.

Senators STAPLETON, PETERSON, SHAFFER, LINCOLN, STOUT, MELLOW, STEWART, HELFRICK, PORTERFIELD, LAVALLE, BELAN, MUSTO, ROBBINS, MADIGAN and SALVATORE presented to the Chair **SB 435**, entitled:

An Act amending the act of October 18, 1988 (P. L. 756, No. 108), entitled "Hazardous Sites Cleanup Act," extending the period for site applications.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1991.

Senators PETERSON, STAPLETON, SHAFFER, MUSTO, STEWART, HELFRICK, PORTERFIELD, LAVALLE, BELAN, O'PAKE, ROBBINS, MADIGAN, SALVATORE and WENGER presented to the Chair **SB 436**, entitled:

An Act limiting sites where hazardous waste treatment or disposal facilities may be placed.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1991.

Senators BELAN, STOUT, STEWART, WILLIAMS, MUSTO, BODACK, JONES, REIBMAN, PORTERFIELD, SALVATORE, LAVALLE, ANDREZESKI, HELFRICK, O'PAKE and LEWIS presented to the Chair **SB 437**, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for projects eligible for financial assistance; expanding the activities for which bond proceeds may be used; providing for alternative forms of financing using sources of funds other than bond proceeds; further providing for financing by authorities and the Pennsylvania Economic Development Financing Authority; and eliminating certain approvals by the Secretary of Commerce.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 11, 1991.

Senators BELAN, STOUT, AFFLERBACH, WILLIAMS, MUSTO, BODACK, JONES, REIBMAN, PORTERFIELD, LAVALLE, ANDREZESKI, HELFRICK, O'PAKE and LYNCH presented to the Chair **SB 438**, entitled:

An Act providing for grants to health care facilities, health maintenance organizations and physicians to conduct cancer screening programs.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 11, 1991.

Senators BELAN, STOUT, DAWIDA, MUSTO, BODACK, JONES, LAVALLE, ANDREZESKI, HELFRICK and LYNCH presented to the Chair **SB 439**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," imposing an additional tax upon cigarettes; and providing for disposition of revenues realized by the tax.

Which was committed to the Committee on FINANCE, February 11, 1991.

Senators BELAN, STOUT, MUSTO, BODACK, JONES, SALVATORE, PECORA, LAVALLE, ANDREZESKI, O'PAKE and LYNCH presented to the Chair **SB 440**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for disposition of delinquent children.

Which was committed to the Committee on JUDICIARY, February 11, 1991.

#### February 12, 1991

Senators BELAN, STOUT, AFFLERBACH, WILLIAMS, MUSTO, BODACK, JONES, LAVALLE, ANDREZESKI, O'PAKE and LYNCH presented to the Chair **SB 441**, entitled:

An Act providing for Commonwealth support for a Children and Youth Caseworker Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as children and youth caseworkers in this Commonwealth.

Which was committed to the Committee on EDUCATION, February 12, 1991.

Senators BELAN, MUSTO, BODACK, JONES, REIBMAN, PECORA, LAVALLE, ANDREZESKI and LYNCH presented to the Chair **SB 442**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing the Department of Transportation to convey excess real property to interested public agencies or tenants.

Which was committed to the Committee on TRANSPORTATION, February 12, 1991.

Senators BELAN, WILLIAMS, DAWIDA, STOUT, AFFLERBACH, REIBMAN, PORTERFIELD, BELL, ANDREZESKI, MUSTO, LYNCH, O'PAKE and LAVALLE presented to the Chair **SB 443**, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," extending the act to leases of automobiles.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 12, 1991.

#### February 15, 1991

Senators LOEPER, JUBELIRER, WENGER, BAKER, ARMSTRONG, PUNT, SALVATORE, HART, SHAFFER, BELL, LEMMOND, HOPPER, MADIGAN and HELFRICK presented to the Chair **SB 444**, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," classifying the State System of Higher Education as an independent agency entitled to appoint and fix the compensation of legal counsel.

Which was committed to the Committee on EDUCATION, February 15, 1991.

Senators PECORA, GREENWOOD, CORMAN, BELL, RHOADES and PETERSON presented to the Chair **SB 445**, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," requiring the Attorney General to perform all legal services required for issuance of all State general obligation bonds or notes or other bonds and notes.

Which was committed to the Committee on FINANCE, February 15, 1991.

Senators PECORA, BELAN, PUNT, BELL, ANDREZESKI, PORTERFIELD and JUBELIRER presented to the Chair **SB 446**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for temporary surrender of key or other ignition device of a vehicle upon request of the police when the operator is believed to be driving under the influence; and providing penalties for refusal to comply.

Which was committed to the Committee on JUDICIARY, February 15, 1991.

Senators PECORA, SHAFFER, SHUMAKER, STOUT, SALVATORE, BELAN, AFFLERBACH, CORMAN, HART, ANDREZESKI, PORTERFIELD, LAVALLE, RHOADES, LYNCH, PETERSON and JUBELIRER presented to the Chair **SB 447**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating penalties for trafficking drugs to minors in play areas.

Which was committed to the Committee on JUDICIARY, February 15, 1991.

Senators PECORA, HOLL, SALVATORE, JUBELIRER, LEMMOND, ROBBINS, HART and BELL presented to the Chair **SB 448**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; and making technical changes.

Which was committed to the Committee on FINANCE, February 15, 1991.

Senators PECORA, CORMAN, ANDREZESKI, HOLL, SALVATORE and MADIGAN presented to the Chair **SB 449**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, eliminating plea bargaining in connection with sentencing.

Which was committed to the Committee on JUDICIARY, February 15, 1991.

Senators O'PAKE, CORMAN, AFFLERBACH, REIBMAN, BODACK, MELLOW, BELAN, PUNT, MUSTO, STOUT, LEWIS, SALVATORE, BELL, SCHWARTZ, LYNCH, STAPLETON, PORTERFIELD, WILLIAMS, PECORA and LAVALLE presented to the Chair **SB 450**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the definition of "maximum annual income."

Which was committed to the Committee on AGING AND YOUTH, February 15, 1991.

Senator SCANLON presented to the Chair **SB 451**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, February 15, 1991.

Senators DAWIDA, STAPLETON, AFFLERBACH, SCHWARTZ, BELAN and ANDREZESKI presented to the Chair **SB 452**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, regulating the awarding of punitive damages.

Which was committed to the Committee on JUDICIARY, February 15, 1991.

Senators DAWIDA, AFFLERBACH, LAVALLE, ANDREZESKI and BRIGHTBILL presented to the Chair **SB 453**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further providing for information on death and fetal death certificates.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 15, 1991.

Senators DAWIDA, SCANLON, O'PAKE, MUSTO, AFFLERBACH, REIBMAN, BELAN, WILLIAMS and ANDREZESKI presented to the Chair **SB 454**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing optional benefits from health care benefit plans.

Which was committed to the Committee on BANKING AND INSURANCE, February 15, 1991.

Senators DAWIDA, BELAN, LEWIS, FISHER, MUSTO, LAVALLE and WILLIAMS presented to the Chair **SB 455**, entitled:

An Act providing for emergency service responders' preference for civil service purposes.

Which was committed to the Committee on STATE GOVERNMENT, February 15, 1991.

Senators DAWIDA, BELAN, STEWART, PECORA, LAVALLE, BORTNER, WILLIAMS and ANDREZESKI presented to the Chair **SB 456**, entitled:

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," further providing for local mental health and mental retardation services and for the liability of the Commonwealth for certain care.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 15, 1991.

Senator DAWIDA presented to the Chair **SB 457**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for taxation, attachment and assignment of pension rights.

Which was committed to the Committee on FINANCE, February 15, 1991.

Senator ARMSTRONG presented to the Chair **SB 458**, entitled:

An Act amending the act of July 10, 1990 (P. L. 352, No. 81), entitled "Health Care Practitioners Medicare Fee Control Act," further restricting the applicability of the act to certain persons who receive pharmaceutical assistance and Medicare benefits.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 15, 1991.

Senators LINCOLN, BELAN, MUSTO, BELL, JONES, PORTERFIELD, REIBMAN, SCHWARTZ, ANDREZESKI, LAVALLE, LYNCH and STEWART presented to the Chair **SB 459**, entitled:

An Act providing for a declaration of emergency during a lockout, for emergency powers of the Governor, and for the protection of workers' rights.

Which was committed to the Committee on LABOR AND INDUSTRY, February 15, 1991.

Senator HOLL presented to the Chair **SB 460**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, February 15, 1991.

#### February 20, 1991

Senators ANDREZESKI, MUSTO, STOUT, FISHER, REIBMAN, BODACK, LAVALLE, BELAN and LYNCH presented to the Chair **SB 461**, entitled:

An Act establishing the Office of the Great Lakes within the Department of Environmental Resources and designating the office as the lead agency within State government for the development of policies, programs and procedures to protect, enhance and manage the Great Lakes.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 20, 1991.

Senators ANDREZESKI, MUSTO, STOUT, REIBMAN, BODACK, LAVALLE, BELAN and LYNCH presented to the Chair **SB 462**, entitled:

An Act establishing the Lake Erie Shoreline and Presque Isle Bay Commission and providing for its powers and duties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 20, 1991.

Senators ANDREZESKI, MUSTO, BODACK, PORTERFIELD, LAVALLE, BELAN, LYNCH and STAPLETON presented to the Chair **SB 463**, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," replacing informal dispute settlement procedure with State-certified new car arbitration; and providing for sanctions and penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators ANDREZESKI, STOUT, BODACK, PORTERFIELD, LAVALLE, BELAN, LYNCH and STAPLETON presented to the Chair **SB 464**, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," further providing for a certain presumption.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF, HART, O'PAKE, SALVATORE, FUMO, AFFLERBACH and LEMMOND presented to the Chair **SB 465**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue of juvenile matters.

Which was committed to the Committee on JUDICIARY, February 20, 1991.

Senators GREENLEAF, LAVALLE, REIBMAN, ANDREZESKI and JONES presented to the Chair **SB 466**, entitled:

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request; and providing penalties for noncompliance.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF, HOLL, GREENWOOD, JONES, SALVATORE and AFFLERBACH presented to the Chair **SB 467**, entitled:

An Act providing for control and treatment of Lyme disease; and making appropriations.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators GREENLEAF, BRIGHTBILL, REIBMAN, JONES, AFFLERBACH, SALVATORE and ANDREZESKI presented to the Chair **SB 468**, entitled:

An Act prohibiting and restricting the use of certain instruments in connection with renal dialysis; granting rights to renal dialysis patients; and imposing duties in the Department of Health.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators GREENLEAF, BRIGHTBILL, ANDREZESKI and LAVALLE presented to the Chair **SB 469**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, changing the definitions of "child abuse" and "sexual abuse"; adding a definition of "physical neglect"; and further providing for persons who are required to report child abuse and for taking children into protective custody.

Which was committed to the Committee on AGING AND YOUTH, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 470**, entitled:

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), entitled "Intangible Personal Property Tax Law," providing for the method of determining the actual value of personal property.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 471**, entitled:

An Act amending the act of May 23, 1949 (P. L. 1676, No. 509), entitled, as reenacted and amended, "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property;....," providing for the method of determining the actual value of personal property.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 472**, entitled:

An Act amending the act of June 20, 1947 (P. L. 733, No. 319), entitled, as amended, "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property;....," providing for the method of determining the actual value of personal property.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators GREENLEAF, LAVALLE, SALVATORE, REIBMAN and BELAN presented to the Chair **SB 473**, entitled:

An Act amending the act of June 11, 1947 (P. L. 565, No. 248), entitled "World War II Veterans' Compensation Act," extending the provisions of the act to merchant marines.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 20, 1991.

Senators GREENLEAF, REIBMAN and ANDREZESKI presented to the Chair **SB 474**, entitled:

An Act amending the act of September 26, 1951 (P. L. 1539, No. 389), entitled, as amended, "The Clinical Laboratory Act," providing for testing programs for clinical laboratories.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators SALVATORE, LAVALLE and LYNCH presented to the Chair **SB 475**, entitled:



An Act amending the act of July 31, 1968 (P. L. 738, No. 233), entitled "The Pennsylvania Fair Plan Act," adding provisions relating to homeowners policy coverage.

Which was committed to the Committee on BANKING AND INSURANCE, February 20, 1991.

Senators SALVATORE and LAVALLE presented to the Chair **SB 476**, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further providing for subsidy payments during work stoppage.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senator SALVATORE presented to the Chair **SB 477**, entitled:

An Act amending the act of September 28, 1978 (P. L. 788, No. 152), entitled "An act amending Titles 1 (General Provisions) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, responding to and prescribing limitations on decisional law, reaffirming sovereign immunity as provided in section 11 of Article I of the Constitution of Pennsylvania, preserving sovereign immunity as a bar to claims brought against the Commonwealth agencies and their officials and employees; specifically waiving sovereign immunity as provided by the Constitution in certain limited cases; granting jurisdiction to certain courts over claims brought against Commonwealth agencies; providing for limitations upon and the procedures relating to said claims; authorizing rules and regulations; suspending certain judicial proceedings until July 1, 1979, shortening the statutes of limitations in certain cases; and repealing certain laws," changing the effective date for certain occurrences; and extending a statute of limitations.

Which was committed to the Committee on STATE GOVERNMENT, February 20, 1991.

Senators SALVATORE and SCHWARTZ presented to the Chair **SB 478**, entitled:

An Act providing a limited exemption from taxation of residential real property of certain persons and for reimbursement by the Commonwealth through the Department of Revenue for loss of revenues occasioned by such exemption.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators SALVATORE and SCHWARTZ presented to the Chair **SB 479**, entitled:

An Act providing for a limited exemption from taxation of residential real property of certain retired persons and for reimbursement by the Commonwealth through the Department of Revenue for loss of revenues occasioned by such exemption.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senator SALVATORE presented to the Chair **SB 480**, entitled:

An Act providing for the establishment of new counties from existing counties or cities.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 20, 1991.

Senator SALVATORE presented to the Chair **SB 481**, entitled:

An Act protecting the employment status of certain employees of first class cities who reside in certain newly created counties.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 20, 1991.

Senators SALVATORE, BELL, LYNCH, WENGER and HELFRICK presented to the Chair **SB 482**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the copayment for prescriptions.

Which was committed to the Committee on AGING AND YOUTH, February 20, 1991.

Senators SALVATORE, BELL and PORTERFIELD presented to the Chair **SB 483**, entitled:

An Act regulating the practice of electrolysis and thermolysis; creating the State Board of Electrologists and conferring powers and duties on the board; and imposing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senator SALVATORE presented to the Chair **SB 484**, entitled:

An Act providing for additional means by which qualified electors of cities of the first class may amend and revise their home rule charters and home rule charters for public education.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 20, 1991.

Senators STOUT, BELAN and ANDREZESKI presented to the Chair **SB 485**, entitled:

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators STOUT, PORTERFIELD, MUSTO and ANDREZESKI presented to the Chair **SB 486**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "antique motor vehicle" and "classic motor vehicle" and adding the definition of "collector motor vehicle"; removing certain registration requirements; establishing a new registration plate for and fixing a fee for collector motor vehicles; and further providing for other fees, lighting equipment and inspection requirements on such vehicles.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators STOUT, BELAN, STAPLETON, MUSTO, LYNCH and ANDREZESKI presented to the Chair **SB 487**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the repair of certain traffic hazards.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators STOUT, BELAN, PORTERFIELD, HART, STAPLETON and O'PAKE presented to the Chair **SB 488**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the minimum width of handicapped parking spaces.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators STOUT, STAPLETON, LAVALLE, BELAN and ANDREZESKI presented to the Chair **SB 489**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators GREENLEAF and BELI presented to the Chair **SB 490**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for fines and penalties on earned income tax.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 491**, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), entitled "The Dental Law," further regulating the performance of radiologic procedures.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF and BELL presented to the Chair **SB 492**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," requiring that all records of the board be open to public inspection and review.

Which was committed to the Committee on LAW AND JUSTICE, February 20, 1991.

Senators GREENLEAF, BELL and AFFLERBACH presented to the Chair **SB 493**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for hearings on license applications.

Which was committed to the Committee on LAW AND JUSTICE, February 20, 1991.

Senators GREENLEAF, SALVATORE and AFFLERBACH presented to the Chair **SB 494**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for courts to impose an order of probation with certain payments for use of the county; and providing for the disposition of such payments.

Which was committed to the Committee on JUDICIARY, February 20, 1991.

Senators GREENLEAF, GREENWOOD and HART presented to the Chair **SB 495**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," establishing a private liquor system; imposing a tax; establishing a fund; and making repeals.

Which was committed to the Committee on LAW AND JUSTICE, February 20, 1991.

Senators GREENLEAF, BELL, SALVATORE, AFFLERBACH, PORTERFIELD, HELFRICK, FUMO and STOUT presented to the Chair **SB 496**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, imposing a restriction on calls made by automatic dialing announcing devices.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF, SALVATORE and BELL presented to the Chair **SB 497**, entitled:

An Act providing for advance payment of property taxes.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senators GREENLEAF and SALVATORE presented to the Chair **SB 498**, entitled:

An Act making an appropriation to the Capital Children's Museum of the National Learning Center, Washington, D.C.

Which was committed to the Committee on APPROPRIATIONS, February 20, 1991.

Senators GREENLEAF, GREENWOOD, HOLL, ANDREZESKI and FISHER presented to the Chair **SB 499**, entitled:

An Act providing for the protection of historic trees; conferring powers and duties on the Bureau of Forestry; and imposing a penalty.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 20, 1991.

Senators GREENLEAF, LAVALLE, BELAN and ANDREZESKI presented to the Chair **SB 500**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for education on child abuse.

Which was committed to the Committee on EDUCATION, February 20, 1991.

Senators GREENLEAF and LAVALLE presented to the Chair **SB 501**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, excluding certain school districts from the fuel cost adjustment.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF and RHOADES presented to the Chair **SB 502**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for requirements for school buses.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators GREENLEAF, RHOADES, LAVALLE, ANDREZESKI, BELL and AFFLERBACH presented to the Chair **SB 503**, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," prohibiting certain unfair or deceptive acts in connection with advertisements offering prizes; and further providing for the right to rescind contracts.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF, BELL, LAVALLE and LYNCH presented to the Chair **SB 504**, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," authorizing free transportation for blind and handicapped persons within the metropolitan area; and providing for reimbursement to authorities.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators GREENLEAF, RHOADES, LAVALLE and BELAN presented to the Chair **SB 505**, entitled:

An Act authorizing economically disadvantaged senior citizens and permanently disabled persons to defer their property tax liabilities.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators GREENLEAF, RHOADES, BELAN, LAVALLE and ANDREZESKI presented to the Chair **SB 506**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties in general of the Department of Aging.

Which was committed to the Committee on AGING AND YOUTH, February 20, 1991.

Senators GREENLEAF and LAVALLE presented to the Chair **SB 507**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful collection agency practices.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF, LAVALLE and BELAN presented to the Chair **SB 508**, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," further providing for unlawful acts or practices.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF, BRIGHTBILL, BELL, O'PAKE, BELAN, LAVALLE, SALVATORE, PETERSON and ANDREZESKI presented to the Chair **SB 509**, entitled:

An Act providing for drug testing for school bus drivers; providing for discharge of the drivers as a result of drug testing; and conferring powers and duties on the Department of Health.

Which was committed to the Committee on EDUCATION, February 20, 1991.

Senators GREENLEAF and LAVALLE presented to the Chair **SB 510**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further providing for the members of the governing body of an authority.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senators GREENLEAF, BRIGHTBILL, LEMMOND, MELLOW, ANDREZESKI, SALVATORE, STEWART, HELFRICK and LAVALLE presented to the Chair **SB 511**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for voter education programs and for voter registration forms.

Which was committed to the Committee on EDUCATION, February 20, 1991.

Senators GREENLEAF, BELL, ANDREZESKI and AFFLERBACH presented to the Chair **SB 512**, entitled:

An Act amending the act of March 1, 1974 (P. L. 90, No. 24), entitled "Pennsylvania Pesticide Control Act of 1973," further providing for the regulation and certification of persons using or applying pesticides; requiring certain notice and posting when pesticides are used; and providing that certain information shall be available to the public.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 513**, entitled:

An Act amending the act of December 16, 1986 (P. L. 1646, No. 188), entitled "Chiropractic Practice Act," regulating professional liability.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators GREENLEAF, SALVATORE, LAVALLE, STEWART, HELFRICK and AFFLERBACH presented to the Chair **SB 514**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for certain persons who were employed in district offices of members of the General Assembly.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators GREENLEAF, HELFRICK, MELLOW and AFFLERBACH presented to the Chair **SB 515**, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," providing for the Amusement Ride Safety Advisory Board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators HART, FISHER, LOEPER, SHAFFER, REIBMAN, AFFLERBACH, JONES, LAVALLE, SALVATORE, RHOADES, CORMAN, ANDREZESKI, GREENWOOD, PETERSON, ROBBINS, LEMMOND, HELFRICK and SHUMAKER presented to the Chair **SB 516**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

Which was committed to the Committee on JUDICIARY, February 20, 1991.

Senators HART, FISHER, LOEPER, REIBMAN, AFFLERBACH, JONES, BELL, SALVATORE, RHOADES, CORMAN, ANDREZESKI, HOPPER, GREENWOOD, PETERSON, LEMMOND, HELFRICK and SHUMAKER presented to the Chair **SB 517**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators HART, FISHER, LOEPER, REIBMAN, SHAFFER, BELL, AFFLERBACH, JONES, LAVALLE, SALVATORE, RHOADES, CORMAN, ANDREZESKI, LEWIS, HOPPER, GREENWOOD, PETERSON, LEMMOND, HELFRICK and SHUMAKER presented to the Chair **SB 518**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the registration of foreign court orders, hearing proceedings and contempt.

Which was committed to the Committee on JUDICIARY, February 20, 1991.

Senators HART, FISHER, LOEPER, REIBMAN, AFFLERBACH, BELL, BRIGHTBILL, JONES, SALVATORE, RHOADES, CORMAN, ANDREZESKI, GREENWOOD, LEWIS, PETERSON, LEMMOND, HELFRICK and SHUMAKER presented to the Chair **SB 519**, entitled:

An Act providing for the creation of a multipurpose program for victims of domestic violence; providing for related powers and duties of the Department of Education; and making an appropriation.

Which was committed to the Committee on EDUCATION, February 20, 1991.

Senators SALVATORE, BRIGHTBILL, WENGER, HOPPER, LYNCH, HELFRICK, BELAN, LEMMOND, MUSTO, SHUMAKER, MELLOW, PUNT, STEWART, HOLL, RHOADES, GREENWOOD, O'PAKE, LOEPER, BELL and ROBBINS presented to the Chair **SB 520**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further defining "maximum annual income."

Which was committed to the Committee on AGING AND YOUTH, February 20, 1991.

Senators TILGHMAN, JUBELIRER, PETERSON, BRIGHTBILL, FISHER, SHUMAKER, BELL, HOPPER, MADIGAN, HELFRICK, ARMSTRONG, PECORA, BAKER, ROBBINS, LEMMOND, LOEPER and WENGER presented to the Chair **SB 521**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators RHOADES, HELFRICK, CORMAN, JUBELIRER, PUNT, JONES, STEWART, BELL, SHUMAKER, SALVATORE and ROBBINS presented to the Chair **SB 522**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the maintenance of services at certain State institutions.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators MELLOW and LOEPER presented to the Chair **SB 523**, entitled:

An Act amending the act of January 10, 1968 (1967 P. L. 925, No. 417), entitled "Legislative Officers and Employees Law," expanding the Management Operations Committee of the Senate.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 20, 1991.

Senators SHUMAKER, FISHER, WENGER, MELLOW, LEWIS, BRIGHTBILL, O'PAKE, CORMAN, BELL, REIBMAN, AFFLERBACH, PETERSON, MADIGAN, STOUT, HOPPER, GREENWOOD, LYNCH, ROBBINS, SALVATORE and HART presented to the Chair **SB 524**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, regulating inheritance tax rates for adopted children.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators SHUMAKER, BELL, AFFLERBACH, REIBMAN, BAKER, O'PAKE, LYNCH and BELAN presented to the Chair **SB 525**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for insurance coverage for procedures involving a bone or joint of the skeletal structure.

Which was committed to the Committee on BANKING AND INSURANCE, February 20, 1991.

Senators FISHER, LYNCH and GREENWOOD presented to the Chair **SB 526**, entitled:

An Act amending the act of July 3, 1986 (P. L. 388, No. 84), entitled "Sunshine Act," providing for the Office of Sunshine Oversight in the Office of Attorney General; and providing for its powers and duties.

Which was committed to the Committee on STATE GOVERNMENT, February 20, 1991.

Senators ROBBINS, PETERSON, HELFRICK, AFFLERBACH, WENGER, SHAFFER, ANDREZESKI, SALVATORE, BELAN, LYNCH, MADIGAN, BELL, LAVALLE, GREENWOOD and LEMMOND presented to the Chair **SB 527**, entitled:

An Act providing for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics and emergency medical technicians; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators DAWIDA, SHUMAKER, BELAN, BODACK, STEWART, FISHER, PORTERFIELD, STOUT, RHOADES, WILLIAMS, MUSTO, O'PAKE, SALVATORE, LAVALLE, AFFLERBACH and ANDREZESKI presented to the Chair **SB 528**, entitled:

An Act authorizing a political subdivision to extend the deadline for filing and paying certain taxes for certain members of the armed forces.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators SCHWARTZ, MELLOW, BELAN, LINCOLN, REIBMAN, JONES, BODACK, AFFLERBACH, MUSTO, FATTAH, ANDREZESKI, DAWIDA, BORTNER, LAVALLE, STEWART, SCANLON, PORTERFIELD, STOUT, LEWIS, FUMO, WILLIAMS, LYNCH, BELL and HELFRICK presented to the Chair **SB 529**, entitled:

An Act entitling employees to family leave in certain cases involving a birth, an adoption or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employee's employment and benefit rights.

Which was committed to the Committee on LABOR AND INDUSTRY, February 20, 1991.

Senators BELAN, BODACK, DAWIDA, JONES, REIBMAN, SCHWARTZ, STOUT, PORTERFIELD, WILLIAMS, PECORA, FISHER, O'PAKE, SALVATORE, HELFRICK and AFFLERBACH presented to the Chair **SB 530**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing a credit against personal income tax for the purchase of materials containing recycled newspapers.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senator SCANLON presented to the Chair **SB 531**, entitled:

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

Which was committed to the Committee on LABOR AND INDUSTRY, February 20, 1991.

Senators FISHER, SHAFFER, BAKER, STOUT, AFFLERBACH, BORTNER, REIBMAN, ANDREZESKI, PUNT, HELFRICK, SALVATORE, PETERSON, HOPPER, DAWIDA, ROBBINS, RHOADES, HART and SCANLON presented to the Chair **SB 532**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for reciprocity in teacher certification; and making an editorial change.

Which was committed to the Committee on EDUCATION, February 20, 1991.

Senators FISHER, LEMMOND, STOUT, AFFLERBACH, PUNT, ANDREZESKI, SHUMAKER, MADIGAN, SALVATORE, PETERSON, HART and RHOADES presented to the Chair **SB 533**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "small corporation" for purposes of the personal income tax.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators FISHER, CORMAN, LEMMOND, REIBMAN, SHUMAKER, MUSTO, SALVATORE, PETERSON, HELFRICK, BELAN, LYNCH, HART, SCANLON and PORTERFIELD presented to the Chair **SB 534**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for disposition of abandoned property held by courts and public officers.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators FISHER, GREENWOOD, AFFLERBACH, MUSTO, SALVATORE, ARMSTRONG and PETERSON presented to the Chair **SB 535**, entitled:

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

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators FISHER, GREENWOOD, AFFLERBACH, PUNT, ANDREZESKI and HART presented to the Chair **SB 536**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," exempting nonprofit housing cooperatives from the capital stock franchise tax.

Which was committed to the Committee on FINANCE, February 20, 1991.

Senators FISHER, REIBMAN, ANDREZESKI, DAWIDA, STOUT, BELAN and SCANLON presented to the Chair **SB 537**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for mayor's associations.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senators FISHER, SCANLON and LAVALLE presented to the Chair **SB 538**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the county planning commission to adopt certain regulations.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senators FISHER, RHOADES, ANDREZESKI, BORTNER, HELFRICK, SCANLON and LAVALLE presented to the Chair **SB 539**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing the mayor to employ outside counsel where a legal dispute exists between the mayor and council.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 540**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled as reenacted, "Liquor Code," further providing for the transfer of club licenses.

Which was committed to the Committee on LAW AND JUSTICE, February 20, 1991.

Senators GREENLEAF and GREENWOOD presented to the Chair **SB 541**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further providing for certain records relating to birth and adoption.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 20, 1991.

Senators GREENLEAF and HELFRICK presented to the Chair **SB 542**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for following another vehicle too closely.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators GREENLEAF, PETERSON, REIBMAN and AFFLERBACH presented to the Chair **SB 543**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further providing for publication and distribution; making appropriations; and making editorial changes.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 544**, entitled:

An Act providing for the handling of asbestos-containing waste; conferring powers and duties on the Department of Environmental Resources and the Environmental Quality Board; and imposing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 20, 1991.

Senators GREENLEAF, GREENWOOD, AFFLERBACH and REIBMAN presented to the Chair **SB 545**, entitled:

An Act providing for the licensing of home inspection companies; imposing powers and duties on the Department of Labor and Industry; establishing the Home Inspection Fund; providing for enforcement and penalties; and making an appropriation.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 20, 1991.

Senators GREENLEAF and BELAN presented to the Chair **SB 546**, entitled:

An Act creating a postsecondary merit scholarship program.

Which was committed to the Committee on EDUCATION, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 547**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for permits to open township roads for cable installation.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senators GREENLEAF and RHOADES presented to the Chair **SB 548**, entitled:

An Act providing for the acquisition, rehabilitation and resale of certain homes in certain neighborhoods; imposing additional powers and duties on the Department of Community Affairs; and making an appropriation.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 20, 1991.

Senators GREENLEAF, RHOADES, PETERSON, O'PAKE, LEWIS and SHAFFER presented to the Chair **SB 549**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," eliminating cross-filing by candidates.

Which was committed to the Committee on STATE GOVERNMENT, February 20, 1991.

Senator GREENLEAF presented to the Chair **SB 550**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the solicitation of owners of motor vehicles involved in accidents.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 20, 1991.

Senators FUMO, SALVATORE, REIBMAN, PORTERFIELD, STOUT, O'PAKE, BELAN, AFFLERBACH and SCHWARTZ presented to the Chair **SB 551**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for access to airport facilities.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senator SALVATORE presented to the Chair **SB 552**, entitled:

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), entitled "Municipal Claim and Tax Lien Law," further providing for sale upon judgment in cities of the first class; and providing for registration of interested parties, service of notice and statute of limitations in cities of the first class.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 20, 1991.

Senators BRIGHTBILL, AFFLERBACH and PUNT presented to the Chair **SB 553**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," further providing for nonprimary location wagering.

Which was committed to the Committee on STATE GOVERNMENT, February 20, 1991.

Senators FISHER and HART presented to the Chair **SB 554**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," abolishing the office of elected coroner and creating the position of county medical examiner in counties of the second class.

Which was committed to the Committee on LOCAL GOVERNMENT, February 20, 1991.

Senators STOUT, MELLOW, ANDREZESKI and LAVALLE presented to the Chair **SB 555**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for special occasion permits.

Which was committed to the Committee on LAW AND JUSTICE, February 20, 1991.

Senators STOUT and ANDREZESKI presented to the Chair **SB 556**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for length or measurement of vehicles, maximum gross weight of vehicles, registered gross weight of vehicles and maximum axle weight of vehicles.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators STOUT, MUSTO, PORTERFIELD, PETERSON, LAVALLE and LYNCH presented to the Chair **SB 557**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an exception for maximum wheel weights.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators STOUT, STEWART, LAVALLE and LYNCH presented to the Chair **SB 558**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing an exclusion for motorcycle operators from the surcharges levied to support the Catastrophic Loss Benefits Continuation Fund.

Which was committed to the Committee on BANKING AND INSURANCE, February 20, 1991.

Senators STOUT and LAVALLE presented to the Chair **SB 559**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for reports by police.

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

Senators STOUT and LAVALLE presented to the Chair **SB 560**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, amending the definition of "local authorities."

Which was committed to the Committee on TRANSPORTATION, February 20, 1991.

February 22, 1991

Senators STOUT and LAVALLE presented to the Chair **SB 561**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting driving of pedalcycles on limited access highways.

Which was committed to the Committee on TRANSPORTATION, February 22, 1991.

Senators DAWIDA and BELAN presented to the Chair **SB 562**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the further taxation of cigarettes; and creating a restricted revenue fund.

Which was committed to the Committee on FINANCE, February 22, 1991.

Senators DAWIDA and BELAN presented to the Chair **SB 563**, entitled:

An Act creating the Cigarette Surtax Fund Board in the Department of Health as an agency for eligible applicants to apply for grants from the Cigarette Surtax Fund.

Which was committed to the Committee on FINANCE, February 22, 1991.

Senators SHAFFER, BELAN, SALVATORE, REIBMAN, JUBELIRER, HOPPER, WENGER, BELL,



HELFRICK, O'PAKE, HOLL, STOUT, RHOADES, ROBBINS, ANDREZESKI and CORMAN presented to the Chair **SB 564**, entitled:

An Act providing compensation to certain persons who served in the armed forces of the United States during the Persian Gulf War; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

Which was committed to the Committee on **MILITARY AND VETERANS AFFAIRS**, February 22, 1991.

February 26, 1991

Senators GREENLEAF, BELL, BORTNER, HART, LEMMOND, REIBMAN, SHUMAKER, SALVATORE, LAVALLE and HELFRICK presented to the Chair **SB 565**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," exempting partnership mergers.

Which was committed to the Committee on **FINANCE**, February 26, 1991.

Senator AFFLERBACH presented to the Chair **SB 566**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for brokers' licenses and penalties for acting as a broker without a license.

Which was committed to the Committee on **BANKING AND INSURANCE**, February 26, 1991.

Senators GREENLEAF, AFFLERBACH and PORTERFIELD presented to the Chair **SB 567**, entitled:

An Act amending the act of December 22, 1989 (P. L. 702, No. 93), entitled "An act requiring school directors to prohibit the use of steroids by pupils involved in athletics;....," further providing for penalties.

Which was committed to the Committee on **EDUCATION**, February 26, 1991.

Senator HOLL presented to the Chair **SB 568**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a police officer investigating an accident to request financial responsibility information from each driver; and making an accident reportable if a driver is unable to provide financial responsibility information.

Which was committed to the Committee on **BANKING AND INSURANCE**, February 26, 1991.

Senators HOPPER, JUBELIRER, LOEPER, SHAFFER, PETERSON, MADIGAN, SHUMAKER, BELAN, WENGER, GREENWOOD, SCANLON, SALVATORE, BORTNER, SCHWARTZ, STOUT, PUNT, RHOADES, HART, O'PAKE, LAVALLE, CORMAN, LYNCH, ROBBINS, AFFLERBACH and ANDREZESKI presented to the Chair **SB 569**, entitled:

An Act providing for the creation of a Statewide program to support and guide public schools in this Commonwealth in the establishment of extended school day-care programs for latchkey

children; defining eligibility; further providing for the powers and duties of the Department of Public Welfare; and making an allocation.

Which was committed to the Committee on **EDUCATION**, February 26, 1991.

Senator HOPPER presented to the Chair **SB 570**, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled "Borough State Highway Law," changing a State route.

Which was committed to the Committee on **TRANSPORTATION**, February 26, 1991.

Senators HOPPER, PUNT, JUBELIRER, SHAFFER, PETERSON, BELAN, WENGER, LEMMOND, HART, PECORA, O'PAKE, LAVALLE, BELL, LYNCH, ROBBINS, HELFRICK, GREENWOOD and ANDREZESKI presented to the Chair **SB 571**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of fleeing or attempting to elude a police officer.

Which was committed to the Committee on **TRANSPORTATION**, February 26, 1991.

Senators STOUT, LAVALLE and HART presented to the Chair **SB 572**, entitled:

An Act amending the act of July 5, 1984 (P. L. 587, No. 119), entitled "Rail Freight Preservation and Improvement Act," further providing for sale of property acquired under the act; providing for a uniform rental schedule for occupations of rail property acquired under the act; and creating a special fund to be used for managing and administering the rail freight assistance program.

Which was committed to the Committee on **TRANSPORTATION**, February 26, 1991.

Senators STOUT, PORTERFIELD, BELAN, LAVALLE, ANDREZESKI, MUSTO, REIBMAN, STAPLETON, HART, MELLOW and STEWART presented to the Chair **SB 573**, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled "State Highway Law," further providing for proposal guaranty for execution of contract.

Which was committed to the Committee on **TRANSPORTATION**, February 26, 1991.

Senators STOUT, PORTERFIELD, LAVALLE, ANDREZESKI, MUSTO, STAPLETON and MELLOW presented to the Chair **SB 574**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, allowing scrap metal processors to destroy a certificate of junk when the vehicle is no longer identifiable; and further providing for permit for operation of chemical and fertilizer vehicles.

Which was committed to the Committee on **TRANSPORTATION**, February 26, 1991.

Senators STOUT, MELLOW, MUSTO, LAVALLE and PORTERFIELD presented to the Chair **SB 575**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review.

Which was committed to the Committee on TRANSPORTATION, February 26, 1991.

Senators GREENLEAF, BELL, ANDREZESKI and LAVALLE presented to the Chair **SB 576**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unsolicited commercial telephone calls during certain hours.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 26, 1991.

Senators GREENLEAF, LAVALLE, PETERSON, AFFLERBACH and ANDREZESKI presented to the Chair **SB 577**, entitled:

An Act providing for determination and notification of acquired immune deficiency syndrome (AIDS), AIDS-related complex, hepatitis or other contagious diseases; and providing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 26, 1991.

Senators GREENLEAF, LEMMOND and LYNCH presented to the Chair **SB 578**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the form of the primary ballot.

Which was committed to the Committee on STATE GOVERNMENT, February 26, 1991.

Senators GREENLEAF, GREENWOOD, LEMMOND and AFFLERBACH presented to the Chair **SB 579**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for arrangement of names on ballots.

Which was committed to the Committee on STATE GOVERNMENT, February 26, 1991.

Senator GREENLEAF presented to the Chair **SB 580**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," authorizing the opening of vital statistics records to certified genealogists.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 26, 1991.

Senators GREENLEAF and AFFLERBACH presented to the Chair **SB 581**, entitled:

An Act providing for a new home warranty and for security programs; requiring registration of builders; imposing duties upon the Department of Community Affairs; and imposing a penalty.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 26, 1991.

Senators GREENLEAF, BELL, ANDREZESKI and LYNCH presented to the Chair **SB 582**, entitled:

An Act amending the act of December 22, 1983 (P. L. 303, No. 83), entitled "Animal Destruction Method Authorization Law," prohibiting the use of animals for certain purposes.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, February 26, 1991.

Senators GREENLEAF, LAVALLE, ANDREZESKI, BELL and AFFLERBACH presented to the Chair **SB 583**, entitled:

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, February 26, 1991.

Senators GREENLEAF, LAVALLE and AFFLERBACH presented to the Chair **SB 584**, entitled:

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), entitled "Loan Interest and Protection Law," further defining "residential mortgage."

Which was committed to the Committee on BANKING AND INSURANCE, February 26, 1991.

Senators GREENLEAF, LAVALLE and ANDREZESKI presented to the Chair **SB 585**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for absentee verification.

Which was committed to the Committee on EDUCATION, February 26, 1991.

#### March 5, 1991

Senator BELL presented to the Chair **SB 586**, entitled:

An Act amending the act of December 22, 1989 (P. L. 687, No. 90), entitled "Mortgage Bankers and Brokers Act," further providing for licensee requirements.

Which was committed to the Committee on BANKING AND INSURANCE, March 5, 1991.

Senators GREENLEAF and PUNT presented to the Chair **SB 587**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of the referendum as a Commonwealth process under certain circumstances.

Which was committed to the Committee on STATE GOVERNMENT, March 5, 1991.

Senators WILLIAMS, MELLOW, BODACK, JONES, REIBMAN, ANDREZESKI, SALVATORE, LYNCH, PECORA, BELL, HART, O'PAKE, BELAN and RHOADES presented to the Chair **SB 588**, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for the board's power to grant parole.

Which was committed to the Committee on LAW AND JUSTICE, March 5, 1991.

Senators WILLIAMS, DAWIDA, JONES and RHOADES presented to the Chair **SB 589**, entitled:

An Act providing for health plan payments for acupuncture services.

Which was committed to the Committee on BANKING AND INSURANCE, March 5, 1991.

Senators WILLIAMS, STOUT, BODACK, MUSTO, JONES, PORTERFIELD, ANDREZESKI, SALVATORE, O'PAKE and RHOADES presented to the Chair **SB 590**, entitled:

An Act providing for a voluntary contribution system to assist in enforcement of drug laws; establishing a special fund; imposing duties on the Pennsylvania State Police; and making a repeal.

Which was committed to the Committee on FINANCE, March 5, 1991.

Senators WILLIAMS, MELLOW, JONES, ANDREZESKI, SALVATORE, BELAN, LYNCH, LEWIS, SHAFFER and PETERSON presented to the Chair **SB 591**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," creating the Department of Drug Abuse Prevention and prescribing its functions, powers and duties; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, March 5, 1991.

Senators WILLIAMS, MELLOW, BODACK, MUSTO, JONES, ANDREZESKI, SALVATORE, BELAN, LYNCH and LAVALLE presented to the Chair **SB 592**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for services of a hospital-based lifeline program to persons eligible for medical assistance.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 5, 1991.

Senators WILLIAMS, STOUT, BODACK, MUSTO, JONES, PORTERFIELD, ANDREZESKI, SALVATORE, O'PAKE and RHOADES presented to the Chair **SB 593**, entitled:

An Act making an appropriation to the Department of Public Welfare for use in County Mental Health/Mental Retardation Programs to provide family-oriented intervention services for children with disabilities.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 5, 1991.

Senators MELLOW, LINCOLN, AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, FUMO, JONES, LAVALLE, LEWIS, LYNCH, MUSTO, O'PAKE, REIBMAN, SCANLON, SCHWARTZ, STAPLETON, STEWART, STOUT, WILLIAMS, PORTERFIELD and ANDREZESKI presented to the Chair **SB 594**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for a State plan for the delivery of child-care services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 5, 1991.

Senators LINCOLN, MELLOW, AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH,

FUMO, JONES, LAVALLE, LEWIS, LYNCH, MUSTO, O'PAKE, REIBMAN, SCANLON, SCHWARTZ, STAPLETON, STEWART, STOUT, WILLIAMS, PORTERFIELD and ANDREZESKI presented to the Chair **SB 595**, entitled:

An Act requiring the Department of Public Welfare to provide child-care resource and referral services across this Commonwealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 5, 1991.

Senators FUMO, MELLOW, LINCOLN, AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, JONES, LAVALLE, LEWIS, LYNCH, MUSTO, O'PAKE, PORTERFIELD, REIBMAN, SCANLON, SCHWARTZ, STAPLETON, STEWART, STOUT, WILLIAMS and ANDREZESKI presented to the Chair **SB 596**, entitled:

An Act providing for child-care community services; and making an allocation.

Which was committed to the Committee on EDUCATION, March 5, 1991.

Senators O'PAKE, AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, FUMO, JONES, LAVALLE, LEWIS, LINCOLN, LYNCH, MELLOW, MUSTO, REIBMAN, SCANLON, SCHWARTZ, STAPLETON, STEWART, STOUT, WILLIAMS, PORTERFIELD and ANDREZESKI presented to the Chair **SB 597**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing a tax credit to corporations that provide child day-care facilities or subsidies for their employees.

Which was committed to the Committee on FINANCE, March 5, 1991.

Senators AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, FUMO, JONES, LAVALLE, LEWIS, LINCOLN, LYNCH, MELLOW, MUSTO, O'PAKE, REIBMAN, SCANLON, SCHWARTZ, STAPLETON, STEWART, STOUT, WILLIAMS, PORTERFIELD and ANDREZESKI presented to the Chair **SB 598**, entitled:

An Act establishing the Employer Child-Care Assistance Office and giving it powers and duties; and conferring powers and duties on the Department of Commerce, the Department of Education, the Department of Labor and Industry, the Department of Public Welfare, the Economic Development Partnership and the Governor's Office.

Which was committed to the Committee on LABOR AND INDUSTRY, March 5, 1991.

Senators AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, FUMO, JONES, LAVALLE, LEWIS, LINCOLN, LYNCH, MELLOW, MUSTO, O'PAKE, REIBMAN, SCANLON, SCHWARTZ, STAPLETON, STEWART, STOUT, WILLIAMS, PORTERFIELD and ANDREZESKI presented to the Chair **SB 599**, entitled:

An Act establishing the Child-Care Partnership Program; providing for grants to qualified employers; and imposing powers and duties on the Department of Commerce.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 5, 1991.

Senators JONES, AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, FUMO, LAVALLE, LEWIS, LINCOLN, LYNCH, MELLOW, MUSTO, O'PAKE, REIBMAN, SCANLON, SCHWARTZ, STEWART, STOUT, WILLIAMS, PORTERFIELD, STAPLETON and ANDREZESKI presented to the Chair **SB 600**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for training for family day-care providers.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 5, 1991.

Senators SCHWARTZ, REIBMAN, AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, FUMO, JONES, LAVALLE, LEWIS, LINCOLN, LYNCH, MELLOW, MUSTO, O'PAKE, PORTERFIELD, SCANLON, STAPLETON, STEWART, STOUT, WILLIAMS and ANDREZESKI presented to the Chair **SB 601**, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," authorizing financing for child-care facilities.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 5, 1991.

Senators REIBMAN, AFFLERBACH, BELAN, BODACK, BORTNER, DAWIDA, FATTAH, FUMO, JONES, LAVALLE, LEWIS, LINCOLN, LYNCH, MELLOW, MUSTO, O'PAKE, PORTERFIELD, SCANLON, SCHWARTZ, STAPLETON, STEWART, STOUT, WILLIAMS and ANDREZESKI presented to the Chair **SB 602**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for authority to operate or contract for the operation of child-care programs for children.

Which was committed to the Committee on EDUCATION, March 5, 1991.

Senators AFFLERBACH, BELL, MELLOW, JONES, WILLIAMS, MUSTO, REIBMAN, SALVATORE, LAVALLE, SCHWARTZ, LYNCH, BELAN, O'PAKE, STOUT, RHOADES and ANDREZESKI presented to the Chair **SB 603**, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," further defining "unfair methods of competition" and "unfair deceptive acts or practices"; and making an editorial change.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 5, 1991.

Senators SHAFFER, HOPPER, BAKER, REIBMAN, SALVATORE, RHOADES, FISHER, GREENWOOD, O'PAKE, HELFRICK, ROBBINS and PETERSON presented to the Chair **SB 604**, entitled:

An Act making an appropriation to the Department of Health for drug and alcohol programs.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 5, 1991.

Senators SHAFFER, DAWIDA, STEWART, REIBMAN, BELL, BAKER, PORTERFIELD, STOUT, RHOADES, PECORA, MUSTO, FISHER, GREENWOOD, O'PAKE, HELFRICK, STAPLETON, WENGER, HART, LEMMOND, CORMAN and ANDREZESKI presented to the Chair **SB 605**, entitled:

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), entitled "Volunteer Firemen's Relief Association Act," further providing for volunteer firefighters' retirement plans.

Which was committed to the Committee on FINANCE, March 5, 1991.

Senators SHAFFER, REIBMAN, PORTERFIELD, RHOADES, PECORA, HELFRICK, ROBBINS, HART and LYNCH presented to the Chair **SB 606**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for testing for controlled substances; and providing for costs.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senators SHAFFER, SHUMAKER, HOPPER, PORTERFIELD, RHOADES, SALVATORE, MUSTO, ROBBINS, HELFRICK, BELAN and ANDREZESKI presented to the Chair **SB 607**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for registration of habitual child sex offenders; and providing a penalty.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senators SHAFFER, SHUMAKER, RHOADES, MUSTO, O'PAKE, HELFRICK, HART and ANDREZESKI presented to the Chair **SB 608**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance and for reports by emergency room personnel.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senators SHAFFER, SHUMAKER, HOPPER, BAKER, BELL, RHOADES, PECORA, SALVATORE, O'PAKE, HELFRICK, STAPLETON, ROBBINS, LYNCH, BELAN and ANDREZESKI presented to the Chair **SB 609**, entitled:

An Act establishing a drunk driving victim's bill of rights; and providing civil penalties and remedies.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senators SHAFFER, SHUMAKER, SALVATORE, FISHER, WENGER, ROBBINS, HELFRICK, LEMMOND, CORMAN and MADIGAN presented to the Chair **SB 610**, entitled:

An Act selecting, designating and adopting a State slogan.

Which was committed to the Committee on STATE GOVERNMENT, March 5, 1991.

Senators SHAFFER, HOPPER, BELL, PORTERFIELD, SALVATORE, STOUT, MUSTO, HELFRICK, LYNCH, BELAN, LEMMOND, CORMAN, LAVALLE and ANDREZESKI presented to the Chair **SB 611**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions.

Which was committed to the Committee on GAME AND FISHERIES, March 5, 1991.

Senators SHAFFER, SHUMAKER and HELFRICK presented to the Chair **SB 612**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

Which was committed to the Committee on TRANSPORTATION, March 5, 1991.

Senators SHAFFER, HOPPER, BELL, REIBMAN, PORTERFIELD, SALVATORE, STOUT, MUSTO, HELFRICK, STAPLETON, LYNCH, BELAN, LEMMOND, CORMAN, LAVALLE and ANDREZESKI presented to the Chair **SB 613**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for free resident fishing licenses to former prisoners of war.

Which was committed to the Committee on GAME AND FISHERIES, March 5, 1991.

Senators SHAFFER, HOPPER, BAKER, SALVATORE, STOUT, RHOADES, WENGER, HELFRICK, CORMAN and MADIGAN presented to the Chair **SB 614**, entitled:

An Act making an appropriation to the Trustees of Lincoln University.

Which was committed to the Committee on APPROPRIATIONS, March 5, 1991.

Senators SHAFFER, HOPPER, BAKER, SALVATORE, STOUT, RHOADES, WENGER, HART, HELFRICK and CORMAN presented to the Chair **SB 615**, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh.

Which was committed to the Committee on APPROPRIATIONS, March 5, 1991.

Senators SHAFFER, HOPPER, BAKER, SALVATORE, STOUT, RHOADES, WENGER, HART, HELFRICK and CORMAN presented to the Chair **SB 616**, entitled:

An Act making an appropriation to the Trustees of The Pennsylvania State University.

Which was committed to the Committee on APPROPRIATIONS, March 5, 1991.

Senators SHAFFER, HOPPER, BAKER, SALVATORE, STOUT, RHOADES, WENGER, HELFRICK and CORMAN presented to the Chair **SB 617**, entitled:

An Act making an appropriation to the Trustees of Temple University.

Which was committed to the Committee on APPROPRIATIONS, March 5, 1991.

Senators SHAFFER, HOPPER, BAKER, RHOADES, SALVATORE, STOUT, O'PAKE, LOEPER, WENGER, CORMAN, LEMMOND, ANDREZESKI and MADIGAN presented to the Chair **SB 618**, entitled:

An Act making an appropriation to the State System of Higher Education for deferred maintenance.

Which was committed to the Committee on APPROPRIATIONS, March 5, 1991.

Senators SHAFFER, PORTERFIELD, SALVATORE, HELFRICK, PETERSON and ANDREZESKI presented to the Chair **SB 619**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for attachment of income.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senators SHAFFER, HOPPER, RHOADES, SALVATORE, STOUT, HOLL, MUSTO, GREENWOOD, O'PAKE, HART, HELFRICK, LAVALLE and MADIGAN presented to the Chair **SB 620**, entitled:

An Act making an appropriation to the Department of Education for deferred maintenance.

Which was committed to the Committee on APPROPRIATIONS, March 5, 1991.

Senators SHAFFER, GREENWOOD, HELFRICK, ROBBINS and PETERSON presented to the Chair **SB 621**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 5, 1991.

Senators GREENLEAF, BELL, REIBMAN, LAVALLE and O'PAKE presented to the Chair **SB 622**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," requiring an insurer to give an insured notice of a proposed settlement.

Which was committed to the Committee on BANKING AND INSURANCE, March 5, 1991.

Senators PUNT, PORTERFIELD, SALVATORE, SHAFFER, ROBBINS, AFFLERBACH, LEMMOND, LYNCH and MADIGAN presented to the Chair **SB 623**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating customary charges for medical treatment.

Which was committed to the Committee on BANKING AND INSURANCE, March 5, 1991.

Senators WILLIAMS, DAWIDA, STOUT, AFFLERBACH, JONES, REIBMAN, PORTERFIELD, ANDREZESKI and LAVALLE presented to the Chair **SB 624**, entitled:

An Act amending the act of February 29, 1980 (P. L. 40, No. 14), entitled "Feature Motion Picture Fair Business Practices Law," further providing for actions against distributors and exhibitors.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senators WILLIAMS, MELLOW, BODACK, STOUT, JONES, ANDREZESKI, SALVATORE, BELL, HART, BELAN, O'PAKE and LYNCH presented to the Chair **SB 625**, entitled:

An Act creating the State Board of Organized Anticrime Community Network Assistance; granting powers to the board; providing for grants; imposing duties upon certain public officers and agencies; and making an appropriation.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senators WILLIAMS, STEWART, ANDREZESKI, BELL, LYNCH, BELAN, STOUT, BODACK, JONES and REIBMAN presented to the Chair **SB 626**, entitled:

An Act establishing a toll-free hotline operated by the Pennsylvania State Police for the reporting of drug law violations; and making an appropriation.

Which was committed to the Committee on LAW AND JUSTICE, March 5, 1991.

Senator BAKER presented to the Chair **SB 627**, entitled:

An Act authorizing counties to impose a sales tax.

Which was committed to the Committee on LOCAL GOVERNMENT, March 5, 1991.

Senators GREENLEAF, RHOADES, JUBELIRER, HART, REIBMAN, BELL, LEMMOND, SHAFFER, SHUMAKER, STAPLETON, PUNT, HOPPER, MADIGAN, BAKER, SALVATORE, ROBBINS, CORMAN, FISHER, GREENWOOD and HELFRICK presented to the Chair **SB 628**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; and making technical changes.

Which was committed to the Committee on FINANCE, March 5, 1991.

Senators GREENLEAF, HELFRICK and ANDREZESKI presented to the Chair **SB 629**, entitled:

An Act providing limitations on contracts for dating services, for cancellation of dating service contracts, and for violations of the act.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 5, 1991.

Senators PUNT and SCANLON presented to the Chair **SB 630**, entitled:

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), entitled "Group Life Insurance Policy Law," further providing for policies issued to creditors.

Which was committed to the Committee on BANKING AND INSURANCE, March 5, 1991.

Senators GREENLEAF, JUBELIRER, BORTNER, HOPPER, FISHER, REIBMAN, PUNT, GREENWOOD, BAKER and JONES presented to the Chair **SB 631**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to the selection of justices and judges.

Which was committed to the Committee on JUDICIARY, March 5, 1991.

Senator GREENLEAF presented to the Chair **SB 632**, entitled:

An Act providing for litter control; establishing a tax on the creation of refuse; conferring powers and duties on the Department of Environmental Resources and the Department of Revenue; establishing the Litter Control Fund; and providing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 5, 1991.

Senator GREENLEAF presented to the Chair **SB 633**, entitled:

An Act prohibiting psychological abuse in the workplace; imposing duties upon the Pennsylvania Labor Relations Board; and providing a penalty.

Which was committed to the Committee on LABOR AND INDUSTRY, March 5, 1991.

Senator GREENLEAF presented to the Chair **SB 634**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," providing for the selection of a township tax collector; and further providing for the duties of township treasurers.

Which was committed to the Committee on LOCAL GOVERNMENT, March 5, 1991.

Senator GREENLEAF presented to the Chair **SB 635**, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," further providing for the payment of taxes, for the deposit of tax payments and interest earned on tax payments and for the reconciliation of accounts between tax collectors and taxing districts.

Which was committed to the Committee on LOCAL GOVERNMENT, March 5, 1991.

Senator GREENLEAF presented to the Chair **SB 636**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," imposing additional audit responsibilities on the Department of Community Affairs relating to tax offices of certain first class townships.

Which was committed to the Committee on LOCAL GOVERNMENT, March 5, 1991.

Senators GREENLEAF and LYNCH presented to the Chair **SB 637**, entitled:

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), entitled "Municipal Waste Planning, Recycling and Waste Reduction Act," further providing for the definition of "leaf waste."

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 5, 1991.

Senators GREENLEAF, O'PAKE and BELL presented to the Chair **SB 638**, entitled:

An Act amending the act of June 22, 1935 (P. L. 414, No. 182), entitled, as reenacted, "State Personal Property Tax Act," providing for an exemption from payment of the tax.

Which was committed to the Committee on FINANCE, March 5, 1991.

Senators GREENLEAF, O'PAKE and BELL presented to the Chair **SB 639**, entitled:

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), entitled "Intangible Personal Property Tax Law," providing for an exemption from payment of tax.

Which was committed to the Committee on FINANCE, March 5, 1991.

Senators GREENLEAF, HOLL, O'PAKE, LYNCH and LAVALLE presented to the Chair **SB 640**, entitled:

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

Which was committed to the Committee on FINANCE, March 5, 1991.

#### March 6, 1991

Senators GREENLEAF, LYNCH, O'PAKE and BELL presented to the Chair **SB 641**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as amended, "Senior Citizens Rebate and Assistance Act," adding a definition; and further providing for property tax, rent rebate, inflation cost, filing of claim and proof of claim.

Which was committed to the Committee on AGING AND YOUTH, March 6, 1991.

Senators GREENLEAF, LYNCH and ANDREZESKI presented to the Chair **SB 642**, entitled:

An Act requiring manufacturers of products sold in this Commonwealth to submit copies of use, instruction or safety manuals to the State Library of Pennsylvania.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 6, 1991.

Senators GREENLEAF, WENGER and BELL presented to the Chair **SB 643**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," exempting certain corporations.

Which was committed to the Committee on LABOR AND INDUSTRY, March 6, 1991.

Senators GREENLEAF, BELL, HOLL, O'PAKE and LAVALLE presented to the Chair **SB 644**, entitled:

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), entitled "Volunteer Firemen's Relief Association Act," further providing for volunteer firemen's relief association funds.

Which was committed to the Committee on FINANCE, March 6, 1991.

Senators GREENLEAF, LAVALLE, O'PAKE, BRIGHTBILL, AFFLERBACH and ANDREZESKI presented to the Chair **SB 645**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 6, 1991. °

Senator GREENLEAF presented to the Chair **SB 646**, entitled:

An Act providing for the regulation and licensure of radiologic technologists; establishing the Radiologic Technology Board of Examiners; and providing penalties and discipline.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 6, 1991.

Senator TILGHMAN presented to the Chair **SB 647**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 6, 1991.

Senators LEWIS, DAWIDA, STOUT, REIBMAN, O'PAKE, WENGER, SHUMAKER, LEMMOND, ANDREZESKI, FISHER and SCHWARTZ presented to the Chair **SB 648**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for voluntary contributions to the United States Olympic Committee, Pennsylvania Division; and making a repeal.

Which was committed to the Committee on FINANCE, March 6, 1991.

Senator GREENLEAF presented to the Chair **SB 649**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing; and making editorial changes.



Which was committed to the Committee on JUDICIARY, March 6, 1991.

Senator LEWIS presented to the Chair **SB 650**, entitled:

An Act amending the act of December 27, 1951 (P. L. 1793, No. 475), entitled "Liquefied Petroleum Gas Act," further providing for the filling or refilling of liquefied petroleum gas containers.

Which was committed to the Committee on LABOR AND INDUSTRY, March 6, 1991.

March 7, 1991

Senator LEWIS presented to the Chair **SB 651**, entitled:

An Act amending the act of May 11, 1949 (P. L. 1116, No. 330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic customers;....," regulating minimum delivery requirements set by vendors participating in the Federal Low-Income Home Energy Assistance Program.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 7, 1991.

Senators MELLOW, O'PAKE, REIBMAN, STAPLETON, FISHER, WENGER, MUSTO, STEWART, AFFLERBACH, DAWIDA, PORTERFIELD, STOUT and LYNCH presented to the Chair **SB 652**, entitled:

An Act authorizing the Secretary of Revenue to establish a period during which interest and penalties on certain unpaid taxes will be waived if the taxes are paid in full; and authorizing political subdivisions to adopt similar provisions.

Which was committed to the Committee on FINANCE, March 7, 1991.

Senator TILGHMAN presented to the Chair **SB 653**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the payment of certain salaries, benefits and expenses from the Capital Facilities Fund.

Which was committed to the Committee on FINANCE, March 7, 1991.

Senator HOLL presented to the Chair **SB 654**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for procedures for disposition of surplus property of the Department of Transportation.

Which was committed to the Committee on TRANSPORTATION, March 7, 1991.

Senator GREENLEAF presented to the Chair **SB 655**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," deleting certain provisions relating to widows and widowers; and making editorial changes.

Which was committed to the Committee on LABOR AND INDUSTRY, March 7, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

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

February 15, 1991

### ENCOURAGING THE GOVERNOR TO DIRECT THE ADJUTANT GENERAL TO INITIATE DISCUSSIONS WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS LEADING TO THE TRANSFER OF THE ASHLAND, SHAMOKIN, COALDALE AND PHILIPSBURG STATE HOSPITALS TO THE FEDERAL GOVERNMENT

Senators REIBMAN, BELAN, PUNT, STEWART, AFFLERBACH, SCANLON, O'PAKE, LEWIS, DAWIDA, BORTNER, STOUT, BODACK, HOPPER, ARMSTRONG, MADIGAN, FISHER, PECORA, ROBBINS, HART, SHUMAKER, GREENWOOD, HELFRICK, FATTAH, SALVATORE, BAKER, BELL, BRIGHTBILL, WENGER and RHOADES offered the following resolution (**Senate Resolution No. 27**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 15, 1991.

#### A RESOLUTION

Encouraging the Governor to direct the Adjutant General to initiate discussions with the United States Department of Veterans Affairs leading to the transfer of the Ashland, Shamokin, Coaldale and Philipsburg State Hospitals to the Federal Government.

WHEREAS, The Governor's budget proposal includes a proposal to close the Ashland, Shamokin, Coaldale and Philipsburg State Hospitals; and

WHEREAS, The Federal Government has contacted hospitals throughout the nation, urging them to set aside beds for casualties which may be suffered by American forces in the war in the Persian Gulf; and

WHEREAS, The health care needs of Pennsylvania's large number of veterans is a constant concern, and the importance of providing long-term care is an increasing challenge; and

WHEREAS, The needs of both the Federal Government and the Commonwealth would be met by developing a cooperative and creative solution to the Federal problem of a possible need for beds for war casualties and the Commonwealth's problem of what to do with the above-named State hospitals; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Governor to direct the Adjutant General to initiate discussions with the United States Secretary of Veterans Affairs leading to the transfer of the Ashland, Shamokin, Coaldale and Philipsburg State Hospitals to the Federal Government; and be it further

RESOLVED, That copies of this resolution be transmitted to the Governor, the Adjutant General, the Secretary of Health, the United States Secretary of Veterans Affairs, the presiding officer of each house of Congress and to each member of Congress from Pennsylvania.

**EXTENDING TO THE SLOVAK REPUBLIC OF  
CZECHOSLOVAKIA AN INVITATION TO JOIN  
THE COMMONWEALTH OF PENNSYLVANIA  
AS A SISTER CITY-STATE**

Senators RHOADES, JUBELIRER, MUSTO, SHUMAKER, PETERSON, DAWIDA, BELL, REIBMAN, PECORA, SALVATORE, FISHER, HELFRICK, O'PAKE, BELAN and AFFLERBACH offered the following resolution (**Senate Concurrent Resolution No. 28**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 15, 1991.

**A CONCURRENT RESOLUTION**

Extending to the Slovak Republic of Czechoslovakia an invitation to join the Commonwealth of Pennsylvania as a sister city-state.

WHEREAS, The sister city-state concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact; and

WHEREAS, All succeeding United States Presidents have endorsed this program conducted for the broad purpose of exchanging ideas between the citizens of the Commonwealth of Pennsylvania and the United States and peoples of nations; and

WHEREAS, The people-to-people program initiated by President Eisenhower in 1956 and endorsed by President Kennedy in 1961 was designed to bring people of the world closer together in the interest of peace and prosperity; and

WHEREAS, The Slovak Republic is similar in geographic features to the Commonwealth of Pennsylvania; and

WHEREAS, The Slovak Republic is similar in economic bases to the Commonwealth of Pennsylvania; and

WHEREAS, The Slovak Republic is similar in industrial bases to the Commonwealth; and

WHEREAS, The Slovak Republic's environmental concerns are similar to those of the Commonwealth; and

WHEREAS, Many Slovaks came to the Commonwealth of Pennsylvania to live and to work in Pennsylvania's mines and mills; and

WHEREAS, Slovaks have contributed to the prosperity of the Commonwealth by their diligence; and

WHEREAS, Slovaks have enriched the culture of our Commonwealth by their presence and their talents; and

WHEREAS, The Slovak Republic can benefit from the experience of the Commonwealth; and

WHEREAS, The Commonwealth can benefit from increasing market opportunities presented by the expanding market of the Slovak Republic; and

WHEREAS, A sister city-state relationship between the Slovak Republic of Czechoslovakia and the Commonwealth of Pennsylvania is in the best interest of peace, friendship, international harmony and prosperity; and

WHEREAS, A sister city-state relationship between the Slovak Republic of Czechoslovakia and the Commonwealth of Pennsylvania will encourage exchanges between educational and cultural institutions; and

WHEREAS, A sister city-state relationship between the Slovak Republic and the Commonwealth of Pennsylvania is in the best interest of a culturally enriching cooperative relationship between the two states involved; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania, on behalf of the people of the Commonwealth of Pennsylvania, extend to the people of the Slovak Republic, through The

National Council of the Slovak Republic, an invitation to join with Pennsylvania as a sister city-state and, as such, to conduct mutually beneficial social, economic, educational and cultural programs to bring our citizens closer together and strengthen international understanding and goodwill; and be it further

RESOLVED, That copies of this resolution be transmitted to the Prime Minister of the Slovak Republic; to the leaders of The National Council of the Slovak Republic; to the Undersecretary of Commerce, acting in the capacity of the International Trade Administration of the United States Department of Commerce; to the Governor of Pennsylvania; to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

March 5, 1991

**DIRECTING THE APPOINTMENT OF A  
SPECIAL COMMITTEE TO INVESTIGATE  
EMPLOYMENT AGENCY PRACTICES**

Senator HOLL offered the following resolution (**Senate Resolution No. 29**), which was read and referred to the Committee on Labor and Industry:

In the Senate, March 5, 1991.

**A RESOLUTION**

Directing the appointment of a special committee to investigate employment agency practices.

WHEREAS, There are employment agencies that accept and require up-front fees for job placement opportunities; and

WHEREAS, It would be in the best interests of the citizens of this Commonwealth to scrutinize this practice; therefore be it

RESOLVED, That the President pro tempore of the Senate appoint a special committee to investigate employment agencies that require up-front fees for job placement opportunities; and be it further

RESOLVED, That this committee shall be composed of seven members, four from the majority party and three from the minority party; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee make a report of its findings and recommendations to the Senate as soon as possible.

**GENERAL COMMUNICATION**

**LISTS OF LOBBYISTS AND ORGANIZATIONS**

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

**SENATE OF PENNSYLVANIA**

March 1, 1991

To the Honorable, the Senate of the Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from February 1, 1991 through February 28, 1991 inclusive, for the 175th Session of the General

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

Respectfully submitted:

MARK R. CORRIGAN

Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

### **APPOINTMENTS BY PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. David W. Woods as a member of the Reapportionment Task Force of the Assembly on the Legislature of the National Conference of State Legislatures.

Mr. Calvin E. Levis, P.E. as a member of the Citizens Advisory Council to the Department of Environmental Resources.

Mr. Michael S. Long as a member of the Reapportionment Task Force of the Assembly on the Legislature of the National Conference of State Legislatures.

Ms. Nancy J. Cubbon as a member of the Citizens Advisory Council to the Department of Environmental Resources.

Mr. Richard H. Glanton as a member of the Board of Trustees of Lincoln University.

Senator Allyson Schwartz as a member of the Task Force on Services to Children and Youth.

Senator Frank A. Pecora as a Commonwealth Trustee of the University of Pittsburgh.

Senator Stewart J. Greenleaf as a member of the Committee on Criminal Justice of the Assembly on the Legislature of the National Conference of State Legislatures.

Senator Jeanette F. Reibman as a member of the Committee on Arts and Tourism of the Assembly on the Legislature of the National Conference of State Legislatures.

Senator Edward W. Helfrick as a member of the Governor's Traffic Safety Council.

Senator Richard A. Tilghman as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator John E. Peterson as a member of the Committee on Health and Social Services of the Eastern Regional Conference of the Council of State Governments.

Senator D. Michael Fisher as a member of the Northeast Recycling Council of the Eastern Regional Conference of the Council of State Governments.

Senator J. Doyle Corman as a member of the Motor Carrier Advisory Committee.

Senator Robert D. Robbins as a member of the Task Force to conduct a study on boxing.

Senator Gibson E. Armstrong as a member of the Committee on Fiscal Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator David J. Brightbill as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Tim Shaffer as a member of the Milrite Council and as a member of the Task Force on Economic Affairs of the Eastern Regional Conference of the Council of State Governments.

Senator James J. Rhoades as a member of the Committee on Education and Job Training of the State/Federal Assembly of the National Conference of State Legislatures and as a member of the Education Committee of the Assembly on the Legislature of the National Conference of State Legislatures.

Senator Gerald J. LaValle as a member of the Task Force to conduct a study on boxing and as a member of the Milrite Council.

Senator James C. Greenwood as a member of the Committee on Children and Family Services of the Assembly on the Legislature of the National Conference of State Legislatures, as a member of the Committee on Federal Budget and Taxation of the State/Federal Assembly of the National Conference of State Legislatures and as a member of the Committee on the Environment of the Eastern Regional Conference of the Council of State Governments.

### **SENATE COMMITTEE CHAIRMAN APPOINTED PURSUANT TO SENATE RESOLUTION NO. 178 OF 1990**

The PRESIDENT. The Chair wishes to announce the President pro tempore has appointed the following Senator to serve as Chairman of the Task Force to study ways in which the Commonwealth can enhance service efficiency at minimal economic public costs:

The gentleman from Chester, Senator Earl M. Baker.

### **APPOINTMENT BY MINORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Annette D. Boyer to serve with the Pharmaceutical Assistance Review Board.

### **APPOINTMENT BY MINORITY CHAIRMAN OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE**

The PRESIDENT. The Chair wishes to announce the Minority Chairman of the Senate Public Health and Welfare Committee, Senator Hardy Williams, has made the following appointment:

Senator Michael M. Dawida to serve in his stead with the Pennsylvania Trauma Systems Foundation.

### **LEGISLATIVE LEAVE**

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Fattah.

The PRESIDENT. Senator Stapleton asks for temporary Capitol leave for Senator Fattah. The Chair hears no objection to the leave request and that leave will be granted.

### LEAVE OF ABSENCE

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

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, March 11, 1990.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 18, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, March 18, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—48

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

#### NAYS—0

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

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

### LEGISLATIVE LEAVE

Senator FUMO. Mr. President, I request a temporary Capitol leave for Senator Jones.

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

### LEAVE OF ABSENCE

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

### SPECIAL ORDER OF BUSINESS

#### MISS PENNSYLVANIA PRESENTED TO SENATE

The PRESIDENT pro tempore. Mr. President, today we have a very special guest visiting the Senate, and it is my honor and privilege to once again introduce to the Members of the Senate Miss Pennsylvania. As most of you know, the home of the Miss Pennsylvania Pageant has been for these past many years the great City of Altoona, and we are very proud to host that pageant. We always give it enthusiastic support, and this year, like every other year, we are indeed honored as Pennsylvanians to have an outstanding young Pennsylvanian represent all of us across the Commonwealth. Miss Pennsylvania this year is Marla Wynne who is from Senator Reibman's district in Easton, Northampton County, Pennsylvania, and she was crowned Miss Pennsylvania at the 1990 pageant, a three-day pageant, in which 21 contestants from across the state participated. Marla Wynne is the daughter of Gary and Marlene Wynne who are here with her today, along with Susan Carothers from the Miss Pennsylvania Pageant. She is a 23-year-old college student. During the contest she placed first in the swimsuit competition and the talent competition in which she performed ventriloquism, an act with a cockatoo puppet. She also, Mr. President, was so outstanding that she was one of the ten semi-finalists in the Miss America Pageant, and we are indeed very proud of the talent and the poise that she has exhibited as she traveled across the Commonwealth presenting herself as Miss Pennsylvania.

I am sure that perhaps Senator Reibman would want to add to these comments as she, indeed, is the home Senator. Mr. President, I know that I have had the opportunity to meet her before and I am sure as we travel across my district, since Altoona will be her home for the next year, we will be cutting many a ribbon together and I look forward to that. She is indeed a talent and a person who I believe will make her mark as one of the more outstanding Miss Pennsylvania contestants. Mr. President, I am pleased to introduce to the Members of the Senate Miss Pennsylvania after Senator Reibman has an opportunity to offer some brief remarks.

Senator REIBMAN. Mr. President, I am very pleased to join with my colleague from Blair County in welcoming Marla

to the Senate of Pennsylvania. I am sure that Senator Jubelirer certainly is looking forward to appearing with her at many functions in his area because she is a very delightful person. Not only is she very poised, she is also very beautiful and very talented. We in Forks Township and Northampton County are extremely proud of our candidate, our beautiful Marla, and we know that she will have some very good remarks for the Members of the Senate of Pennsylvania. I share with Senator Jubelirer, and I am sure with all of my colleagues in the Senate, our pride in Miss Pennsylvania.

The PRESIDENT. Would all of the Members of the Pennsylvania Senate please join me in welcoming Miss Pennsylvania, Miss Marla Wynne.

(Applause.)

Miss WYNNE. Thank you very much. One thing they neglected to mention was that I was also the one Larry King called ugly and, yes, we can bring that up if you would like to. We can all write letters to him like you write letters to your Congressmen and Senators. Let us write to Larry King.

I am honored to be here today, and I am sure that you have had several Miss Pennsylvanias come and speak to you. Pretty many of us carry the same message, but we do want to tell you a little bit about our world, the world of the Miss America Pageant. Thank you for letting me interrupt your world and learn a little bit about yours.

The Miss America Pageant every year awards over \$5 million in scholarships. For someone who is seeking a Doctorate Degree in Education, I will take any money that the Miss America Pageant will throw my way. When I won the Miss Pennsylvania Pageant after several tries, I was awarded \$5,000. As a senior in college I was very happy. My parents were upset only because I was a senior and I could not win in my freshman, sophomore or junior years in college because they already paid for three and a half years of school. When I went to the Miss America Pageant, the minute they named me into the top ten I was awarded \$7,000. Not too bad. At every school district that I have traveled to this year I have been offered a job. At every appearance that I have been on I have been offered a job, and I hope that this appearance is no different. That is a joke, guys, that is a joke.

But I think what a lot of you do not know and what a lot of people do not realize about the Miss America Pageant and the Miss Pennsylvania Pageant is that for one year I work every day. I work seven days a week, 24 hours a day as Miss Pennsylvania, and for me as Marla, also, because it has been my honor to represent the Commonwealth of Pennsylvania. I have had the opportunity, as I said, to speak on behalf of education, and I am an education major. I also was awarded for a program that I work with in affiliation with the American Cancer Society. I developed an anti-smoking program for children, and prior to becoming Miss Pennsylvania I was allowed to do that in my county. Now that I have been named Miss Pennsylvania I have been asked to do it throughout the entire Commonwealth so I can make a larger impact. The reason I got involved with the American Cancer Society is my mother, who is with me today, was a smoker. About 15 years

ago she was diagnosed with cancer. She did not stop smoking. About eight months after that she was diagnosed again with cancer. Then she stopped smoking. She is with me today because of the fight that she had. She taught me an awful lot and, as Miss Pennsylvania, I can give that message. Last year we lost my grandfather to lung cancer. To this day my 30-year-old brother smokes two packs a day. This is why I work with the American Cancer Society and this is why being Miss Pennsylvania was something very special to me. Not only is it the glamour that you see on television, but there is an awful lot more that goes into it, an awful lot of blood, sweat and tears.

At the Miss America Pageant this year there was an award entitled the Quality of Life award sponsored by Fruit of the Loom. They were awarding over \$13,000 in scholarships. When I arrived in Atlantic City we were there for 15 days, 15 long days. I was informed that I had made the top twelve. There was only supposed to be a top ten for Quality of Life, which awards our contestants throughout the United States for their volunteer efforts for what they have done, how they have impacted society as volunteers. I was honored to make the twelve, and that evening I had my interview. I walked in and they said, "Why did you do it?"

I said, "Well, I would love to sit here and tell you the money was an incentive, but it was not. You can keep your money. This is something I did long before I was Miss Pennsylvania, and this is something I intend to do long after."

What I do as a ventriloquist, if any of you have seen my act, I have Oscar. He would not come here today as he only likes appearances where there are more women than men, so this was my day to shine with more men than women and so Oscar is in my trunk. But Oscar is a fluorescent cockatoo and we do a program called the Huff and Puff program. It seems very simple, but packs a big wallop, we say. It is based on the story of the three little pigs and the big bad wolf. I go into elementary schools and day care centers and we perform this. Our big bad wolf smokes, so he cannot blow the house down and he cannot chase the pigs. The children do not realize they are getting the message, but they are getting it. We knew that showing them pictures of dirty lungs was not going to do it. We knew that telling them mortality rates was not going to get our message across, but we found a way to do it. With affiliation with the American Cancer Society, they helped me put this program together. I went into the interview and I told them, keep your money, thank you for recognizing me. I did not do it for the recognition, but it means an awful lot. I walked out of there. I could not believe I told them to keep the money. My parents could not believe I told them to keep the money. About eight days later I received a phone call in my room from a representative of the Quality of Life Committee and they said, we would like to award you as second runner-up in the Quality of Life Competition. I was awarded an additional \$2,000 in scholarships for my efforts. Not too bad for someone who will be entering the work force next year—the real work force. They tell me this is not a real job. My mom thinks I am surfing for the year. She said, I wish you would

just hurry up and graduate. So I am looking forward to returning to school. I am sure the last thing you wanted to see when you all got back in Session today was Miss Pennsylvania, but I thank you for letting me come here. I hope you know a little bit more about Marla. I hope you understand a little more about the Miss America Pageant, and I wish you all very, very good luck and very, very good health. Thank you.

(Applause.)

The PRESIDENT. The Chair thanks Miss Pennsylvania.

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Environmental Resources and Energy to meet during today's Session in the Rules room to consider Senate Bills No. 275, 335, 461 and certain regulations.

### **CALENDAR**

#### **SECOND CONSIDERATION CALENDAR**

##### **BILLS REREFERRED**

**SB 4 (Pr. No. 4)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and assistance.

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

**SB 28 (Pr. No. 28)** — The Senate proceeded to consideration of the bill, entitled:

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

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

##### **BILLS OVER IN ORDER**

**SB 166, 303 and 304** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### **BILL REREFERRED**

**SB 347 (Pr. No. 470)** — The Senate proceeded to consideration of the bill, entitled:

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

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

### **SENATE RESOLUTION**

#### **RECOGNIZING "NATIONAL WOMEN'S HISTORY MONTH" AND "INTERNATIONAL WOMEN'S DAY"**

Senators SCHWARTZ, MELLOW, JUBELIRER, LINCOLN, SHUMAKER, SALVATORE, GREENWOOD, DAWIDA, AFFLERBACH, JONES, O'PAKE, ANDREZESKI, HART, STOUT, LYNCH, FISHER, REIBMAN, LEMMOND, BELAN, MUSTO, BORTNER, BODACK and LEWIS offered the following resolution (Senate Resolution No. 30), which was read, considered and adopted:

In the Senate March 11, 1991.

##### **A RESOLUTION**

Recognizing "National Women's History Month" and "International Women's Day."

WHEREAS, Pennsylvania women of every race, class and ethnic background have made historic contributions to the growth and strength of our Nation and this Commonwealth in countless recorded and unrecorded ways; and

WHEREAS, Pennsylvania women have played critical economic, cultural and social roles in every aspect of the life of the Nation and this Commonwealth; and

WHEREAS, Pennsylvania women were particularly important in the establishment of early charitable, philanthropic and cultural institutions in our Nation and this Commonwealth; and

WHEREAS, Pennsylvania women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, Pennsylvania women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement and other movements, especially the peace movement, which creates a more fair and just society for all; and

WHEREAS, Despite these contributions, the role of women in history has been consistently overlooked and undervalued in the literature, teaching and study of American history; and

WHEREAS, In 1989 the United States Congress declared the month of March as "National Women's History Month"; and

WHEREAS, Since the turn of the century, March 8th has been observed as "International Women's Day"; therefore be it

RESOLVED, That the Senate of Pennsylvania acknowledge the month of March as "National Women's History Month" and the 8th of March as "International Women's Day," and urge all citizen to join in a celebration of the heritage of women and to observe this month and day with appropriate programs, ceremonies and activities.

##### **BILL IN PLACE**

Senator MELLOW presented to the Chair a bill.

#### **SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR EUGENE E. PORTERFIELD PRESENTED TO SENATE**

Senator PORTERFIELD. Mr. President, in our gallery today we have some very prestigious young folks visiting

today from the Avonmore area of my district with their parents, Mr. and Mrs. Augie Manifest. With them are their children: Alec, age five; Angelo, age six; Anthony, age seven and Augie, age nine. I ask for the Senate to give them a nice round of applause and a warm welcome.

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

(Applause.)

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones and her temporary Capitol leave will be cancelled.

### ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, at this time could we convene the off-the-floor meeting of the Committee on Environmental Resources and Energy and possibly continue with the business of the day while that committee is meeting in the Rules room.

The PRESIDENT. Would the Members of the Committee on Environmental Resources and Energy please meet in the Rules room at the rear of the Senate Chamber. Would the Members of the Committee on Environmental Resources and Energy please adjourn to the rear of the Senate Chamber for an immediate meeting.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Reverend William P. Barker and to Northeast Pennsylvania Lions Eye Bank, Incorporated by Senators Afflerbach and Reibman.

Congratulations of the Senate were extended to Anthony D. D'Aurora, Trooper James M. Barnes, Hunan University of China and to Lord Federal Credit Union by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. David N. Sonnon, Mr. and Mrs. Earl H. Snively, Mr. and Mrs. Paul N. Shellenberger, Mr. and Mrs. Samuel Young, Mr. and Mrs. John Hoak, Mr. and Mrs. Robert S. Hake, Mr. and Mrs. Ira Bitts, Mr. and Mrs. Gordon J. Remley, Mr. and Mrs. Elmer W. Feister, Mr. and Mrs. Clayton Habecker, Mr. and Mrs. William Hohman, Jr., Mr. and Mrs. Henry Snively, Mr. and Mrs. Robert E. Bowers, Mr. and Mrs. Harry Ranck, Mr. and Mrs. Abner G. Brandt, Mr. and Mrs. Wilmer Rohrer, John Brenner, Joshua Plazzo, Dr. Thomas O. Figart, Mary Louise Beacham Finalli, Bessie M. Alexander, Christopher Feltham, Bertha Weaver Landvater and to Willow Street Boy Scout Troop 58 by Senator Armstrong.

Congratulations of the Senate were extended to D. Jason Baker and to Jason Chitwood by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Race, Jr., Brian Krummel, Scott Hansen, Dan Hill, Matthew Yablonsky, Craig Anderchak, Evan Leggett, Neil C. Brown and to Margaret J. Crumrine by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. John R. Amis, Mr. and Mrs. William Radcliffe, Mr. and Mrs. Vincent J. Grosso, Sr., Mr. and Mrs. Frank A. Massey, Jr. and to Mr. and Mrs. Charles Thomas Lee, Sr. by Senator Bell.

Congratulations of the Senate were extended to John Bayne by Senators Bell and Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Edward J. Kuehn, Reverend Ralph E. Krueger, Walter Jendrasak and to Ray Peters by Senator Bodack.

Congratulations of the Senate were extended to Walter Kirkland, the family of Gloria J. Zimmerman and to Clair Livelsberger by Senator Bortner.

Congratulations of the Senate were extended to Blaine F. Fabian and to Northwestern Lehigh High School Girls Field Hockey Team by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin Yarnell, Mr. and Mrs. Paul F. Bartley, Mr. and Mrs. Max Lumadue, Dr. and Mrs. George S. White, Mr. and Mrs. Richard Landis, Mr. and Mrs. David Stimely, Sr., Mr. and Mrs. Robert Powell, Mr. and Mrs. Robert C. Winters, Sr., Dr. Marcus Konick, Donald W. Smith, Michael Wade Nemith, Brian Alan Hazlett, Andrew A. Gordon, James A. Rossman and to Allen Barger by Senator Corman.

Congratulations of the Senate were extended to Dr. John Richard Young by Senator Dawida.

Congratulations of the Senate were extended to W. Cody Anderson and to Herman Mattleman by Senator Fattah.

Congratulations of the Senate were extended to Norman John Miller, Jr., American Legion Post 290 of Scott Township and to Scott Township Commissioners by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Vernon Newberger, G. Fred DiBona, Jr., Samuel D. Ross, Jr., Theresa E. Simmonds and to Raymond Danielewcz by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Galing, Robert Clark, Dr. Michael F. Avallone, William E. Eagan, Marjorie Weigner, Horsham Days Inn and to Sandy Run Middle School Mathcounts Team of Dresher by Senator Greenleaf.

Congratulations of the Senate were extended to Dane Michael Moyer and to Gerald R. Robinson by Senator Greenwood.

Congratulations of the Senate were extended to Michael Edward Baer by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Clair Kerstetter, Mr. and Mrs. William Krohn, Mr. and Mrs. Charles M. Snyder, Mr. and Mrs. Richard D. Myers, Mr. and Mrs. Michael Anderson, Mr. and Mrs. Marlin G. Bryer, Mr. and Mrs. Jay L. Keller, Mr. and Mrs. Russell



Entz, Mr. and Mrs. Robert M. Wolfe, Mr. and Mrs. George Hartranft, Mr. and Mrs. Raymond Bramhall, Jr., Mr. and Mrs. Clarence Reitz, Mr. and Mrs. Charles Humphrey, Mr. and Mrs. William Davenport, Mr. and Mrs. Ransom E. Nunn, Mr. and Mrs. Merrill L. Coup, Mr. and Mrs. Kenneth N. Wagner, Mr. and Mrs. Thomas Martin Mr. and Mrs. John Simpson, Mr. and Mrs. Milford H. Strawser, Mr. and Mrs. Roy W. Risser, Stacy Farver, Clara Rinard, Todd L. Heintzelman, Phillip Jon Farber, Richard A. Mirtz, Jr., Olwen Edwards and to Edward Chapman by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. George J. Miller, Jeanne Appel-Reese, citizens of Lower Salford Township and to West Norriton Township Chapter of American Business Clubs by Senator Holl.

Congratulations of the Senate were extended to Margaret Romaine Wagner Wertz by Senator Hopper.

Congratulations of the Senate were extended to Reverend Frederick L. Bowers III, Ted Kirsch, the Morris Wurman Family, Ebenezer Baptist Church of Philadelphia and to Neighborhood Action Bureau, Incorporated by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. D. Edwin Benner, Carrie K. Gordon and to Maude Aldstadt by Senator Jubelirer.

Congratulations of the Senate were extended to Trooper Robert A. Kresicki, Antonio J. Taglienti, Alex Nesmith, Tammi Kathleen Torrance, Lisa Ann Thomas, Karey Lea Kruehl, Laura Kreshon and to Michael T. Williams by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Bruce W. Crispell, Paul Condeelis, Jr., Sheldon Charles Mitchell, Marion Winans, Scott Jackson, Ben Lawrence, Mildred E. Snyder, Robert W. Brewer, N. Kent Smith and to William H. Corgan, Sr. by Senator Lemmond.

Congratulations of the Senate were extended to Louis G. Hartman, William H. Miller, John A. Dearson, James P. McAndrew, Kenneth K. Anthony, Richard John Tosti, William D. Geesey and to David H. Shaffer by Senator Lewis.

Congratulations of the Senate were extended to David A. Koch by Senators Lewis and Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Patrick J. McShane and to Margaret I. Miller by Senator Lincoln.

Congratulations of the Senate were extended to Cardington-Stonehurst Fire Company and to Folcroft Fire Company No. 1 by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Arnold E. Hicks, Mr. and Mrs. Clarence Harsch, Mr. and Mrs. Glenn B. McQuillen, David L. Reed and to Miller A. Moyer by Senator Madigan.

Congratulations of the Senate were extended to David Tomazic, Anna Rogers, Martin P. O'Donnell, Randy Price and to Stephen Todd Andrew Grecco by Senator Mellow.

Congratulations of the Senate were extended to Shirley J. Ray, Robert Kent, James L. Haddock and to the Standard Speaker of Hazleton by Senator Musto.

Congratulations of the Senate were extended to Sidney Rothstein, John S. Dumble and to the members of the Pennsylvania State Women's Bowling Association by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. James Coggins, Chris Brown, John Hoke, Drew Taylor and to Dorothy Brenick by Senator Pecora.

Congratulations of the Senate were extended to Eagle Scout Class of the East Valley Area Council, Boy Scouts of America by Senator Pecora and others.

Congratulations of the Senate were extended to Bernie Geist, Paul C. Roche, Jr., Jeffrey David Shields and to the 112th Regiment of the 28th Infantry Division by Senator Peterson.

Congratulations of the Senate were extended to Al Maida, Paul R. Smiy, Richard A. Stoner, David Glenn Miller, Bartholomew Michael Tullio, Ray C. Leydig and to Edward A. Nicola by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. D. Edwin Benner, Catherine Hammill, David H. Oren and to New Bloomfield Volunteer Fire Company by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Robert A. Crowell, Martin P. O'Donnell, Gregg A. Henry, Matthew Frasier, Marshall J. Brown, Daniel J. Kent and to Michael Walter Benton by Senator Reibman.

Congratulations of the Senate were extended to F. J. Gyorek by Senators Reibman and Afflerbach.

Congratulations of the Senate were extended to Brian J. Mullock, David K. Hoffman and to Pine Grove High School Class of 1941 by Senator Rhoades.

Congratulations of the Senate were extended to Michael Thompson, Mark S. Yarian, Jeffrey Myhra and to Allegheny College Football Team by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Mathias Grofcsik, Mr. and Mrs. George Budd, Michael D. DiCicco and to Joseph Beck by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Gibson, Mr. and Mrs. Marion H. Pepper, Kenneth M. Freehling, Erik J. Bell, Vincent J. Dunn, Jr., Dr. Joseph B. Fusco and to Jack C. Zorka by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas O. Enders, George H. White, Michael Tindell, Ellen C. Kirby, Ruby Paul, Robert S. Culp and to Lena Shireman by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Paul E. Williams, Mr. and Mrs. Leroy Brosius, Mr. and Mrs. Robert T. Milligan, Ronald C. Kutch and to John T. Minarcin by Senator Stapleton.

Congratulations of the Senate were extended to Roy J. Baker by Senators Stapleton and Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence W. Gray, Mr. and Mrs. Marion Knestrick, Mr. and Mrs. Kenneth L. Kiger, Robert I. Stetor, John Brodak and to Jon Ray Pittman by Senator Stout.

Congratulations of the Senate were extended to Dr. Sandra S. Cornelius and to Eric J. Kerper by Senator Tilghman.

Congratulations of the Senate were extended to John T. Hall, Jr., Mr. and Mrs. Eddy Gravel and to Violet M. Eshleman by Senator Wenger.

Congratulations of the Senate were extended to Frances Slaughter, Marie Smith and to Monumental Baptist Church by Senator Williams.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late John L. Krajsa by Senator Afflerbach.

Condolences of the Senate were extended to the former Senator William G. Sesler on the death of his former assistant Boyd W. "Casey" Stine by Senator Andrezeski.

Condolences of the Senate were extended to the family of the late Specialist Anthony Madison, the family of the late Specialist John Boliver, Jr., the family of the late Marine Lance Corporal James E. Waldron and to the family of the late Specialist Frank S. Keough by Senator Belan.

Condolences of the Senate were extended to the family of the late Iantha Gertrude Polly Hanyes by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late Dr. William T. Hughes by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Robert W. Valimont by Senator Lewis.

Condolences of the Senate were extended to the family of the late Thomas L. Stern by Senators Reibman and Afflerbach.

Condolences of the Senate were extended to the family of the late Samuel L. Abrams by Senator Shumaker.

Condolences of the Senate were extended to the family of the late Marvin L. Sanders by Senator Williams.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

March 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joyce C. Wilhelm, 6490 Fair Oaks Circle, Fairview 16415, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Karen Buhler Wilkerson, Ph.D., Philadelphia, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

March 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles M. LeStrange, 1116 Richmond Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Arthur W. Brown, Scranton, deceased.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

March 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. Rose, R. D. 1, Box 114-58, Hawley 18428, Pike County, Twentieth Senatorial District, for reappointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, MARCH 12, 1991

10:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 9, 90, 527 and Department of Public Welfare Reg. #14-384 and #14-380 and disapproval resolution thereof of #14-380)	Room 461 4th Floor North Wing
11:30 A.M.	FINANCE (to consider Senate Bills No. 405 and 653 and House Bill No. 236)	Room 8E-B Hearing Room East Wing

12 NOON EDUCATION (to consider Senate Bill No. 444) Room 460  
4th Floor  
North Wing

WEDNESDAY, MARCH 13, 1991

9:30 A.M. MILITARY AND VETERANS AFFAIRS Room 460  
4th Floor  
(to consider Senate Bills No. 222, 224, 432, 433, 434 and Senate Resolution No. 18) North Wing

TUESDAY, MARCH 19, 1991

1:30 P.M. APPROPRIATIONS Room 156  
(Budget Hearing - Liquor Control Board) Senate Majority  
Caucus Room

WEDNESDAY, MARCH 20, 1991

9:30 A.M. APPROPRIATIONS Room 156  
(Budget Hearing - Department of Public Welfare) Senate Majority  
Caucus Room

### AT EASE

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

### REPORTS FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bills:

#### SB 275 (Pr. No. 284)

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects; and providing for a referendum to incur indebtedness for such projects and the issuance of notes and bonds if authorized by the referendum.

#### SB 335 (Pr. No. 345)

An Act establishing a sinkhole damage assistance program; providing for grants and loans; and making an appropriation.

#### SB 461 (Pr. No. 490)

An Act establishing the Office of the Great Lakes within the Department of Environmental Resources and designating the office as the lead agency within State government for the development of policies, programs and procedures to protect, enhance and manage the Great Lakes.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

#### SB 275, 335 and 461.

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

### ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, before I make an adjournment motion for today's Session, I would request that all Members of the Republican caucus report to the first floor caucus room immediately upon adjournment for a short but important caucus of the Members today.

### ANNOUNCEMENT BY MINORITY LEADER

Senator MELLOW. Mr. President, I would ask that the Members of the Democrat caucus report immediately to the caucus room for a very brief but very important caucus.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, March 12, 1991, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:00 p.m., Eastern Standard Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MARCH 12, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 13

### SENATE

TUESDAY, March 12, 1991.

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

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

### PRAYER

The Chaplain, Reverend JOHN FERICH, Pastor of Grace United Methodist Church, Carlisle, offered the following prayer:

Let us pray.

O God, we gather to praise Your holy name and to ask Your blessing upon the Senate of Pennsylvania. Bless all the men and women who serve as State Senators and work for the common good of the Commonwealth of Pennsylvania. Bless our great state and all of its citizens. May our state shine with brightness and beauty among the other 50 states because of its goodness, its holiness and its concern for the well-being of mankind. Bless those individuals who serve the Senate of Pennsylvania. Keep them under the banner of Your love. Guide and direct their footsteps in the paths of righteousness. Help them to set good examples of purity and character for others to follow. Forgive them when they make mistakes and cleanse them of their sins. Fill them with ambition and strength and power to work in creative ways to introduce legislation and pass laws that will benefit our state, nation and the whole world. Bless the homes and families of our Legislators with love and peace. Keep them and their loved ones close to Your heart.

This we pray in Your blessed and holy name. Amen.

### SPECIAL ORDER OF BUSINESS LEAVES OF ABSENCE

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

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

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 11, 1991.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with, and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—48

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

#### NAYS—0

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

The PRESIDENT. The Journal is approved.

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, in the gallery, observing the Senate in Session, is a group of political science students from the Muhlenberg High School. They are accompanied today by their teacher, Mr. Nate DeLuca, who is also a Muhlenberg Township Commissioner. I would ask the Chair to extend its usual warm welcome to the students and the faculty.

The PRESIDENT. Would the guests of Senator O'Pake please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

## GUESTS OF SENATOR F. JOSEPH LOEPER PRESENTED TO SENATE

Senator LOEPER. Mr. President, I understand that in the Capitol today, and very possibly in the gallery, are also some visitors from the Greater Philadelphia Chamber of Commerce Small Business Council: Mr. Jack Asher who serves as Chairman of that Small Business Council, who is the owner of Chester A. Asher, Incorporated; and also these members of the Small Business Council: Miss Susan Garber, Miss Sherry Koff, Mr. William Madway, Mr. Stan Moat, and Mr. Charles Pizzi who is President of the Greater Philadelphia Chamber. I was wondering if the Senate would please extend them its warm welcome.

The PRESIDENT. If any of the members of the Philadelphia Chamber of Commerce are here, would they please rise so we could welcome you to the Senate of Pennsylvania. If the Members of the Senate would join me in a rousing enough applause, they might hear it in the Capitol building someplace.

(Applause.)

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

## BILLS INTRODUCED AND REFERRED

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

March 12, 1991

Senators GREENLEAF, JONES and ANDREZESKI presented to the Chair **SB 656**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting concealment of public hazards.

Which was committed to the Committee on JUDICIARY, March 12, 1991.

Senators AFFLERBACH, LAVALLE, PETERSON and ANDREZESKI presented to the Chair **SB 657**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending contempt of court powers to district justices and judges of the Traffic Court of Philadelphia and clarifying subpoena powers.

Which was committed to the Committee on JUDICIARY, March 12, 1991.

Senators AFFLERBACH, STOUT, PUNT, MUSTO, BELAN, STAPLETON, BELL, O'PAKE, REIBMAN, LYNCH, SALVATORE and HELFRICK presented to the Chair **SB 658**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for exemption from taxation.

Which was committed to the Committee on LOCAL GOVERNMENT, March 12, 1991.

Senator HOLL presented to the Chair **SB 659**, entitled:

An Act itemizing a transportation assistance project to be constructed or acquired or assisted by the Department of Transportation together with its estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the project to be constructed or acquired or assisted by the Department of Transportation; stating the estimated useful life of the projects; and making an appropriation.

Which was committed to the Committee on TRANSPORTATION, March 12, 1991.

Senator HOLL presented to the Chair **SB 660**, entitled:

An Act amending the act of December 20, 1990 (P. L. , No. 223), entitled "Capital Budget Project Itemization Act for 1990-1991," providing for an additional transportation assistance project.

Which was committed to the Committee on TRANSPORTATION, March 12, 1991.

Senators SALVATORE, PORTERFIELD, WILLIAMS, FISHER, HELFRICK, REIBMAN, AFFLERBACH, LYNCH, LEMMOND, CORMAN and ANDREZESKI presented to the Chair **SB 661**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a space to insert a driver's blood type on a driver's license.

Which was committed to the Committee on TRANSPORTATION, March 12, 1991.

Senators SALVATORE, BELL, WILLIAMS, BELAN, LYNCH and LEMMOND presented to the Chair **SB 662**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing for participant copayments.

Which was committed to the Committee on AGING AND YOUTH, March 12, 1991.

Senators SALVATORE, BAKER, BELL, WILLIAMS, MUSTO, FISHER, HELFRICK, REIBMAN, O'PAKE, AFFLERBACH, BELAN, LYNCH, LEMMOND and HART presented to the Chair **SB 663**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," changing maximum annual income requirements.

Which was committed to the Committee on AGING AND YOUTH, March 12, 1991.

Senators SALVATORE, PORTERFIELD, MUSTO, LYNCH and ANDREZESKI presented to the Chair **SB 664**, entitled:

An Act regulating operation of franchise agreements.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 12, 1991.

Senators SALVATORE and LYNCH presented to the Chair **SB 665**, entitled:

An Act amending the act of December 15, 1980 (P. L. 1203, No. 222), entitled "Building Energy Conservation Act," requiring municipalities to exercise administrative and enforcement procedures, including prior plan approval, building permit requirements, use or occupancy permit requirements and inspections during the course of construction.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 12, 1991.

Senators SALVATORE, LYNCH and LEMMOND presented to the Chair **SB 666**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, exempting corrections officers from the requirement of a license to carry firearms.

Which was committed to the Committee on JUDICIARY, March 12, 1991.

Senators SALVATORE, WILLIAMS and LYNCH presented to the Chair **SB 667**, entitled:

An Act amending the act of April 21, 1949 (P. L. 665, No. 155), entitled "First Class City Home Rule Act," providing for work experience in lieu of academic degree in city employment requirements.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 12, 1991.

Senators SALVATORE and LYNCH presented to the Chair **SB 668**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for Delaware River Port Authority Police.

Which was committed to the Committee on LAW AND JUSTICE, March 12, 1991.

Senators SALVATORE, BAKER, BELL, WILLIAMS, MUSTO, FISHER, HELFRICK, REIBMAN, O'PAKE, BELAN, LYNCH and LEMMOND presented to the Chair **SB 669**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as amended, "Senior Citizens Rebate and Assistance Act," further defining "income" to exclude certain Social Security cost-of-living increases; and increasing eligibility under the property tax or rent rebate and inflation dividend.

Which was committed to the Committee on AGING AND YOUTH, March 12, 1991.

### **RESOLUTION INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

March 12, 1991

### **URGING ALL PENNSYLVANIANS TO FLY THE FLAG OF THE UNITED STATES TO SHOW SUPPORT OF OUR MEN AND WOMEN IN THE MIDDLE EAST WAR**

Senators SALVATORE, SHAFFER, SCANLON, BAKER, BELAN, RHOADES, MUSTO, WENGER, BRIGHTBILL, STAPLETON, ROBBINS, LEMMOND, SHUMAKER, ANDREZESKI, LYNCH, REIBMAN and HELFRICK offered the following resolution (Senate Resolution No. 31), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, March 12, 1991.

#### **A RESOLUTION**

Urging all Pennsylvanians to fly the flag of the United States to show support of our men and women in the Middle East war.

WHEREAS, America, in partnership with its Allies in the Middle East, has engaged in a war to stop the blatant aggression of a despot whose dangerous ambitions threaten the stability of not only the Middle East Region, but the world; and

WHEREAS, American fighting forces have responded to this war with a commitment that shows an understanding of the need to resolve this conflict in a clear and decisive way; and

WHEREAS, The people of America, with unabashed patriotism, have responded in turn with enormous gestures of support for the men and women who are so capably serving in the Middle East; and

WHEREAS, Throughout the history of our nation, the greatest symbol of our country, our flag, has carried the message of freedom and hope to all corners of the world; therefore be it

RESOLVED, That the Senate urge all Pennsylvanians, as a gesture of support for our men and women in the Middle East, and as a symbol of our hope and prayers for their safe and speedy return, to fly the flag of the United States prominently from their homes and all other locations where Old Glory can be displayed with the respect it deserves.

### **SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION NO. 178 OF 1990**

The PRESIDENT. The Chair wishes to announce the Minority Leader has appointed the following Senators to serve as members of the Task Force to study ways in which the Commonwealth can enhance service efficiency at minimal economic public cost pursuant to Senate Resolution No. 178 of 1990:

The gentleman from Lehigh, Senator Roy C. Afflerbach, the gentleman from Allegheny, Senator Michael M. Dawida and the gentleman from Philadelphia, Senator Chaka Fattah.

### **REPORTS FROM COMMITTEES**

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 9 (Pr. No. 9)**



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

**SB 527 (Pr. No. 702) (Amended)**

An Act providing for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics, emergency medical technicians, ambulance attendants, first responders and health professionals; and making an appropriation.

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

**SB 444 (Pr. No. 715) (Amended)**

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," classifying the State System of Higher Education, the State Employees' Retirement System and the Public School Employees' Retirement System as independent agencies entitled to appoint and fix the compensation of legal counsel.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following resolution:

**Senate Concurrent Regulatory Review Resolution No. 1**

Disapproving a certain regulation proposed by the Department of Public Welfare.

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

**BILLS IN PLACE**

Senator REIBMAN presented to the Chair several bills.

**PERMISSION TO ADDRESS SENATE**

Senator FATTAH asked and obtained unanimous consent to address the Senate.

Senator FATTAH. Mr. President, I wanted to let my colleagues know that as part of Act 6 we required that the State Insurance Department conduct a study of a concept related to a single carrier in Philadelphia. That study was released today to the public and released yesterday to the leadership. I will later on in today's Session be introducing a bill to create a single-carrier system program for Philadelphia based on the study in part and based on the comments in the cover letter from the Insurance Commissioner that suggest that the best way for us to proceed at this point is to create the opportunity for insurance companies, for profit, to step forward to bid on the City of Philadelphia so we can determine further the feasibility of this concept. This bill will create the opportunity for companies in our state to produce proposals as to how they would cover the Philadelphia market. Those of my colleagues who want to co-sign this bill, if they could indicate that to me, we will make sure their names are affixed prior to the introduction of the bill.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

**RECESS**

Senator LOEPER. Mr. President, before we proceed with consideration of today's Calendar, at this time I would ask for a brief recess of the Senate for the purpose of a Republican caucus to take place immediately in the Rules room at the rear of the Senate Chamber, with an expectation that we should be back on the floor within 20 minutes.

The PRESIDENT. For the purpose of a Republican caucus which will take place in the Rules room at the rear of the Senate Chamber—please note the change of location for the caucus—the Senate will stand in recess.

**AFTER RECESS**

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR PATRICK J.  
STAPLETON PRESENTED TO SENATE**

Senator STAPLETON. Mr. President, it is indeed a pleasure for me to introduce a group of men and women from Indiana County here with us today. They are visiting the Capitol. They are guests of former Representative Paul Wass and I would appreciate it if the Senate would show our warm welcome.

The PRESIDENT. Would the Senate of Pennsylvania please join me in welcoming our guests and the guests of Senator Stapleton and former Representative Paul Wass. Welcome to the Senate of Pennsylvania.

(Applause.)

**CALENDAR**

**SECOND CONSIDERATION CALENDAR**

**BILL ON SECOND CONSIDERATION**

**SB 166 (Pr. No. 175)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," authorizing direct commercial sales of agricultural commodities.

Considered the second time and agreed to,

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

**BILL REREFERRED**

**SB 275 (Pr. No. 284)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects; and providing for a referendum to incur indebtedness for such projects and the issuance of notes and bonds if authorized by the referendum.

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

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 303 (Pr. No. 469)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BORTNER offered the following amendment No. A0221:

Amend Sec. 1 (Sec. 8340), page 1, line 9, by inserting after "officer": or agent of the Pennsylvania Board of Probation and Parole

Amend Sec. 1 (Sec. 8340), page 1, line 12, by striking out "authorized by law" and inserting: approved by the court of common pleas

On the question,

Will the Senate agree to the amendment?

Senator BORTNER. Mr. President, the purpose of this amendment is housecleaning in nature. In general terms this amendment would complete the coverage of civil immunity for all levels of the criminal justice system involved with placing offenders in the community to perform community service as part of a criminal disposition.

In 1987 the General Assembly enacted Act 21 which made similar amendments to Title 42, under Section 1520. Specifically, this amendment amends Section 8340 of Title 42 relating to civil immunity for program administrators and supervisors involved with supervising or administering restitution or community service programs. The amendment does two things, Mr. President. It adds agents of the Pennsylvania Board of Probation and Parole to list those persons provided with immunity. Secondly, it deletes the language "authorized by law" and replaces that language with the phrase "approved by the court of common pleas" when dealing with restitution or community service programs. This language makes it more clear in authorizing a judge of the Court of Common Pleas to have the ability and discretion to utilize the community service option as a disposition. Currently, that language does not state that community service can be used as a disposition. These proposed changes are supported by county volunteer service coordinators, members of the statewide community service committee of the county chief Adult Probation and Parole Officers Association of Pennsylvania and the association representing the Pennsylvania Board of Probation and Parole.

Mr. President, these changes will help us cope with the increasing problem of jail overcrowding and community based alternatives which we are trying to offer and make vital to the expansion of these services in Pennsylvania. I would urge the support of other Members for these amendments.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

#### BILL ON SECOND CONSIDERATION

**SB 304 (Pr. No. 314)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for detention of children.

Considered the second time and agreed to,

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

#### BILLS REREFERRED

**SB 335 (Pr. No. 345)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a sinkhole damage assistance program; providing for grants and loans; and making an appropriation.

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

**SB 461 (Pr. No. 490)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Office of the Great Lakes within the Department of Environmental Resources and designating the office as the lead agency within State government for the development of policies, programs and procedures to protect, enhance and manage the Great Lakes.

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

#### UNFINISHED BUSINESS

#### REPORTS FROM COMMITTEE

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

**SB 405 (Pr. No. 718) (Amended)**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive; and further providing for accrued liability.

**SB 653 (Pr. No. 683)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the payment of certain salaries, benefits and expenses from the Capital Facilities Fund.

#### **HB 236 (Pr. No. 622) (Amended)**

An Act authorizing local taxing authorities the option of relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of such armed forces from certain local tax filing deadlines.

### **BILL IN PLACE**

Senator STAPLETON presented to the Chair a bill.

### **CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Owen E. Mummau, Mr. and Mrs. Marvin S. Boyer, Sr. and to the Mount Joy Jaycees by Senator Armstrong.

Congratulations of the Senate were extended to Great Valley High School Boys Soccer Team of Malvern by Senator Baker.

Congratulations of the Senate were extended to Dr. A. Joseph Ersek by Senator Bell.

Congratulations of the Senate were extended to Mary Rishe by Senator Corman.

Congratulations of the Senate were extended to Dr. Ronald B. Herberman by Senator Dawida.

Congratulations of the Senate were extended to Brian D. Coltery, Edward X. Hallenberg, John R. Morgan, Robert E. Brindley, Ralph S. Ellis and to Honorable John G. Brosky by Senator Fisher.

Congratulations of the Senate were extended to Julie Gold and to Saint Stanislaus Roman Catholic Church of Philadelphia by Senator Fumo.

Congratulations of the Senate were extended to Jennifer Thorpe, Don Charlton, Dawn Nicklow, Melanie Snyder, Steve Oberlechner, Christopher M. Shay, Samantha Witchell, Tracy Barnett, Rachel Bowser, Diane D. Weed, Laura Kaczmarek, Jessica Rupnik, Pete Pinto, Denton Knezovich, Heidi McGinnis, Joel McClosky, Fred Bowser IV, Ryan L. Moore, Rachael Garman, Jamie Harshman, Chastity Bittinger, John Zahradnik, Mike Gahagan and to Brad Lynch by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Sheldon Kingsbury, Mr. and Mrs. Stanley Titman and to Thomas D. Brennan by Senator Helfrick.

Congratulations of the Senate were extended to Michael F. Murphy by Senator Holl.

Congratulations of the Senate were extended to H. Patrick Swygert and to Mamie J. Fains by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Elwood Ayers, Mr. and Mrs. Kenneth Burket, Mr. and Mrs. Ralph W. Dick, Sr., Mr. and Mrs. Earl Effland, Mr. and Mrs. John S. Folk, Mr. and Mrs. Paul D. Longenecker,

Mr. and Mrs. Fred Norris and to Mr. and Mrs. Raymond Sunderland by Senator Jubelirer.

Congratulations of the Senate were extended to Leslie Marie Alviani, Kelly Ann Best, Shelley Rebecca Bright, Tammy Lynn Brown, Rhonda Marie Bruno, Jennifer Lynne Burke, Jennifer Lynn Durish, Sarah Lynn Essek, Heather Lea Estel, Danielle Dominica Filippelli, Heidi Christine Michelle George, Gwen Marie Giannini, Kristy Lynn Harper, Lynn Marie Johnson, Kristine Jane Kosloski, Aimee Jean Molinaro and to Kristi Lynn Ross by Senator LaValle.

Congratulations of the Senate were extended to Glenn J. Davis by Senator Lewis.

Congratulations of the Senate were extended to Highland Park Fire Company of Upper Darby by Senator Loeper.

Congratulations of the Senate were extended to Gary Garrison by Senator Porterfield.

Congratulations of the Senate were extended to Charles W. Weaver, III by Senator Reibman.

Congratulations of the Senate were extended to Jean Reppy, Peter J. McCloskey and to Gary L. Bair, II by Senator Rhoades.

Congratulations of the Senate were extended to Terry L. Penrod, Jr. and to the Shenango Valley Chamber of Commerce of Sharon by Senator Robbins.

Congratulations of the Senate were extended to James A. Canty by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Lewis A. Judson, Mr. and Mrs. Graydon Booher and to Mr. and Mrs. William Lytle by Senator Shaffer.

Congratulations of the Senate were extended to Virginia Gaugler and to Mr. and Mrs. Rufus B. Hetrick by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Fiem and to Mr. and Mrs. Cecil Brownlee by Senator Stout.

### **CONDOLENCE RESOLUTIONS**

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

Condolences of the Senate were extended to the family of the late Corporal Michael Cooke by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late Joseph P. Mylotte by Senator Loeper.

### **BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to.

The bills were as follows:

**SB 9, 405, 444, 527, 653 and HB 236.**

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

**RESOLUTION INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

March 12, 1991

**DESIGNATING APRIL 29 THROUGH  
MAY 4, 1991, AS "REFLEX SYMPATHETIC  
DYSTROPHY SYNDROME AWARENESS WEEK"  
IN PENNSYLVANIA**

Senators RHOADES, JUBELIRER, HOPPER, MUSTO, JONES, REIBMAN, SHUMAKER, SALVATORE, HELFRICK, ROBBINS, WENGER, FUMO, BELAN, LYNCH and ANDREZESKI offered the following resolution (Senate Resolution No. 32), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 12, 1991.

**A RESOLUTION**

Designating April 29 through May 4, 1991, as "Reflex Sympathetic Dystrophy Syndrome Awareness Week" in Pennsylvania.

WHEREAS, Reflex sympathetic dystrophy syndrome, known as RSDS, is a disabling disease that causes symptoms such as loss of mobility of the limbs, softness of the bones, stiffness in the joints, vasospasms and muscle spasms; and

WHEREAS, RSDS affects individuals of both sexes and all ages; and

WHEREAS, Individuals afflicted with RSDS suffer excruciating pain without relief; and

WHEREAS, Research into the causes and effects of RSDS has only recently begun; and

WHEREAS, Medical researchers face a difficult challenge in attempting to identify the origin of RSDS; and

WHEREAS, Education of the victims of RSDS and the public about the disease is difficult because of the limited amount of knowledge about the disease and the lack of consensus in the medical profession regarding the proper interpretation of the knowledge; and

WHEREAS, The RSDS Association was incorporated on May 18, 1984, to support research of the disease and to aid families of persons suffering from the disease; and

WHEREAS, A week should be designated to recognize the victims of RSDS and to increase the awareness and concern of the people of the United States regarding the research into the causes, cures, prevention and clinical treatment of the devastating disease; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania designate April 29 through May 4, 1991, as "Reflex Sympathetic Dystrophy Syndrome Awareness Week" in Pennsylvania.

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

**WEDNESDAY, MARCH 13, 1991**

9:30 A.M.	MILITARY AND VETERANS AFFAIRS (to consider Senate Bills No. 222, 224, 432, 433, 434 and Senate Resolution No. 18)	Room 460 4th Floor North Wing
Off the Floor	APPROPRIATIONS (to consider House Bills No. 236 and 546)	Rules Committee Conference Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Committee Conference Room

**TUESDAY, MARCH 19, 1991**

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 225, 348 and 391 and House Bills No. 26 and 29, Regulation 16A-279 and L-900055/57-100)	Room 8E-B Hearing Room East Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 40, 48, 113, 266 and 390 and House Bill No. 70 and to consider Cyrus Palmer Dolbin, nominee for Court of Common Pleas of Schuylkill County)	Room 8E-B Hearing Room East Wing
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Room 156 Senate Majority Caucus Room

**WEDNESDAY, MARCH 20, 1991**

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Public Welfare)	Room 156 Senate Majority Caucus Room
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**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, March 13, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 2:18 p.m., Eastern Standard Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 13, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 14

### SENATE

WEDNESDAY, March 13, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend JOHN FERICH, Pastor of Grace United Methodist Church, Carlisle, offered the following prayer:

O God, we gather to praise Your holy name and to ask Your blessing upon the Senate of Pennsylvania. Bless our State Senators and all people who work for the well-being of our great state. Help them to govern in such a beautiful and successful way that they will be an inspiration to their co-workers and a blessing to their state and nation. Guide their thinking and their decision making. Inspire them to make sound judgments. Fill their hearts with love for their fellowmen. Free them from negative thoughts and destructive criticism. Help them to use their minds and their talents in productive ways that will benefit the people they serve. Give them strength of character so that their personal witness of speech and conduct and lifestyle will enhance their labor and their leadership in the office they hold. Bless the homes and the families of our Legislators with love and peace. Keep our Legislators and their loved ones free from harm and surrounded by Your loving and protective care.

This we pray in Your holy and righteous name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 12, 1991.

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

### COMMUNICATION FROM THE GOVERNOR

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

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor

of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

March 12, 1991.

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

Please note the nomination dated December 21, 1990 for the appointment of Wendell W. Young, III, 210 East Courtland Street, Philadelphia 19120, Philadelphia County, Fourth Senatorial District, as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired, should be corrected to read:

Wendell W. Young, III, 4041 Cottler Drive, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired.

### BILLS INTRODUCED AND REFERRED

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

March 12, 1991

Senators GREENLEAF, RHOADES, BELL, LAVALLE, SHUMAKER, ANDREZESKI, PETERSON and SALVATORE presented to the Chair **SB 670**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a registration fee surcharge and an increase in a fee paid to salvors.

Which was committed to the Committee on TRANSPORTATION, March 12, 1991.

Senators GREENLEAF, SALVATORE, ANDREZESKI and PETERSON presented to the Chair **SB 671**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for classes of income in relation to the personal income tax.

Which was committed to the Committee on FINANCE, March 12, 1991.

Senators GREENLEAF, LAVALLE, SALVATORE, AFFLERBACH, RHOADES, BELL and ANDREZESKI presented to the Chair **SB 672**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the release of customer information by a telephone company.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 12, 1991.

Senators GREENLEAF, BELL and LAVALLE presented to the Chair **SB 673**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties of the Department of Environmental Resources.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 12, 1991.

Senators GREENLEAF, HELFRICK, PETERSON and BELL presented to the Chair **SB 674**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for an alternative to adjudication for certain violations.

Which was committed to the Committee on TRANSPORTATION, March 12, 1991.

Senators GREENLEAF, SALVATORE, LYNCH and MELLOW presented to the Chair **SB 675**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for contributions and benefits for certain members.

Which was committed to the Committee on FINANCE, March 12, 1991.

Senators GREENLEAF, BELL, O'PAKE, HART, STAPLETON, SCHWARTZ, SHAFFER, LYNCH, ROBBINS, REIBMAN, STOUT, BELAN and HELFRICK presented to the Chair **SB 676**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," providing for refusal to write or renew a policy of insurance in the case of a member of the reserve component of the armed forces.

Which was committed to the Committee on BANKING AND INSURANCE, March 12, 1991.

Senators GREENLEAF, ROBBINS, SHAFFER, O'PAKE, BELL, STAPLETON, STOUT, HART, REIBMAN, SALVATORE, BELAN and HELFRICK presented to the Chair **SB 677**, entitled:

An Act requiring State colleges and universities to provide free scholarships to dependents of certain Persian Gulf War Veterans.

Which was committed to the Committee on EDUCATION, March 12, 1991.

Senators GREENLEAF, HART, REIBMAN, SHAFFER, STOUT, ROBBINS, STAPLETON, BELL, O'PAKE, SALVATORE, BELAN and HELFRICK presented to the Chair **SB 678**, entitled:

An Act requiring employers to maintain certain benefits for members of the reserve component of the armed forces.

Which was committed to the Committee on LABOR AND INDUSTRY, March 12, 1991.

Senators GREENLEAF, O'PAKE, SHAFFER, STAPLETON, STOUT, ROBBINS, REIBMAN, HART, SALVATORE, BELAN and HELFRICK presented to the Chair **SB 679**, entitled:

An Act amending the act of July 18, 1968 (P. L. 405, No. 183), entitled "Vietnam Conflict Veterans' Compensation Act," extending the time period for filing applications for compensation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 12, 1991.

Senators GREENLEAF, REIBMAN, HART, STOUT, STAPLETON, ROBBINS, SHAFFER, O'PAKE, SALVATORE and HELFRICK presented to the Chair **SB 680**, entitled:

An Act amending the act of June 11, 1947 (P. L. 565, No. 248), entitled "World War II Veterans' Compensation Act," extending the time during which applications may be filed for veterans' compensation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 12, 1991.

## REPORTS FROM COMMITTEE

Senator PUNT, from the Committee on Military and Veterans Affairs, reported the following bills:

### **SB 222 (Pr. No. 231)**

An Act designating the fountain in the plaza of the East Wing of the Main Capitol Building in Harrisburg as the War Veterans' Memorial Fountain; and imposing duties upon the Department of General Services.

### **SB 224 (Pr. No. 233)**

An Act making an appropriation to the Department of Labor and Industry for use in the Veterans' Outreach Assistance Centers.

### **SB 432 (Pr. No. 457)**

An Act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Persian Gulf War Veterans' Compensation Fund; providing for powers and duties of the Governor, the Auditor General, the State Treasurer and the Board of Finance and Revenue; providing for the payment of interest on and the redemption and refunding of the bonds; and making an appropriation.

### **SB 433 (Pr. No. 719) (Amended)**

An Act providing compensation to certain persons who served in the armed forces of the United States during the Persian Gulf War; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

### **SB 434 (Pr. No. 720) (Amended)**



An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Freedom Defense Campaign Medal and Ribbon.

## RESOLUTION REPORTED FROM COMMITTEE

Senator PUNT, from the Committee on Military and Veterans Affairs, reported the following resolution:

### SR 18 (Pr. No. 416)

A Resolution directing the Joint State Government Commission to conduct a study in relation to the Persian Gulf War.

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

## LEGISLATIVE LEAVES

Senator SCHWARTZ. Mr. President, I request temporary Capitol leave for Senator Reibman and a legislative leave for Senator Williams.

The PRESIDENT. Senator Schwartz requests temporary Capitol leave for Senator Reibman and a legislative leave for Senator Williams. The Chair hears no objection. Those leaves will be granted.

## LEAVES OF ABSENCE

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

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

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 166 (Pr. No. 175)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," authorizing direct commercial sales of agricultural commodities.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker

Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

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

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

## SPECIAL ORDER OF BUSINESS

### GUESTS OF SENATOR EDWARD W. HELFRICK PRESENTED TO SENATE

Senator HELFRICK. Mr. President, as Chairman of the Committee on Agriculture and Rural Affairs, I have some people I would like to introduce here today whose number one priority is agriculture in Pennsylvania. They are members of the Pennsylvania Agri-Republicans. I have Rich Brandt who is Chairman from Berks County; Bev Snyder who is Vice Chairman from Venango County; Charles Benner who is Regional Director from Snyder County; and Dr. Colin Johnston who is Regional Director from Chester County. I would appreciate it if the Senate would give them its usual warm welcome.

The PRESIDENT. Would the guests of Senator Helfrick please rise so we can join in welcoming you to the Senate of Pennsylvania.

(Applause.)

### GUESTS OF SENATOR D. MICHAEL FISHER PRESENTED TO SENATE

Senator FISHER. Mr. President, I have visiting from my Senatorial district five individuals. First of all, we have Kerry Fraas who is the Solicitor for Jefferson Borough. Accompanying Mr. Fraas is Mr. Ray Sprites, Al George, Kathy George and Evelyn Liptak.

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

(Applause.)

## THIRD CONSIDERATION CALENDAR RESUMED

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 303 (Pr. No. 717)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

#### YEAS—48

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

#### NAYS—0

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

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

#### BILL OVER IN ORDER

**SB 304** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**SB 9** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS REREFERRED

**HB 236 (Pr. No. 622)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing local taxing authorities the option of relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of such armed forces from certain local tax filing deadlines.

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

**SB 405 (Pr. No. 718)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive; and further providing for accrued liability.

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

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 444 (Pr. No. 715)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," classifying the State System of Higher Education, the State Employees' Retirement

System and the Public School Employees' Retirement System as independent agencies entitled to appoint and fix the compensation of legal counsel.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

#### BILLS REREFERRED

**SB 527 (Pr. No. 702)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics, emergency medical technicians, ambulance attendants, first responders and health professionals; and making an appropriation.

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

**SB 653 (Pr. No. 683)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the payment of certain salaries, benefits and expenses from the Capital Facilities Fund.

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

#### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations and the Committee on Appropriations to consider House Bill No. 236 and House Bill No. 546 when it gets here.

#### RECESS

Senator LOEPER. Mr. President, before we continue with original resolutions, I would ask at this time for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the room at the rear of the Senate Chamber, the Senate will stand in recess.

#### AFTER RECESS

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

**HOUSE MESSAGE****HOUSE BILL FOR CONCURRENCE**

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

March 13, 1991

**HB 546** — Committee on Appropriations.

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

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

**MEMBER OF THE INDUSTRIAL BOARD**

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gabriel L. I. Bevilacqua, 1000 Susan Road, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

December 5, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eugene L. DiOrto, 201 Walnut Street, Coatesville 19320, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George W. Franz, 11 Stirling Way, Chadds Ford 19317, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Clifford Lewis, Flourtown, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

December 5, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cuyler H. Walker, Rolling Plains Farm, Wollaston Road, Unionville 19375, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until June 24, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

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

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

**REPORTS FROM COMMITTEE**

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

**HB 236 (Pr. No. 773) (Amended) (Rereported)**

An Act authorizing local taxing authorities the option of relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of such armed forces from certain local tax filing deadlines.

**HB 546 (Pr. No. 598)**

An Act making appropriations from the Tax Stabilization Reserve Fund for the fiscal year 1990-1991.

**BILL IN PLACE**

Senator HART presented to the Chair a bill.

**SENATE RESOLUTIONS****RELATING TO THE SUCCESSFUL OUTCOME  
OF THE WAR IN THE PERSIAN GULF**

Senators PUNT, SHUMAKER, HART, PECORA, BELL, STAPLETON, JUBELIRER, O'PAKE, LOEPER, SHAFFER, FISHER, PETERSON, TILGHMAN, HOLL, HOPPER, ROBBINS, MUSTO, PORTERFIELD, BORTNER, DAWIDA, SCHWARTZ, FATTAH, AFFLERBACH, HELFRICK, RHOADES, WENGER, MADIGAN, CORMAN, LEMMOND, BAKER, LINCOLN, ARMSTRONG, STOUT, GREENLEAF, GREENWOOD, SALVATORE, BRIGHTBILL, REIBMAN, FUMO, BODACK, BELAN, JONES and LEWIS offered the following resolution (**Senate Resolution No. 33**), which was read, considered and adopted:

In the Senate, March 13, 1991.

## A RESOLUTION

Relating to the successful outcome of the war in the Persian Gulf.

WHEREAS, United States and coalition armed forces have achieved remarkable success in defeating Iraqi Military Forces and ousting them from Kuwait; and

WHEREAS, These historic accomplishments have been achieved with minimal casualties and an unfortunate, but astonishingly low loss of life among American and coalition forces; and

WHEREAS, American military personnel are already returning from the Persian Gulf region to the United States or other normal duty stations; therefore be it

RESOLVED, That the Senate of Pennsylvania applaud and express appreciation to:

(1) President George Bush, Commander in Chief of all American Armed Forces for his leadership during Operation Desert Storm.

(2) Secretary of Defense Dick Cheney, Armed Forces Chief of Staff Colin Powell and Desert Storm Commander Norman Schwarzkopf for their planning and implementation of Operation Desert Storm.

(3) All of the American forces and in particular the tens of thousands of Pennsylvanians deployed in the Persian Gulf region who have served and succeeded in the highest traditions of the United States.

(4) All of the forces from our coalition partners, who served with distinction and success.

(5) The families of Pennsylvania service men and women participating in Operation Desert Storm, who have bravely borne the burden of separation from their loved ones and staunchly supported them in this crisis; and be it further

RESOLVED, That the Senate of Pennsylvania note with deep sadness the loss of life on all sides in Operation Desert Shield and Operation Desert Storm and particularly salutes those brave young Pennsylvania men and women who have made the ultimate sacrifice in the service of their nation in the cause of peace and send its deepest condolences to their grieving families; and be it further

RESOLVED, That copies of this resolution be sent to the President of the United States, George Herbert Walker Bush; Secretary of Defense, Richard Cheney; Armed Forces Chief of Staff, Colin Powell; Desert Storm Commander, Norman Schwarzkopf and Pennsylvania Acting Adjutant General Gerald T. Sajer.

**RECOGNIZING THE BRAVERY OF THE 14TH  
QUARTERMASTER DETACHMENT; AND  
EXTENDING CONDOLENCES TO THE FAMILIES  
OF MEMBERS OF THE 14TH QUARTERMASTER  
DETACHMENT WHO WERE KILLED IN ACTION**

Senators PORTERFIELD, FUMO, BELAN, BODACK, STOUT, BAKER, SCHWARTZ, AFFLERBACH, CORMAN, FISHER, HELFRICK, WENGER, REIBMAN, STAPLETON, MUSTO, STEWART and PECORA offered the following resolution (**Senate Resolution No. 34**), which was read as follows:

In the Senate, March 13, 1991.

## A RESOLUTION

Recognizing the bravery of the 14th Quartermaster Detachment; and extending condolences to the families of members of the 14th Quartermaster Detachment who were killed in action.

WHEREAS, The 14th Quartermaster Detachment, attached to the 475th Quartermaster Group and a part of the 99th Army

Reserve Command, based in Greensburg, Pennsylvania, was ordered to active duty on January 15, 1991; and

WHEREAS, The 14th Quartermaster Detachment, a water purification unit, was initially ordered to Fort Lee, Virginia; and

WHEREAS, The 14th Quartermaster Detachment was deployed to the Persian Gulf theater of operations on February 18, 1991, and was assigned to Dhahran, Saudi Arabia; and

WHEREAS, On February 25, 1991, lethal debris from an Iraqi Scud missile slammed into the barracks in which the 14th Quartermaster Detachment was housed; and

WHEREAS, The deadly debris caused the barracks to collapse, resulting in fatalities and injuries; and

WHEREAS, The Scud attack killed the following members of the 14th Quartermaster Detachment:

SPC. Steven E. Atherton, 26, Nurmine, Pennsylvania  
SPC. John A. Boliver, 27, Monongahela, Pennsylvania  
SPC. Joseph P. Bongiorno III, 20, Hickory, Pennsylvania  
SGT. John Boxler, 44, Johnstown, Pennsylvania  
SPC. Beverly S. Clark, 23, Armagh, Pennsylvania  
SGT. Alan B. Craver, 32, Penn Hills, Pennsylvania  
SPC. Frank Keough, 22, North Huntingdon, Pennsylvania  
SPC. Anthony Madison, 27, Monessen, Pennsylvania  
SPC. Christine Mayes, 23, Rochester Mills, Pennsylvania  
SPC. Stephen J. Siko, 24, Latrobe, Pennsylvania  
SPC. Thomas Stone, 20, Falconer, New York  
SPC. Frank J. Walls, 20, Hawthorne, Pennsylvania  
SPC. Richard Wolverton, 29, Latrobe, Pennsylvania;

and

WHEREAS, The courage and dedication to duty displayed by the members of the 14th Quartermaster Detachment and the ultimate sacrifice of the thirteen members of the 14th Quartermaster Detachment must not be forgotten; therefore be it

RESOLVED, That the Senate recognize the bravery of the members of the 14th Quartermaster Detachment; and be it further

RESOLVED, That the Senate extend its sincere condolences to the families of the members of the 14th Quartermaster Detachment who were killed in action; and be it further

RESOLVED, That copies of this resolution be transmitted to the families of the members of the 14th Quartermaster Detachment who were killed in action and to the commanding officer of the 14th Quartermaster Detachment.

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

On the question,

Will the Senate adopt the resolution?

## SENATE RESOLUTION NO. 34, ADOPTED

Senator PORTERFIELD. Mr. President, I move that the Senate do adopt Senate Resolution No. 34.

On the question,

Will the Senate agree to the motion?

## POINT OF ORDER

Senator FUMO. Mr. President, I rise to a point of order.

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

Senator FUMO. Mr. President, would it be proper to inform the Members that they can also sign onto both of these resolutions laid at the desk? I think there has been some confusion with that.

The PRESIDENT. The Chair thanks the gentleman for his point and, in fact, we will hold both resolutions at the desk

for further signatures, even after they are disposed with on the floor. Anybody wishing to sign onto the resolutions may do so by simply checking with the Secretary at the desk.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

### PERMISSION TO ADDRESS SENATE

Senator PUNT asked and obtained unanimous consent to address the Senate.

Senator PUNT. Mr. President and ladies and gentlemen, one of the resolutions which was just adopted that we are holding for additional signatures commended the forces of the United States and the coalition for their herculean effort which they just concluded in the Persian Gulf. Never, never before has there been such an array of armaments of weaponry to stamp out injustice and naked aggression by a foreign country to a small neighboring country. A coalition of this magnitude, in the history of mankind, has never, ever been formed. We are all deeply grateful to all of our men and women who have served in the Armed Forces in the Persian Gulf operation and, in particular, the tens of thousands of Pennsylvanians who have given of themselves toward this effort. And we must not forget those who have paid the ultimate price to provide liberty and freedom to a nation and its people. We are reminded of the sadness and sorrow of those Pennsylvanians who have fallen. In fact, I read a report last week which showed that more Pennsylvanians died and were killed in the operation than from any other state. Pennsylvania has a long history of defending principles of freedom and individual liberties. At the same time we must not forget those families who were separated from their loved ones, who had to worry with the fear of uncertainty of their spouse, friend or loved one being 8,000 miles from here, and for those who have lost a member of their family. No greater tribute can be given to freedom, to liberty than those who have paid the ultimate price. Though the war has been completed successfully at a minimal cost of casualties of human life with the coalition forces, we must not forget those who have been wounded, who will be returning home in time, as they will bear the scars of that war, but, more importantly, of that effort of liberation of a nation and its people. President Bush as Commander-in-Chief, Secretary of Defense Cheney, Joint Chief of Staff Chairman Colin Powell, the Commander of the Desert Shield and Storm Operation, General Schwarzkopf, and all the men and women of the Armed Forces of the United States deserve the praise and commendation of all Pennsylvanians, of all Americans and of all free liberty nations in the world that strive to maintain those principles.

When we circulated the resolution and submitted it here, we had 42 sponsors in the Senate. For those of you who have not attached your name to the resolution, I would urge you to do so and would appreciate a total unanimous concurrence of signatures on the resolution.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to James L. Snyder, Jr., Harry N. Mellinger, W. Gary Stevens, Peter E. Zipp, Larry G. Smith, Lenus P. McMullen and to James A. Parsons by Senator Armstrong.

Congratulations of the Senate were extended to AMVETS Harold Paul Saks Post No. 118 of Morton by Senator Bell.

Congratulations of the Senate were extended to Jean Gasior and to Joel Minnigh by Senator Bodack.

Congratulations of the Senate were extended to Halcyon Activity Center, Incorporated of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to Dr. Irv Suttin and to Sister M. Crescentia Mulvehill by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Buccieri by Senator Fumo.

Congratulations of the Senate were extended to the United States Coast Guard Band by Senator Holl.

Congratulations of the Senate were extended to Dessie McCann and to Lizzie Zartman by Senator Hopper.

Congratulations of the Senate were extended to Leroy Mickens, Jr. by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. James E. Anderson and to Alexander Leitis by Senator Jubelirer.

Congratulations of the Senate were extended to Charles T. Strange and to the Troy High School Football Team by Senator Madigan.

Congratulations of the Senate were extended to the Fell High School Class of 1941 by Senator Mellow.

Congratulations of the Senate were extended to Richard A. Vaia by Senator Pecora.

Congratulations of the Senate were extended to Octavia F. Duncan, Brenda L. Thomas, Anna Wills Reed and to Ramona B. Points by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Walter L. Cowden by Senator Stout.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Officer Richard J. Burchick by Senator Andrezeski.

Condolences of the Senate were extended to the family of the late Specialist 4 Duane W. Hollen, Jr. by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Captain David Holcombe, the family of the late Phyllis McAllister and to the family of the late James A. Chappell by Senator Lynch.

### LEGISLATIVE LEAVE CANCELLED

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

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 222, 224, 432, 433, 434 and HB 546.**

And said bills having been considered for the first time,

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

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR D. MICHAEL FISHER PRESENTED TO SENATE

Senator FISHER. Mr. President, I also have visiting from my district today a number of individuals who are here with the Pennsylvania School Food Services Association. We have Rose Olsavicky of Brentwood Borough, James W. Pearce, Frances McCullough of the Ringgold School District and Ruth Ann Barr.

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

(Applause.)

### PETITIONS AND REMONSTRANCES

Senator FUMO. Mr. President, late Monday I, along with other Democrats, introduced Senate Bill No. 686, the so-called PERF bill which basically allows for a \$300 million bond authorization to fund various programs in the PERF program—such things as the Ben Franklin Partnership, PIDA, the business infrastructure development program, industrial communities, PENNPORTS, machinery and equipment loans, the Pennsylvania Conservation Corps and the DCA Commerce set-aside program, among others. Mr. President, these are extremely important programs. The Governor has asked this year that we fund them via a bond issue. I have heard from some opponents that that is not the way we should do this. Why should we fund an operational expense from the Ben Franklin Partnership over a ten or a twenty-year period?

Mr. President, the answer to that question is, that is how we started this program in 1984 under the Thornburgh Administration. There was a \$190 million bond issue that was put in place to start these programs off. Over the years we have tried to pay for these things out of the budget and operational expenses, but this year we find ourselves in a very tight year. In fact, I was quoted today with headlines as saying that the budget is at least \$2.2 billion underfunded.

Mr. President, for those who do not want to do this by a bond issue, there are only two choices. Either we cut out the program, or we increase the Pennsylvania Income Tax or we find some additional business taxes. There is no money from heaven. There is no money from Washington. There is no money from anywhere but through tough votes on this Senate floor. While I might philosophically agree that it might not be the soundest business policy in ordinary times to do it this way, Mr. President, but when your back is to the wall, you have no choice. The precedent was set not by Governor Casey, but by Governor Thornburgh. Mr. President, to those people who do not want to move this bill on time, the blood of these programs will be on your hands. I note that the bill has not yet even been referred to committee in two days. April first is a deadline in which we are advised that will be a comfortable period of time in order to get this on the spring ballot so there is no disruption in these programs. If we do not put this on the spring ballot, Mr. President, we are looking at either funding this through operational costs which, I repeat, will be about a one-tenth of one percent increase in the income tax just for this alone, or cutting back these programs, which hurts Pennsylvania's economic future. We have no choice, Mr. President. I would hope that responsible leadership would dictate that we move this bill quickly. I call upon the Republicans in the Majority of this Chamber to move this bill expeditiously through the process next week and, if necessary, keep us in Session until we can pass this bill on time, rather than let these most important programs die on the vine because of partisan political politics.

Senator LOEPER. Mr. President, very briefly, in response to the gentleman, I would simply note that the April first deadline is also April Fool's Day.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, March 18, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

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



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, MARCH 18, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 15

### SENATE

MONDAY, March 18, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend SIDNEY C. STEWART, JR., Pastor of Beaver Valley Allegheny Wesleyan Methodist Church, Beaver Falls, offered the following prayer:

Shall we pray.

Dear Lord, thank You for this time together today and thank You, Lord, for Your wisdom and love. Lord, we do ask that today You would bless these leaders of our state, and, Lord, even leaders need to be led. Would you bless each one. Give them wisdom to guide us. In Jesus' name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Stewart who is the guest this week of Senator LaValle.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 13, 1991.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

March 14, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 1996, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frank R. Fischl, Jr., Allentown, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven P. Stout, R. D. 2, Box 328, Brehm Road, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF DENTISTRY

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul C. Dunkelberger (Public Member), 1510 Miller Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 15, 1991.

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



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin D. Dombrowski, 825 East 43rd Street, Erie 16504, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon A. Seaman, R. D. 2, Box 270, Kempton 19529, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Fallinger, 251 Fickes School Road, York Springs 17372, Adams County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur S. Foreman, 4347 Crestview Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patricia A. Byrne (Democrat), 2028 Sixteenth Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. Gioiosa (Democrat), 1103 Peach View Lane, Duncansville 16635, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Michael J. Brennan, Altoona, deceased.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barry J. Halbritter (Republican), R. D. 1, Box 396, Duncansville 16635, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michelle A. Hartye (Democrat), Box 33-C, Sylvan Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory L. Murawsky (Republican), 19 Granada Way, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eleanor E. Gentzel (Democrat), 118 North Harrison Road, Pleasant Gap 16823, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Centre County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David M. George (Democrat), 620 Spring Street, Houtzdale 16651, Clearfield County, Thirty-fourth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank S. Provenzano (Democrat), Box 147, Penfield 15849, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, R. Curtis Smith (Democrat), 201 Weaver Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ralph J. Palmiero (Democrat), 441 West Main Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald J. Watts (Democrat), 50 Second Street, Box 185, Millville 17846, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne K. Wilson (Democrat), R. D. 9, Box 60, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lee G. Yost (Democrat), P. O. Box 360, Benton 17814, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melissa A. Curry (Democrat), 255 McClellan Street, Cambridge Springs 16403, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward M. Fine, M.D. (Democrat), 714 Chestnut Street, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sally A. Moore (Democrat), R. D. 3, Box 339, Linesville 16424, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James M. Cookerly (Democrat), 624 Fourth Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clem C. Switaj (Democrat), 1105 Apple Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ELK COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Milton E. Wilson (Republican), 412 Willard Street, Ridgway 15853, Elk County, Twenty-fifth Senatorial District, for reappointment as a member of the Elk County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janie W. Crouse (Democrat), 205 South Seventh Street, McConnellsburg 17233, Fulton County, Thirtieth Senatorial District, for reappointment as a member of the Fulton County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carole B. Grissinger (Republican), 501 East Poplar Street, McConnellsburg 17233, Fulton County, Thirtieth Senatorial District, for reappointment as a member of the Fulton County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

**ROBERT P. CASEY.**  
**MEMBER OF THE FULTON COUNTY**  
**BOARD OF ASSISTANCE**

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathleen J. Zimmerman (Democrat), HCR 80, Box 168, Warfordsburg 17267, Fulton County, Thirtieth Senatorial District, for reappointment as a member of the Fulton County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

**ROBERT P. CASEY.**  
**MEMBER OF THE LEHIGH COUNTY**  
**BOARD OF ASSISTANCE**

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Juan E. Figueroa (Independent), 1030 Manor Drive, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

**ROBERT P. CASEY.**  
**DISTRICT JUSTICE**

March 15, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hall E. Solomon, Sr., 112 North Eighth Street, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as District Justice in and for the County of Union, Magisterial District 17-3-02, to serve until the first Monday of January, 1994, vice William D. Yohn, resigned.

**ROBERT P. CASEY.**  
**MEMBER OF THE BOARD OF TRUSTEES**  
**OF EBENSBURG CENTER**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen F. Koegler, R. D. 1, Box 65, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

**ROBERT P. CASEY.**

**MEMBER OF THE BOARD OF TRUSTEES**  
**OF EBENSBURG CENTER**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon L. Traino, 2001 Chestnut Avenue, Barnesboro 15714, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

**ROBERT P. CASEY.**  
**MEMBER OF THE CENTRE COUNTY**  
**BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mildred L. Cornelison (Independent), 1176 Westerly Parkway, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice Nicholas A. DeLallo, State College, whose term expired.

**ROBERT P. CASEY.**  
**MEMBER OF THE CLINTON COUNTY**  
**BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul Dorrance Welch, Jr. (Democrat), 106 Bellefonte Avenue, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

**ROBERT P. CASEY.**  
**MEMBER OF THE LUZERNE COUNTY**  
**BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Burns (Democrat), 247 Sanovia Street, Exeter 18643, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

**ROBERT P. CASEY.**  
**MEMBER OF THE LUZERNE COUNTY**  
**BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louise T. Ott (Democrat), 75 Mercedes Drive, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandra S. Piccone (Republican), 149 James Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick M. Sicilio (Democrat), 109 Cedarwood Drive, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lloyd W. Baysore (Democrat), 711 Elm Street, Watsontown 17777, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

March 18, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margot F. Guinan (Democrat), 15 South Maple Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**HOUSE MESSAGE**

**HOUSE BILL FOR CONCURRENCE**

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

March 15, 1991

**HB 244** — Committee on State Government.

**BILLS INTRODUCED AND REFERRED**

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

March 15, 1991

Senators GREENLEAF, HART, O'PAKE, SHAFFER, REIBMAN, ROBBINS, STOUT, STAPLETON, SALVATORE and BELAN presented to the Chair **SB 681**, entitled:

An Act amending the act of July 8, 1957 (P. L. 569, No. 317), entitled "Korean Conflict Veterans' Compensation Act," extending the time period for filing applications for compensation.

Which was committed to the Committee on **MILITARY AND VETERANS AFFAIRS**, March 15, 1991.

Senators GREENLEAF, RHOADES, STOUT, REIBMAN, SALVATORE, ANDREZESKI and FUMO presented to the Chair **SB 682**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties in general of the Department of Aging.

Which was committed to the Committee on **AGING AND YOUTH**, March 15, 1991.

Senators O'PAKE, AFFLERBACH and BRIGHTBILL presented to the Chair **SB 683**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," providing for authority property tax exemptions.

Which was committed to the Committee on **LOCAL GOVERNMENT**, March 15, 1991.

Senators MELLOW, LEWIS, LAVALLE, REIBMAN, O'PAKE, MUSTO and BELAN presented to the Chair **SB 684**, entitled:

An Act amending the act of July 3, 1986 (P. L. 388, No. 84), entitled "Sunshine Act," further providing for public comment at meetings.

Which was committed to the Committee on STATE GOVERNMENT, March 15, 1991.

Senators LOEPER, FISHER, WENGER, BELL, BRIGHTBILL, MELLOW, STEWART, PUNT, SALVATORE, SHUMAKER, REIBMAN, PETERSON, SHAFFER, SCANLON, MUSTO, MADIGAN, LEMMOND, ROBBINS, HELFRICK, FATTAH, AFFLERBACH, O'PAKE, ANDREZESKI, STOUT, LEWIS, BELAN and PECORA presented to the Chair **SB 685**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, authorizing creditable service for certain persons who were justices of the peace.

Which was committed to the Committee on FINANCE, March 15, 1991.

Senators FUMO, MELLOW and LINCOLN presented to the Chair **SB 686**, entitled:

An Act amending the act of July 2, 1984 (P. L. 512, No. 104), entitled "Pennsylvania Economic Revitalization Act," providing for a referendum question on additional indebtedness; and increasing the amount of bonds which may be sold.

Which was committed to the Committee on APPROPRIATIONS, March 15, 1991.

Senators BORTNER, BELAN, MELLOW, ANDREZESKI, O'PAKE, LYNCH, FISHER, STOUT, SCHWARTZ, REIBMAN, FUMO, SALVATORE and PORTERFIELD presented to the Chair **SB 687**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of retail theft of a firearm.

Which was committed to the Committee on JUDICIARY, March 15, 1991.

Senators BORTNER, ANDREZESKI and SALVATORE presented to the Chair **SB 688**, entitled:

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," further defining unfair methods of competition and unfair or deceptive acts or practices.

Which was committed to the Committee on BANKING AND INSURANCE, March 15, 1991.

Senators BORTNER, ANDREZESKI and SALVATORE presented to the Chair **SB 689**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for rebates regarding certain insurance policies.

Which was committed to the Committee on BANKING AND INSURANCE, March 15, 1991.

Senators BORTNER, BELAN, MUSTO, MELLOW, ANDREZESKI, O'PAKE, HART, STOUT and LEWIS presented to the Chair **SB 690**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for security for bids submitted in response to advertisements.

Which was committed to the Committee on LOCAL GOVERNMENT, March 15, 1991.

Senators BORTNER, DAWIDA, PECORA, LYNCH, HELFRICK, SCHWARTZ, STOUT, PETERSON, FISHER, AFFLERBACH and O'PAKE presented to the Chair **SB 691**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing civil immunity for probation officers and employees of agencies conducting restitution or community service programs.

Which was committed to the Committee on JUDICIARY, March 15, 1991.

Senators BORTNER, DAWIDA, PECORA, LYNCH, HELFRICK, SCHWARTZ, STOUT, PETERSON, FISHER, AFFLERBACH and O'PAKE presented to the Chair **SB 692**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing certain immunity to individuals and organizations dealing with juveniles.

Which was committed to the Committee on JUDICIARY, March 15, 1991.

Senators BORTNER, BELAN, GREENWOOD, HELFRICK, AFFLERBACH, SCHWARTZ, ANDREZESKI and LYNCH presented to the Chair **SB 693**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for blood tests in relation to paternity disputes.

Which was committed to the Committee on JUDICIARY, March 15, 1991.

Senators BORTNER, BELAN, MELLOW, ANDREZESKI, O'PAKE, HART, LYNCH, SCHWARTZ, REIBMAN, FUMO, LEWIS and PORTERFIELD presented to the Chair **SB 694**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assignment to orphans' court.

Which was committed to the Committee on JUDICIARY, March 15, 1991.

Senators BORTNER, BELAN, STOUT and REIBMAN presented to the Chair **SB 695**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," adding provisions relating to the Private Licensed Schools Fund; and making a repeal.

Which was committed to the Committee on EDUCATION, March 15, 1991.

Senators BORTNER, BELAN, MUSTO, MELLOW, ANDREZESKI, O'PAKE and DAWIDA presented to the Chair **SB 696**, entitled:

An Act amending the act of May 29, 1945 (P. L. 1134, No. 405), entitled "An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the

District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution, and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia and the District of Columbia;....," further providing for the members of the commission for the Commonwealth.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, March 15, 1991.

Senators BELAN, JONES, MUSTO, MELLOW, O'PAKE, ANDREZESKI, LYNCH, REIBMAN, SALVATORE and LEWIS presented to the Chair **SB 697**, entitled:

An Act establishing an employee assistance program for employees who are dependent on alcohol or drugs; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 15, 1991.

Senators BELAN, STOUT, JONES, STAPLETON, MELLOW, MUSTO, SALVATORE, SCHWARTZ, BORTNER, PECORA, O'PAKE, ANDREZESKI, LYNCH and REIBMAN presented to the Chair **SB 698**, entitled:

An Act amending the act of October 22, 1986 (P. L. 1452, No. 143), entitled "Adult Literacy Act," providing for grants to employers and employee organizations for literacy programs.

Which was committed to the Committee on EDUCATION, March 15, 1991.

Senators BELAN, DAWIDA, REIBMAN, MUSTO, O'PAKE, WILLIAMS, LEWIS, MADIGAN and ANDREZESKI presented to the Chair **SB 699**, entitled:

An Act providing for the establishment of the Governor's Advisory Council on Literacy in the Workplace.

Which was committed to the Committee on EDUCATION, March 15, 1991.

Senators WENGER, LOEPER, MADIGAN, STAPLETON, BELAN, SHAFFER, SCANLON, O'PAKE, MUSTO, BRIGHTBILL, BELL, AFFLERBACH, ROBBINS, CORMAN, LEMMOND, SALVATORE, PECORA, SHUMAKER, ANDREZESKI, HART, LYNCH and STOUT presented to the Chair **SB 700**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for notice of certain contributions.

Which was committed to the Committee on STATE GOVERNMENT, March 15, 1991.

#### March 18, 1991

Senators REIBMAN, WILLIAMS, O'PAKE, ANDREZESKI and HART presented to the Chair **SB 701**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for the appointment of attorneys for minor or dependent children in divorce and custody or support proceedings.

Which was committed to the Committee on JUDICIARY, March 18, 1991.

Senators REIBMAN, JONES, WILLIAMS, O'PAKE and SCHWARTZ presented to the Chair **SB 702**, entitled:

An Act establishing a flexible hours work program for employees; imposing duties on the Executive Board; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, March 18, 1991.

Senators REIBMAN, O'PAKE, LEWIS, BORTNER and ANDREZESKI presented to the Chair **SB 703**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing the Department of General Services to provide for the installation of original works of art in public buildings.

Which was committed to the Committee on STATE GOVERNMENT, March 18, 1991.

Senators REIBMAN, JONES, WILLIAMS, MELLOW, O'PAKE, BORTNER, ANDREZESKI, HART and BELAN presented to the Chair **SB 704**, entitled:

An Act providing for grants by the Secretary of Education to promote the study of ethnic and multicultural heritage; and making an appropriation.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators REIBMAN, MELLOW, O'PAKE, BORTNER, ANDREZESKI, SCHWARTZ and BELAN presented to the Chair **SB 705**, entitled:

An Act requiring governmental contracts to require use of apparel products produced in the United States.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 18, 1991.

Senators REIBMAN, WILLIAMS, MELLOW, JONES, BORTNER, ANDREZESKI, SHAFFER, SHUMAKER, SCHWARTZ, LYNCH and BELAN presented to the Chair **SB 706**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for equal rights between men and women; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, March 18, 1991.

Senators REIBMAN, O'PAKE, ANDREZESKI and BELAN presented to the Chair **SB 707**, entitled:

An Act providing for an Associates in Education Program; and making an appropriation.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators REIBMAN, JONES, WILLIAMS, MELLOW, LEWIS, SCHWARTZ, LYNCH and BELAN presented to the Chair **SB 708**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "Pennsylvania Workmen's Compensation Act," making an exception to the exclusive



remedy provision for the deliberate or wanton disregard of employee safety.

Which was committed to the Committee on LABOR AND INDUSTRY, March 18, 1991.

Senators REIBMAN, WILLIAMS, MELLOW, BORTNER, ANDREZESKI, HART, SHAFFER and BELAN presented to the Chair **SB 709**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, allowing special tax exemptions for homestead property.

Which was committed to the Committee on FINANCE, March 18, 1991.

Senators REIBMAN, STAPLETON, MELLOW, O'PAKE, BORTNER, ANDREZESKI, SHAFFER, MUSTO, HOPPER, BELAN, SALVATORE and HELFRICK presented to the Chair **SB 710**, entitled:

An Act amending the act of March 4, 1970 (P. L. 128, No. 49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for display of the official POW/MIA flag.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 18, 1991.

Senators REIBMAN, STAPLETON, MELLOW, O'PAKE, ANDREZESKI, SHAFFER, SHUMAKER, MUSTO, BELAN, LYNCH, SALVATORE and HELFRICK presented to the Chair **SB 711**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting prisoners of war and recipients of the Congressional Medal of Honor from all title and registration fees.

Which was committed to the Committee on TRANSPORTATION, March 18, 1991.

Senators REIBMAN, O'PAKE, MADIGAN, HART, BELAN and ANDREZESKI presented to the Chair **SB 712**, entitled:

An Act providing for cultural facilities; establishing the Cultural Facilities Advisory Board and providing for its powers and duties; providing for a grant program; establishing the Cultural Facilities Grant Fund; and providing for additional duties of the Department of Community Affairs.

Which was committed to the Committee on STATE GOVERNMENT, March 18, 1991.

Senators REIBMAN, STAPLETON, O'PAKE, ANDREZESKI, WENGER, SHAFFER, HART, MUSTO, STOUT, BELAN, LYNCH, ROBBINS and HELFRICK presented to the Chair **SB 713**, entitled:

An Act providing a tax credit for donated equipment.

Which was committed to the Committee on FINANCE, March 18, 1991.

Senators REIBMAN, STAPLETON, O'PAKE, ANDREZESKI, MUSTO, HART, SHAFFER, WENGER, STOUT, BELAN, LYNCH, ROBBINS and HELFRICK presented to the Chair **SB 714**, entitled:

An Act providing for tax credits to corporations donating computer equipment to libraries.

Which was committed to the Committee on FINANCE, March 18, 1991.

Senators REIBMAN, STAPLETON, O'PAKE, ANDREZESKI, MUSTO, WENGER, HART, SHAFFER, STOUT, BELAN, LYNCH, ROBBINS and HELFRICK presented to the Chair **SB 715**, entitled:

An Act providing a tax credit for donated services.

Which was committed to the Committee on FINANCE, March 18, 1991.

Senators REIBMAN, STAPLETON, O'PAKE, ANDREZESKI, MUSTO, HART, SHAFFER, STOUT, BELAN, LYNCH and HELFRICK presented to the Chair **SB 716**, entitled:

An Act providing a tax credit for summer internships for teachers.

Which was committed to the Committee on FINANCE, March 18, 1991.

Senators CORMAN, STOUT, BAKER, BORTNER and PECORA presented to the Chair **SB 717**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, March 18, 1991.

Senators STAPLETON, PORTERFIELD, MELLOW, O'PAKE, BELAN, STOUT, STEWART, LAVALLE, BODACK and ANDREZESKI presented to the Chair **SB 718**, entitled:

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), entitled "Municipal Waste Planning, Recycling and Waste Reduction Act," further providing for site limitations.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 18, 1991.

Senators FISHER, RHOADES, HOPPER, GREENLEAF, ROBBINS, CORMAN, WENGER, BAKER, SHAFFER, HART, MADIGAN and JUBELIRER presented to the Chair **SB 719**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for reimbursements for maintenance or approved permanent improvements; and making an appropriation.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators FISHER, RHOADES, HOPPER, GREENLEAF, CORMAN, WENGER, BELAN, BAKER, SHAFFER, HART, HELFRICK and JUBELIRER presented to the Chair **SB 720**, entitled:

An Act requiring certain comprehensive reports of school districts and providing for their analysis and dissemination by the Department of Education; and providing for certain sanctions.

Which was committed to the Committee on EDUCATION, March 18, 1991.

## RESOLUTION INTRODUCED AND REFERRED

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

March 18, 1991

### OPPOSING THE CLOSING OF THE SCOTLAND SCHOOL FOR VETERANS' CHILDREN AND URGING CERTAIN ACTIONS BY THE SECRETARY OF EDUCATION

Senator BELL, PUNT, SHUMAKER, HOPPER, JUBELIRER, ROBBINS, SALVATORE, HELFRICK, LOEPER and RHOADES offered the following resolution (Senate Resolution No. 35), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, March 18, 1991.

#### A RESOLUTION

Opposing the closing of the Scotland School for Veterans' Children and urging certain actions by the Secretary of Education.

WHEREAS, In 1893, the General Assembly provided in Act 118 for the establishment of the Pennsylvania Soldiers Orphans' Industrial School; and

WHEREAS, The mission of the school was to provide for the education of orphans and children of honorably discharged soldiers, sailors or marines; and

WHEREAS, In 1951, the name of the school was changed to the Scotland School for Veterans' Children; and

WHEREAS, Under the act of May 21, 1943 (P.L.302, No.140), preference in admission to the school is as follows:

(1) Children whose parent or parents served in the armed forces during any war or armed conflict in which the United States has been, is now or may hereafter be engaged, or in any movement or campaign in connection therewith or resulting therefrom.

(2) Children, both of whose parents are dead.

(3) Children, with only one living parent.

(4) Destitute children not being in either of the two foregoing classes;

and

WHEREAS, Governor Casey in his proposed budget for fiscal year 1991-1992 has provided for the closing of the Scotland School for Veterans' Children; therefore be it

RESOLVED, That the Senate vehemently oppose the closing of the Scotland School for Veterans' Children; and be it further

RESOLVED, That the Senate call upon the Secretary of Education to initiate corrective action to conform admission standards to comply with existing law; and be it further

RESOLVED, That the Senate urge the Secretary of Education to make known to veterans and veterans' organizations the availability of educational opportunities at the Scotland School for Veterans' Children.

## GENERAL COMMUNICATIONS

### JOB TRAINING PARTNERSHIP ACT PLANS

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

#### LUZERNE COUNTY HUMAN RESOURCES DEVELOPMENT DEPARTMENT

Daniel J. Flood Skill Center  
53 Blackman Street

Wilkes-Barre, Pennsylvania 18702-4299

February 15, 1991

President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, Pennsylvania 17120

Re: SDA#16 Master Plan Program Year 1991  
July 1, 1991 to June 30, 1992  
Modification #MP160-01

Dear Mr. President Pro Tempore:

In accordance with the Bureau of Job Training Partnership's September 28, 1990 JTPA planning guidelines, be advised that JTPA Service Delivery Area 16 - Luzerne and Schuylkill Counties - through its administrative entity, has its JTPA Master Plan Modification available for you upon request. That Master Plan is inclusive of all JTPA programs and services for the period July 1, 1991 to June 30, 1992.

Should you have any need of or interest in any of the above, please advise accordingly.

Sincerely,

MICHAEL P. TYMCZYN, JR.  
Administrative Assistant  
Planner

PRIVATE INDUSTRY COUNCIL  
OF PHILADELPHIA, INC.  
One Penn Center at Suburban Station  
Suite 1300  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1813

February 28, 1991

The Hon. Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

The Private Industry Council (PIC) of Philadelphia has recently submitted its Master Plan modification to the PA Department of Labor and Industry for the delivery of employment and training services in the City of Philadelphia under the federal Job Training Partnership Act (JTPA).

This modification to the PIC's Master Plan will be in effect through June 30, 1992. It will serve as the Private Industry Council's agreement with the PA Department of Labor and Industry outlining our administrative systems, program goals and priorities.

It is the intention of the Philadelphia PIC to minimally serve 2,950 economically disadvantaged individuals under the JTPA Title IIA adult, youth and older worker grant. The PIC will target its services, ranging from basic education to skills training and job placement, for disadvantaged groups as their incidence in the general population dictates.

Copies of the plan are available through the Private Industry Council of Philadelphia, One Penn Center at Suburban Station, 1617 John F. Kennedy Blvd., Suite 1300, Philadelphia between Monday and Friday from 9:00 am to 5:00 pm.

Sincerely,

PATRICIA E. IRVING  
President & CEO

PRIVATE INDUSTRY COUNCIL  
OF LEHIGH VALLEY INC.

1601 Union Boulevard

P.O. Box 2287

Lehigh Valley, PA 18001-2287

March 4, 1991

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

The Private Industry Council of Lehigh Valley (PIC), a Service Delivery Area (SDA), funded under the Job Training Partnership Act (JTPA) which serves residents of both Lehigh and Northampton Counties, has submitted its Master Plan Modification to the Pennsylvania Department of Labor and Industry.

The Master Plan, effective July 1, 1990 through June 30, 1992, describes PIC's goals in coordinating and providing services to the area's unemployed and underemployed population. These services include vocational and basic skill training, job placement, and job search activities.

Furthermore, we wish to inform you that the Master Plan is available for your review. If you would like to request a copy of this Plan or need any additional information concerning our services, please contact me at (215) 437-5627, extension 248.

Sincerely,

GREGORY M. CHAJNACKI  
Planner

BERKS COUNTY EMPLOYMENT  
AND TRAINING OFFICE

15 South 8th Street

Reading, Pennsylvania 19602-1105

March 6, 1991

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Mr. Jubelirer:

The County of Berks is a designated Service Delivery Area authorized to receive funds and operate employment and training programs under the provisions of the Job Training Partnership Act (U.S. Public Law 97-3000).

We have recently completed and submitted to the Pennsylvania Department of Labor and Industry a modification to our Master Plan for Program Years 1990 and 1991 which describes how Berks County will administer Job Training Partnership Act funds and programs during the period July 1, 1990 through June 30, 1992 and, we will presently prepare and submit an Annual Contract for Adult/Youth and Older Worker Programs to be operated under the provisions of Title II A of the Job Training Partnership Act.

The Master Plan has been available for public review and the Title II A Annual Contract will be available for review beginning March 20, 1991. If you desire to be provided with a copy of either document, please notify me.

Sincerely yours,

ROBERT J. BUKOVSKY,  
Executive Director

CITY OF PITTSBURGH

Department of Personnel and Civil Service Commission  
404 City-County Building  
Pittsburgh, Pennsylvania 15219

March 11, 1991

Hon. Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

In accordance with Section 105 of the Job Training Partnership Act, final drafts of the Annual Plans for Adults and Youth and for Older Workers (July 1, 1991 - June 30, 1991) and a modification to the City of Pittsburgh's JTPA Master Plan (July 1, 1990 - June 30, 1992) have been issued.

Copies may be obtained by contacting this office at (412) 255-2329.

Sincerely,

DAVE FARLEY  
Manager

Pittsburgh Partnership

The PRESIDENT pro tempore. The communications will be filed in the library.

## DEPARTMENT OF EDUCATION

### ADULT LITERACY PROGRAMS

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

## COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

February 4, 1991

Subject: Report on 1989-90  
Adult Literacy Programs

To: The Honorable John J. Zubeck  
Chief Clerk  
House of Representatives  
The Honorable Mark R. Corrigan  
Secretary  
The State Senate

From: WALTER L. CARMO  
Director  
Office of Policy and  
Government Relations

Secretary Carroll has asked me to send you a copy of the Department of Education's Report on adult literacy programs operated pursuant to Act 143 of 1986 during the fiscal year ending June 30, 1990. Section 7 of that act requires the submission of this report to the General Assembly.

Copies are being distributed to each member of the General Assembly (see attached cover memo).

If you need additional copies of the report for your office, please call me at 7-7575.

The PRESIDENT pro tempore. This report will be filed in the Library.

**AUDITOR GENERAL'S CERTIFICATE**

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

**COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE AUDITOR GENERAL  
Harrisburg, PA 17120-0018**

February 28, 1991

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII of the Constitution of the Commonwealth of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, the Auditor General is required on or before each March 1 and September 1 to make a certification to the Governor and the General Assembly.

A duplicate original of my certificate is enclosed.

Sincerely,

**BARBARA HAFFER**  
Auditor General

**AUDITOR GENERAL'S CERTIFICATE**

Pursuant to

**ARTICLE VIII, Section 7(a)(4) and (c)  
of the  
CONSTITUTION OF PENNSYLVANIA  
and the**

**Act of April 9, 1929, No. 176, as amended**

To The Governor and The General Assembly:

I, BARBARA HAFFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII, (Section 7(a) (4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article XVI-B; added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

The average annual tax revenues deposited in all funds in the five fiscal years ended preceding the date of February 28, 1991 .....	\$13,173,346,761
(i) The amount of outstanding net debt as of the end of preceding fiscal year .....	3,968,658,985
(ii) The amount of such net debt as of February 28, 1991 .....	3,861,731,743
(iii) The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a)(4) of the Constitution of Pennsylvania and the amount of such net debt as of the date of February 28, 1991 .....	19,191,625,089
(iv) The amount of such debt scheduled to be repaid during the remainder of the current fiscal year .....	102,441,510
(v) The amount of debt authorized by law to be issued, but not yet incurred .....	13,329,013,468

(vi) The amount of outstanding obligations excluded from outstanding debt as self sustaining pursuant to Article VIII, Section 7(c)(1), (2), and (3) of the Constitution of Pennsylvania.....	350,235,000
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All figures listed above are as of February 28, 1991.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Auditor General, this 28th day of February, 1991.

**BARBARA HAFFER**  
Auditor General  
Commonwealth of Pennsylvania

**DEPARTMENT OF COMMERCE****REPORT OF REVENUE BOND AND  
MORTGAGE ALLOCATION**

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

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF COMMERCE  
Harrisburg**

February 8, 1991

Mr. Mark R. Corrigan  
Secretary of the Senate  
The Senate of Pennsylvania  
Commonwealth of Pennsylvania  
462 Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

As required by the Tax-Exempt Bond Allocation Act of 1985, Act 113, Section 7 (3), I am providing a report on tax-exempt bond allocation during 1990.

This report details the use of volume cap for small issue projects, exempt facility projects, housing bonds, and educational bonds. Tables 5 and 6 of this report list small issue and exempt facility allocations by county and include the issuing authority, project name, allocation amount, and estimated jobs for each project.

In addition, I am providing a list of allocation requests which were disapproved in 1990 and a list of requests pending at the end of the year. All of the disapproved and pending projects are exempt facilities.

If you have any questions, please contact me.

Sincerely,  
**RAYMOND R. CHRISTMAN**  
Secretary of Commerce

The PRESIDENT pro tempore. This report will be filed in the Library.

**DEPARTMENT OF PUBLIC WELFARE****ANNUAL REPORT ON THE FAMILY  
PRESERVATION PROGRAM**

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

P. O. Box 2675

Harrisburg, Pennsylvania 17105

February 15, 1991

Mr. Mark R. Corrigan, Secretary  
Senate of Pennsylvania  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

Pursuant to the mandate of Act 35 of 1989, known as the Family Preservation Act, I am pleased to hereby transmit the Department of Public Welfare's second annual report to the General Assembly on the Family Preservation Program.

The act requires that the report provide an evaluation of the effectiveness of the Program in meeting its stated purposes during the preceding fiscal year. This report therefore covers the 1989-90 fiscal year.

Thank you for your continuing interest in services to children, youth and their families.

Best wishes.

Sincerely,

JOHN F. WHITE, JR.  
Secretary

The PRESIDENT pro tempore. This report will be filed in the Library.

**REPORT FROM JOINT STATE  
GOVERNMENT COMMISSION**

**THE FEASIBILITY AND IMPACT OF  
AN INSURE-THE-DRIVER PROGRAM  
FOR PHILADELPHIA**

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

GENERAL ASSEMBLY OF THE  
COMMONWEALTH OF PENNSYLVANIA  
JOINT STATE GOVERNMENT COMMISSION  
Room 108 - Finance Building  
Harrisburg 17120

March 11, 1991

To the Honorable, the Senate  
of the General Assembly of the  
Commonwealth of Pennsylvania

On behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication, The Feasibility and Impact of an Insure-The-Driver Program for Philadelphia: Staff Analysis by the Joint State Government Commission Pursuant to Act 6 of 1990, Section 29.

Copies of this publication for members of the Senate have been placed in their post office boxes.

Respectfully submitted,  
ROGER A. MADIGAN  
Chairman

The PRESIDENT pro tempore. This report will be filed in the Library.

**REPORTS FROM COMMITTEES**

Senator LEMMOND, from the Committee on State Government, reported the following bills:

**SB 145 (Pr. No. 145)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for alternate security for performance of contracts.

**SB 205 (Pr. No. 214)**

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

**SB 221 (Pr. No. 230)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing special leave for certain disabled veterans when required to receive treatment at a Veterans' Administration medical facility.

**HB 244 (Pr. No. 922) (Amended)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

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

**SB 14 (Pr. No. 14) (Rereported)**

An Act imposing restrictions and prohibitions on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; providing for the powers and duties of the Environmental Quality Board; and imposing penalties.

**SB 278 (Pr. No. 287) (Rereported)**

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," repealing provisions relating to county liability; and discharging certain county liability.

**SB 444 (Pr. No. 715) (Rereported)**

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," classifying the State System of Higher Education, the State Employees' Retirement System and the Public School Employees' Retirement System as independent agencies entitled to appoint and fix the compensation of legal counsel.

**SB 653 (Pr. No. 683) (Rereported)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the payment of certain salaries, benefits and expenses from the Capital Facilities Fund.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator LEMMOND, from the Committee on State Government, reported the following resolution:

**SR 7 (Pr. No. 164)**

A Resolution creating a Senate Task Force to investigate and recommend ways to attract and retain volunteer fire, ambulance and rescue personnel and to enhance cooperation from Pennsylvania businesses to support volunteer services.

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

**LEGISLATIVE LEAVE**

Senator STAPLETON. Mr. President, I ask for a temporary Capitol leave for Senator Fattah.

The PRESIDENT pro tempore. Senator Stapleton requests a temporary Capitol leave for Senator Fattah. The Chair hearing no objection, the leave is granted.

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION****RECESS ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, March 18, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, April 2, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, April 2, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

**LEGISLATIVE LEAVES**

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Bortner.

The PRESIDENT pro tempore. Senator Stapleton further requests a temporary Capitol leave for Senator Bortner. The Chair hearing no objection, the leave is granted.

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Fumo.

The PRESIDENT pro tempore. Senator Mellow further requests temporary Capitol leave for Senator Fumo. The Chair hearing no objection, that leave is granted.

**LEAVE OF ABSENCE**

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

And the question recurring,

Will the Senate agree to the motion?

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

**YEAS—48**

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

**NAYS—0**

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

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Bortner whose leave will be cancelled.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor to vote the Calendar by about 3:15 p.m.

Senator MELLOW. Mr. President, I would request the Democrat Members to meet in our caucus room immediately upon the conclusion of the Session.

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses to begin immediately in their respective caucus rooms, the Senate will stand in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVE**

Senator LINCOLN. Mr. President, I need a temporary Capitol leave for Senator Bodack.

The PRESIDENT pro tempore. Senator Lincoln has requested a Capitol leave for Senator Bodack. The Chair hears no objection and that leave will be granted.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 304 (Pr. No. 314)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for detention of children.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

#### YEAS—47

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

#### NAYS—1

Punt

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

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

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the appearance on the floor of the gentleman from Philadelphia, Senator Fumo, and his temporary Capitol leave will be cancelled.

## SPECIAL ORDER OF BUSINESS

### GUESTS OF SENATOR EARL M. BAKER PRESENTED TO SENATE

Senator BAKER. Mr. President, as many of you may know, there is a meeting going on in Harrisburg at this time of the Pennsylvania State Association of Boroughs. I think we owe a great debt of gratitude to all those who are willing to serve in local government. There is a delegation in the gallery at this time from my hometown of Malvern Borough of

elected officials: Mr. and Mrs. Samuel Burke, Mr. and Mrs. Dominick Pisano and Charles Whitehorne. I would like to welcome them to Harrisburg and thank them for their devoted public service.

The PRESIDENT pro tempore. Will those guests of Senator Baker who are in the gallery kindly rise so the Senate may give you its usual warm welcome.

(Applause.)

## SPECIAL ORDER OF BUSINESS

### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Committee on Rules and Executive Nominations has been given permission to meet today off the floor to consider Senate Bill No. 523 and Resolutions No. 32 and 35.

## LEGISLATIVE LEAVE

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

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

## CONSIDERATION OF CALENDAR RESUMED

### SECOND CONSIDERATION CALENDAR

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

**HB 236 (Pr. No. 773)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing local taxing authorities the option of relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of such armed forces from certain local tax filing deadlines.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator Fumo offered the following amendment No. A0301:

Amend Sec. 2, page 3, line 28, by inserting after "Act;": the act of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to as the Sterling Act;

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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



**PREFERRED APPROPRIATION BILL  
ON SECOND CONSIDERATION**

**HB 546 (Pr. No. 598)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Tax Stabilization Reserve Fund for the fiscal year 1990-1991.

Considered the second time and agreed to,

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

**BILL ON SECOND CONSIDERATION**

**SB 9 (Pr. No. 9)** — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

**BILL OVER IN ORDER**

**SB 222** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL REREFERRED**

**SB 224 (Pr. No. 233)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Department of Labor and Industry for use in the Veterans' Outreach Assistance Centers.

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

**BILLS OVER IN ORDER**

**SB 432 and 433** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR ROBERT D. ROBBINS  
PRESENTED TO SENATE**

Senator ROBBINS. Mr. President, I would like to introduce three members of the Boroughs Association that I have here today from Greenville, Pennsylvania: Jean Hodge, Dave Welton and Marie Julian, and they are in the balcony.

The PRESIDENT pro tempore. Would the guests of Senator Robbins please rise in the gallery so we may give you our usual warm welcome.

(Applause.)

**CONSIDERATION OF CALENDAR RESUMED**

**SECOND CONSIDERATION CALENDAR RESUMED**

**BILL REREFERRED**

**SB 434 (Pr. No. 720)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Freedom Defense Campaign Medal and Ribbon.

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

**SENATE RESOLUTION NO. 18, CALLED UP**

Senator LOEPER, without objection, called up from page 3 of the Calendar, **Senate Resolution No. 18**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study in relation to the Persian Gulf War.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 18, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 18.

The motion was agreed to and the resolution was adopted.

**SENATE CONCURRENT REGULATORY REVIEW  
RESOLUTION NO. 1, CALLED UP**

Senator LOEPER, without objection, called up from page 3 of the Calendar, **Senate Concurrent Regulatory Review Resolution No. 1**, entitled:

Disapproving a certain regulation proposed by the Department of Public Welfare.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT REGULATORY REVIEW  
RESOLUTION NO. 1, AMENDED**

Senator PETERSON offered the following amendment:

Amend Resolution, page 2, by inserting between lines 21 and 22:

WHEREAS, On February 5, 1991, the committee met, disapproved and urged the commission to reject the regulations; and

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**RECESS**

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

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

### AFTER RECESS

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

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

February 11, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fitz Eugene Dixon, Jr., P. O. Box 178, 665 Thomas Road, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fred C. McIlhattan, Box 27, Peterson Avenue, Knox 16232, Clarion County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul A. Weaver, 1072 Sunset Drive, Clarion 16214, Clarion County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

### NOMINATIONS LAID ON THE TABLE

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

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

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

#### NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

#### MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gabriel L. I. Bevilacqua, 1000 Susan Road, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE BRANDYWINE BATTLEFIELD PARK COMMISSION

December 5, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eugene L. DiOrto, 201 Walnut Street, Coatesville 19320, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE BRANDYWINE BATTLEFIELD PARK COMMISSION

February 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George W. Franz, 11 Stirling Way, Chadds Ford 19317, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Clifford Lewis, Flourtown, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

December 5, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cuyler H. Walker, Rolling Plains Farm, Wollaston Road, Unionville 19375, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until June 24, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

**YEAS—48**

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

**NAYS—0**

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**UNFINISHED BUSINESS**

**REPORT FROM COMMITTEE**

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

**SB 523 (Pr. No. 784) (Amended)**

An Act amending the act of January 10, 1968 (1967 P. L. 925, No. 417), entitled "Legislative Officers and Employees Law," reestablishing and expanding the membership of the Senate Committee on Management Operations.

**RESOLUTIONS REPORTED FROM COMMITTEE**

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

**SR 32 (Pr. No. 714)**

A Resolution designating April 29 through May 4, 1991, as "Reflex Sympathetic Dystrophy Syndrome Awareness Week" in Pennsylvania.

**SR 35 (Pr. No. 763)**

A Resolution opposing the closing of the Scotland School for Veterans' Children and urging certain actions by the Secretary of Education.

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

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Lynne F. Shampain by Senator Afflerbach.

Congratulations of the Senate were extended to Ruth Ann Mantz by Senator Afflerbach and Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Titus S. Weaver, William J. Bitts, Arno B. Schoch, Harold H. Hohman, Kathryn Jarrett Wielinga and to Georgetta Margerum by Senator Armstrong.

Congratulations of the Senate were extended to Amy A. McCarthy by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Edward J. Ricchiuto, David Pruszyński, Mike Freeman and to Fong's Laundry by Senator Bodack.

Congratulations of the Senate were extended to Young Women's Club of York and to White Rose Chapter of Professional Secretaries International by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. John P. Hasson by Senator Corman.

Congratulations of the Senate were extended to Estelle Knight by Senator Hart.

Congratulations of the Senate were extended to Christopher Roth by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. John K. Spencer, Sr. by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Ray S. Major, Mr. and Mrs. Laurence Osterhout, Mr. and Mrs. Dominick N. DiRoberto, Mr. and Mrs. Rudolph Lasher, Mr. and Mrs. Paul Lee, Walter Harding and to Marvin L. Bunnell by Senator Lemmond.

Congratulations of the Senate were extended to National Pike Festival Committee by Senator Lincoln.

Congratulations of the Senate were extended to James L. Brown by Senator Lynch.

Congratulations of the Senate were extended to Oley Valley Wrestling Team by Senator O'Pake.

Congratulations of the Senate were extended to Ruth Esther Ray by Senator Punt.

Congratulations of the Senate were extended to Eric R. Motz, Brian D. Derrer, Emil Simodejka and to Pat Haughton by Senator Rhoades.

Congratulations of the Senate were extended to Blaine Schlooser and to Douglas L. Greenfield by Senator Robbins.

Congratulations of the Senate were extended to Patrick J. Madden and to Sergeant Joseph G. Pandos by Senator Shaffer.

Congratulations of the Senate were extended to Reverend Henry R. Early by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Clair W. Stear, Mr. and Mrs. Weldon Rhodes and to Mr. and Mrs. William C. Shaffer by Senator Stapleton.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Alphonse P. Michalek by Senator Lemmond.

### BILL IN PLACE

Senator SCHWARTZ presented to the Chair a bill.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 145, 205, 221, 523 and HB 244.**

And said bills having been considered for the first time,

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

### SENATE RESOLUTION

#### URGING THE NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) TO RESCIND ITS DECISION TO TERMINATE SERVICE TO MCKEESPORT VIA THE CAPITOL LIMITED ROUTE

Senator BELAN offered the following resolution (Senate Resolution No. 36), which was read, considered and adopted:

In the Senate, March 18, 1991.

### A RESOLUTION

Urging the National Railroad Passenger Corporation (AMTRAK) to rescind its decision to terminate service to McKeesport via the Capitol Limited Route.

WHEREAS, The National Railroad Passenger Corporation (AMTRAK) has announced that service to McKeesport via the Capitol Limited Route will be discontinued as of April 7, 1991; and

WHEREAS, October 3, 1990, the Senate adopted Senate Resolution No. 193, Printer's No. 2554, entitled "A resolution urging the National Railroad Passenger Corporation (AMTRAK) to work with local officials to increase ridership on the Capitol Limited Route in order to preserve rail passenger service to McKeesport and the Mon Valley"; and

WHEREAS, Since last fall when AMTRAK postponed for six months a decision to discontinue service to McKeesport, Federal, State and local officials have worked diligently in an effort to convince AMTRAK to cancel its decision to end service to McKeesport; and

WHEREAS, Since the McKeesport stop is unmanned, it costs very little for AMTRAK to operate it; and

WHEREAS, The McKeesport Transit Center, where the Capitol Limited Train stops, is handicapped accessible in such a way that it allows those with handicaps to gain independent access to the train and rail service that is not available in other unmanned stops along AMTRAK's line; and

WHEREAS, AMTRAK has done nothing in the last six months to promote the McKeesport stop; and

WHEREAS, A decision by AMTRAK to cease operation of the Capitol Limited Route would cause significant, negative ramifications for the Mon Valley, which is poised for revitalization following a long period of economic decline; and

WHEREAS, Loss of service to McKeesport will seriously hamper economic recovery in the Mon Valley; and

WHEREAS, Loss of AMTRAK rail service will exacerbate highway congestion and air pollution and increase consumption of expensive gasoline; therefore be it

RESOLVED, That the Senate urge the National Railroad Passenger Corporation (AMTRAK) to rescind its decision to terminate service to McKeesport via the Capitol Limited Route and to continue to provide service to

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, MARCH 19, 1991

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 225, 348 and 391 and House Bills No. 26 and 29, Regulation 16A-279 and L-900055/57-100)	Room 8E-B Hearing Room East Wing
10:00 A.M.	AGING AND YOUTH (to consider the nomination of Linda M. Rhodes for Secretary of Aging and Senate Bill No. 520)	Room 461 4th Floor North Wing

10:00 A.M.	TRANSPORTATION (to consider the nominations of the Honorable Howard Yerusolim as the Secretary of the Pennsylvania Department of Transportation and Mr. Robert A. Brady to the Pennsylvania Turnpike Commission)	Room 8E-A Hearing Room East Wing
10:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 118, 345, 401 and 497 and any other business that may come before the committee)	Room 460 4th Floor North Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 40, 48, 113, 266 and 390 and House Bill No. 70 and to consider Cyrus Palmer Dolbin, nominee for Court of Common Pleas of Schuylkill County)	Room 8E-B Hearing Room East Wing
11:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 467, 621 and 645)	Room 461 4th Floor North Wing
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Room 156 Senate Majority Caucus Room

## WEDNESDAY, MARCH 20, 1991

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Room 156 Senate Majority Caucus Room
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## THURSDAY, MARCH 21, 1991

9:00 A.M.	BANKING AND INSURANCE (Public Hearing - on Act 6 (automobile insurance) and related insurance matters)	Montgomery Cty Public Library Swede & Powell Streets Norristown, PA
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## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, March 19, 1991, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:40 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MARCH 19, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 16

### SENATE

TUESDAY, March 19, 1991.

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

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

### PRAYER

The Chaplain, Reverend SIDNEY C. STEWART, JR., Pastor of Beaver Valley Allegheny Wesleyan Methodist Church, Beaver Falls, offered the following prayer:

Shall we pray.

Dear Lord in Heaven, thank You so much for the privilege of opening this day in prayer. We were thinking, Lord, yesterday and today how we just do not want to come with flowery words or doctrinal phrases, but we came, Lord, to humble ourselves. We came to say that we need You.

We remember, Lord, a few years back how a little girl was stuck in a pit deep beneath the earth and, Lord, it seemed that there was no hope, but there was outside help that came. And, Lord, we need outside help. We are thankful, Lord, that that is provided through Your only begotten Son.

We pray, Lord, for our State Senators. Help them as they help us, and guide them as they guide us and be with them as individuals. Be with their families, their children and their spouses but, Lord, be with them through temptation and sorrows. Help them, Lord, through their failures and their successes and, Lord, for all these things we will be sure to praise You. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 18, 1991.

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

### HOUSE MESSAGES

#### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 346**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

### BILLS INTRODUCED AND REFERRED

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

Tuesday, March 18, 1991

Senators JUBELIRER, BRIGHTBILL, HELFRICK, CORMAN, WENGER, SHAFFER and FISHER presented to the Chair **SB 721**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for a rating system in relation to professional employees.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators JUBELIRER, BRIGHTBILL, HELFRICK, CORMAN, WENGER, SHAFFER and FISHER presented to the Chair **SB 722**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for dismissal of professional employees.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators JUBELIRER, BRIGHTBILL, HELFRICK, CORMAN, WENGER, SHAFFER and FISHER presented to the Chair **SB 723**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for contracts of employment for professional employees and for certain hearings and appeals.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators JUBELIRER, BRIGHTBILL, HELFRICK, CORMAN, WENGER, SHAFFER and FISHER presented to the Chair **SB 724**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for causes for termination of contract of a professional employee.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators PETERSON, RHOADES, HOPPER, FISHER, ROBBINS, CORMAN, GREENWOOD, BELAN, BAKER, SHAFFER, HART and JUBELIRER presented to the Chair **SB 725**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for teaching certificates.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators FISHER, RHOADES, AFFLERBACH, ROBBINS, SHAFFER, JUBELIRER, HART, BORTNER, LYNCH, BAKER and MADIGAN presented to the Chair **SB 726**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for awarding a contract or contracts, specifications and lowest responsible bids for construction or lease or purchase of buildings.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators GREENWOOD, CORMAN, BAKER, GREENLEAF, HELFRICK and RHOADES presented to the Chair **SB 727**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Which was committed to the Committee on LABOR AND INDUSTRY, March 18, 1991.

Senators SALVATORE, GREENLEAF, FISHER, CORMAN, BAKER, SHAFFER, HELFRICK and JUBELIRER presented to the Chair **SB 728**, entitled:

An Act providing for certain assistance and remedies in relation to schools found to be educationally deficient or academically bankrupt; and providing for certain sanctions.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators JUBELIRER, CORMAN, GREENWOOD, BAKER, SHAFFER and FISHER presented to the Chair **SB 729**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the issuance of permanent college certificates; and providing for student teacher supervisors.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators PETERSON, FISHER, ROBBINS, CORMAN, BELAN, SHAFFER, HART and JUBELIRER presented to the Chair **SB 730**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for qualifications of a business administrator.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators PETERSON, FISHER, ROBBINS, CORMAN, BELAN, SHAFFER, HART and JUBELIRER presented to the Chair **SB 731**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for qualifications of principals.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators PETERSON, FISHER, ROBBINS, CORMAN, BELAN, SHAFFER, HART and JUBELIRER presented to the Chair **SB 732**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for qualifications of superintendents.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators JUBELIRER, GREENLEAF, FISHER, CORMAN, WENGER, GREENWOOD, BELAN, BAKER and SHAFFER presented to the Chair **SB 733**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for teaching certificates.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators JUBELIRER, HOPPER, HART, GREENLEAF, BRIGHTBILL, CORMAN, GREENWOOD, BAKER and SHAFFER presented to the Chair **SB 734**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," defining the term "instruction" to exclude certain activities; and further providing for school times and terms.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators PUNT, GREENLEAF, BRIGHTBILL, CORMAN, SHAFFER and JUBELIRER presented to the Chair **SB 735**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for teaching certificates; and making an editorial change.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators PUNT, HOPPER, HART, GREENLEAF, FISHER, BRIGHTBILL, ROBBINS, CORMAN, BELAN, BAKER, SHAFFER and JUBELIRER presented to the Chair **SB 736**, entitled:

An Act establishing the Teaching Fellows Commission and providing for its powers and duties; establishing the Teaching Fellows Program; and providing for certain scholarship loans.



Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators HART, GREENLEAF, ROBBINS, CORMAN, BELAN, BAKER, SHAFFER, HELFRICK and JUBELIRER presented to the Chair **SB 737**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," defining "administrative/supervisory employee" and "department"; and providing for additional State funding.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators SHAFFER, FISHER, RHOADES, HOPPER, BRIGHTBILL, HART, CORMAN, BAKER, HELFRICK and JUBELIRER presented to the Chair **SB 738**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," regulating strikes by employees of school entities.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators ROBBINS, RHOADES, HART, GREENLEAF, CORMAN, WENGER, BAKER, SHAFFER and JUBELIRER presented to the Chair **SB 739**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," defining "inter-scholastic or intramural athletics and extracurricular activities"; and providing for rules and regulations.

Which was committed to the Committee on EDUCATION, March 18, 1991.

Senators BAKER, HOPPER, SHAFFER, GREENLEAF, FISHER, HART, CORMAN, BELAN and JUBELIRER presented to the Chair **SB 740**, entitled:

An Act making an appropriation to the Pennsylvania Academy for the Profession of Teaching for the 1991-1992 fiscal year.

Which was committed to the Committee on APPROPRIATIONS, March 18, 1991.

## RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

March 19, 1991

### ESTABLISHING A SPECIAL COMMITTEE TO INVESTIGATE MEANS OF GENERATING ADDITIONAL SOURCES OF REVENUE NEEDED TO MAINTAIN THE INTEGRITY OF THE STATE LOTTERY FUND

Senators ANDREZESKI, BELAN, PORTERFIELD, SALVATORE, LYNCH and STOUT offered the following resolution (**Senate Resolution No. 37**), which was read and referred to the Committee on Finance:

In the Senate, March 19, 1991.

## A RESOLUTION

Establishing a Special Committee to investigate means of generating additional sources of revenues needed to maintain the integrity of the State Lottery Fund.

WHEREAS, The Pennsylvania Lottery was established by the General Assembly under Act 91 of 1971 "for the purposes of providing property tax relief for the elderly" and "for providing certain free fixed route local transit services to persons sixty-five years of age or older"; and

WHEREAS, Since that time, the State Lottery Fund has been called on to provide more funds for more programs that benefit older Pennsylvanians; and

WHEREAS, The State Lottery Fund now pays for Property Tax and Rent Rebates, Inflation Dividends, Free Mass Transit, Elderly Vehicle Registrations, Area Agency on Aging Grants, the Pharmaceutical Assistance Contract for the Elderly (PACE) Program, Abuse Intervention Services for Older Pennsylvanians, the PennCARE Program and the general government operations of the Pennsylvania Department of Aging; and

WHEREAS, The State Lottery Fund has also been used to pay for existing programs that were formerly funded out of the General Fund, providing almost \$173 million in funds to such programs in 1986-1987; and

WHEREAS, The expansion of the State Lottery Fund, coupled with the growing costs of funding existing programs for older Pennsylvanians, has now reached a point where the State Lottery Fund is projected to show a negative ending balance in the next fiscal year; and

WHEREAS, Even with the continued transfer of line items from the State Lottery Fund to the General Fund and other preservation initiatives, it is estimated that the deficit in the State Lottery Fund will reach \$200 million in fiscal year 1993-1994; and

WHEREAS, The deficit in the State Lottery Fund would seriously jeopardize the continuation of existing senior citizen programs at their current levels; therefore be it

RESOLVED, That the preservation of the State Lottery Fund and those lottery-funded programs that serve older Pennsylvanians be the highest priority of the Pennsylvania Senate; and be it further

RESOLVED, That the Senate take steps necessary to protect the integrity of the State Lottery Fund by establishing a Special Committee to investigate means of generating additional revenues to keep the State Lottery Fund solvent; and be it further

RESOLVED, That this Special Committee specifically study what impact various other options of gambling in Pennsylvania would have in terms of generating additional moneys to keep the State Lottery Fund out of deficit; and be it further

RESOLVED, That the Special Committee make a thorough examination of all forms of gambling as they now exist in Pennsylvania by utilizing public opinion surveys, focus groups and public hearings, as well as the means by which the Commonwealth operates, licenses or regulates these forms of gambling to the benefit of its citizens; and be it further

RESOLVED, That the Special Committee investigate what impact other existing forms of gambling, including, but not limited to, sports betting, video poker, small games of chance and off-track betting, would have on enabling the Commonwealth to be in the premiere position to realize additional revenues that will enable the State Lottery Fund to remain solvent; and be it further

RESOLVED, That the Special Committee examine existing forms of gambling in other states, which may be similar or dissimilar to those forms which exist in Pennsylvania, and evaluate what social and economic impact they have both in that state and potential impact, if any, for the Commonwealth; and be it further

RESOLVED, That the Special Committee consist of five majority members and four minority members of the Senate

appointed by the President pro tempore and that the expenses incurred by the Special Committee in carrying out its responsibility, including the hiring of an actuary, be paid from appropriate accounts under the control of the Chief Clerk; and be it further

**RESOLVED**, That the Special Committee make recommendations to the full Senate based on its analysis of the potential for generating additional revenues from various other options of gambling and the potential fiscal impact of these additional revenues on preserving the integrity of the State Lottery Fund in terms of:

- (1) continuing existing programs to benefit senior citizens at current levels;
- (2) expanding certain programs to keep up with the demands placed on State services by an increasingly aging population; and
- (3) creating new programs to meet unmet needs in the areas of long-term care and catastrophic medical coverage for older Pennsylvanians.

### APPOINTMENT BY MINORITY LEADER

The **PRESIDENT**. The Chair wishes to announce the Minority Leader has made the following appointment:

Senator Roy C. Afflerbach to serve with the Task Force on Decedents' Estates Laws.

### REPORTS FROM COMMITTEES

Senator **PETERSON**, from the Committee on Public Health and Welfare, reported the following bills:

#### **SB 467 (Pr. No. 496)**

An Act providing for control and treatment of Lyme disease; and making appropriations.

#### **SB 621 (Pr. No. 651)**

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

#### **SB 645 (Pr. No. 675)**

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

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

#### **SB 348 (Pr. No. 357)**

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

#### **SB 391 (Pr. No. 827) (Amended)**

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," extending the act to leases of automobiles.

#### **HB 26 (Pr. No. 16)**

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," providing for electrolgists and for the practice of electrology; creating a committee; and making an appropriation.

#### **HB 29 (Pr. No. 19)**

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

Senator **HOPPER**, from the Committee on Aging and Youth, reported the following bill:

#### **SB 520 (Pr. No. 549)**

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further defining "maximum annual income."

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

#### **SB 118 (Pr. No. 118)**

An Act prohibiting certain persons and corporations from bidding on municipal contracts.

#### **SB 345 (Pr. No. 355)**

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," authorizing certain municipalities to extend pension credit for prior military service for its employees.

#### **SB 401 (Pr. No. 426)**

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

### REGULATIONS REPORTED

Senator **BELL**, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations for submission to the Independent Regulatory Review Commission, without objection:

State Board of Cosmetology Regulation 16A-279 and  
PUC Regulation L-900055/57-100.

### BILLS IN PLACE

Senator **REIBMAN** presented to the Chair several bills.

Senator **O'PAKE** presented to the Chair a bill.

Senator **ANDREZESKI** presented to the Chair several bills.

### LEGISLATIVE LEAVES

Senator **STAPLETON**. Mr. President, I would ask for temporary Capitol leaves for Senator Belan and Senator Fattah.

The **PRESIDENT**. Senator Stapleton asks for temporary Capitol leaves for Senator Belan and Senator Fattah. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator **STAPLETON** asked and obtained leaves of absence for Senator **LYNCH** and Senator **SCANLON**, for today's Session, for personal reasons.

## CALENDAR

## THIRD CONSIDERATION CALENDAR

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

**HB 236 (Pr. No. 926)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing local taxing authorities the option of relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of such armed forces from certain local tax filing deadlines.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

## YEAS—48

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

## NAYS—0

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

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

PREFERRED APPROPRIATION BILL ON THIRD  
CONSIDERATION AND FINAL PASSAGE

**HB 546 (Pr. No. 598)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Tax Stabilization Reserve Fund for the fiscal year 1990-1991.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator LOEPER. Mr. President, I would just bring to the attention of the Members that the bill before us, House Bill No. 546, is a measure that we have termed our Rainy Day Fund in Pennsylvania. It is a fund that we now have and our vote today will release approximately \$133 million, and it is going to go to pay some bills in Pennsylvania, particularly

bills that have piled up in the area of special education and medical assistance. I could not help, Mr. President, to take this opportunity to just mention that it has only been a couple of weeks ago that the Governor of this state had called for legislative cooperation, and he called for our cooperation on four items of budget significance: One, the Rainy Day Fund; additionally, also, budget bond bills; thirdly, a federal supplemental appropriation bill; and fourthly, a General Fund supplemental. I would indicate, Mr. President, that we did receive a draft of the Rainy Day legislation and we are being cooperative. We are doing it. We believe that this legislation needs to be considered and needs to be passed in order that some of our bills can be paid. We have not yet received any kind of draft of legislation on the bond issue, and we have not seen any particular drafting from the administration dealing with that issue. I think that we have received, however, a draft on the federal supplemental, and it is my understanding that the House is considering it today and will probably act on it, and it will be over here for us to look at sometime after we return from the Easter recess. But, yet, even now as we consider the Rainy Day Fund before us today, we have yet to receive a draft of the General Fund's supplemental bill that, again, was one of the items that was listed as needing legislative cooperation.

The point of my remarks today, Mr. President, is simple. It just seems to me that it is ludicrous to ask for cooperation on one hand and not even receive proposals on the other. I think it is also not altogether certain why the Governor has waited until the bills were due before setting a process in motion. The administration faces at this time enough of a current fiscal crisis without trying to set up deadlines or showdowns in order to secure any type of legislative action. I think, also, it is important to note, Mr. President, that the record shows that during 1990 the Governor repeatedly insisted that the Rainy Day Fund was not needed to carry his budget through this current fiscal year. This was a call that we had made on many occasions during the course of the budget deliberations late last spring and early last summer. Yet spending this money will still leave the administration two months more short of reaching the end of this current fiscal year. This is a short-term step, the Rainy Day Fund that we are going to be voting on today. It is certainly not by any means a long-term solution. It seems to me, Mr. President, that the House and Senate have acted promptly and cooperatively on this particular request.

## POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, in all due respect to the Majority Leader, I am having a very difficult time just hearing what the gentleman has to say standing on this side of the room because of the noise that is in the Chamber. The issue is something that is extremely important and I think it would be appropriate if we did have some order in the Body.

The PRESIDENT. The Chair thanks the gentleman. Would the Members of the Senate please desist from their conversations on the floor. Would the Members please take their seats, and the Chair thanks all of the Senators for their cooperation. The gentleman may proceed.

Senator LOEPER. Mr. President, in finishing my discussion on the Rainy Day Fund issue that is before us, I would simply indicate to the Members that the House and the Senate have acted promptly and cooperatively on this particular request by the administration. Now the Governor must realize that this is the end of the line for readily available answers to the budget deficits that we face between now and June 30th, and the answers to come have to be better conceived policy than issuing bonds to pay salaries or arbitrarily shutting down state facilities on justification that is quite questionable.

I think we all realize there are tough choices ahead of us, but they do not have to be bad choices in the name of political convenience. And the Governor, who said he was in the market for better ideas, I believe needs to come forward with some better ideas of his own to present for mutual cooperation.

Senator MELLOW. Mr. President, I guess cooperation means different things to different people. Perhaps it is in the eyes of the beholder as to what cooperation, basically, really amounts to. When you talk about legislative cooperation, Mr. President, there has not been a great deal of that demonstrated in this legislative Body for quite some time, although I do compliment the Majority on taking action as soon as possible on House Bill No. 546 which will allow the Rainy Day Fund to be spent, according to the letter that was set forth by the Governor. But, Mr. President, when we start to talk about cooperation and we start to talk about fiscal responsibility, I think they are kind of one-in-one and hand-in-hand. I do not think you can separate one from the other. And is it not quite ironic, Mr. President, that on the day we are considering an expenditure of well over \$100 million to go ahead and to pay bills from a fund that has been known as the Rainy Day Fund—it needs a two-thirds majority vote here in this Body because of the importance of the appropriation of this particular type of money—that we find on the same Calendar, Mr. President, of Tuesday, March 19, 1991, substantial expenditures of monies for the fiscal year of 1990-1991 which were negotiated by, basically, that same spirit of cooperation by the Members in this Chamber and the Members of the other Chamber, was negotiated some seven or eight months ago. Yet we still find ourselves, Mr. President, in a position where the Majority Party in Pennsylvania is trying to go ahead and use the Calendar we have today to increase the deficit in Pennsylvania by even a greater amount of money. Mr. President, it is no secret that if we go ahead and we do just a little bit of research as to what has happened over the last several months, possibly within the last year, you will find out that same Majority has asked us to go ahead and to spend monies of nearly \$315 million with no provision for funding. That is the type of cooperation we have had in this Body. So I think cooperation, as I stated before, maybe it is in the eyes of the

beholder or perhaps it means different things to different people, or maybe, as a former Senator used to say, it depends on whose ox is being gored.

I guess right now, Mr. President, it is time to go ahead and to gore the ox of the administration by talking about the expenditure of the Rainy Day Fund, but there is only one Member of the General Assembly, in the Senate at least, that I know who even talked about, on this floor and in proposal, the expenditure of the Rainy Day Fund, and that individual was a Democrat, during the last budget negotiation, not a Republican. So, I think it is great that we now have a new expression of cooperation on the part of the Majority Leader. I think the only way we are going to resolve our financial differences over the next several months is through that same spirit of cooperation by all 50 Members of the Senate, but the important thing today is that we have needs that must be addressed, we have money that must be spent, we have people who are in dire need of appropriations that are due to them, that will be made available by the passage of House Bill No. 546 and that in itself is a tremendous amount of cooperation. I think it is important, Mr. President, that we stop taking advantage of the political bickering and the political partisanship that, unfortunately, is shown here so many times, that we take and we try to restrict, if we can, our need for putting legislation on this Calendar that is going to cost money. If you look on the Calendar, on page 4, Senate Bill No. 653 is going to cost \$7.5 million of money that has not been part of a negotiated process. Further, we have an amendment today that is going to be offered to a proposal that if you vote against it, it is probably going to be like voting against apple pie and motherhood, in Senate Bill No. 443, which is going to increase already an appropriation to take care of those people who have served the country in the Gulf War by an additional \$50 a month, having no idea, Mr. President, where this money is going to come from. So, I think when we talk about a spirit of cooperation, that has to be an entire, comprehensive program. We must, Mr. President, try to the best of our ability to resist the temptation of further expenditures of money because when you look at the type of money that has been proposed by the Majority Members of this Senate since the 1989-90 Session and has been put up there by the Republican Members, it is absolutely astronomical. In fact, one individual Member of this Senate has introduced legislation that has appeared in some form on this floor of an additional expenditure of \$86 million, money that had never been negotiated; one of \$44 million that was never negotiated; one of \$26 million; and the litany goes on and on—\$26,200,000, \$26 million even, \$26,685,000, \$19,759,000, \$13,654,000, \$13,389,000, \$13,224,000, and the litany continues, Mr. President. In fact, one Member who is no longer a Member of this Senate asked us to spend \$8.3 million that had never been negotiated, and that individual is not even here to try to raise the type of revenues that are necessary to go ahead and to pay this particular deficit off.

To the credit of several Members of the Republican side, and I believe there are six of them in total, they have not intro-

duced any legislation that would call for any increase of any money. Maybe it is kind of ironic that those individuals who did not take the political advantage of making those types of introductions also, I believe, did not vote for the bill so they were true to the appropriations bills; so, by and large, they were true to their own convictions. But the frivolous type of spending that we have been asked to do in this Body over the past year, Mr. President, is just short of \$315 million, so when we talk about cooperation, if we are going to resolve the problem and our differences with regard to a budget and with regard to revenues, we need total cooperation. It has to be extended way beyond what we are dealing with here, the Rainy Day Fund, and I would ask for an affirmative vote on this proposal.

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

#### SPECIAL ORDER OF BUSINESS

##### GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, I am sure this debate is very stimulating to those who are fortunate enough to be in the gallery. I would like the Chair to extend its usual warm welcome to a group of students who are here as guests of the Daniel Boone Optimist Club of Douglassville. Each year this optimist club sponsors a Youth Appreciation Week and brings some high school students from the Berks County area to the Capitol. They have spent the day here, and I would ask the Chair to recognize in the gallery the President of the Daniel Boone Optimist Club, Steve Beatty, the Youth Appreciation Week Chairman, Mr. Duke Albitz, and several students from the high schools of the area served by the Daniel Boone Optimist Club.

The PRESIDENT pro tempore. Would the guests of Senator O'Pake who are sitting in the gallery please stand so we may give you our usual warm welcome.

(Applause.)

##### GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. In addition, Mr. President, as most Members know, today was Steelworkers Day on the Hill, and there are in the gallery several members of the United Steelworkers Locals from Berks County. If they would please rise, I would ask the Chair to extend its warm welcome to them, as well.

(Applause.)

##### GUESTS OF SENATOR GERALD J. LaVALLE PRESENTED TO SENATE

Senator LaVALLE. Mr. President, today in the gallery we have the wife and children of Reverend Sidney C. Stewart, Jr., our guest Chaplain from Beaver Falls. They are Teresa, his wife, and their children Wesley, Heather and Kimberly. Also with them are his sister and brother-in-law, the Reverend and Mrs. Gary Truitt and family.

The PRESIDENT pro tempore. Would those guests of Senator LaValle who are in the gallery please stand and we would certainly give you our warm welcome.

(Applause.)

##### GUESTS OF SENATOR JOHN E. PETERSON PRESENTED TO SENATE

Senator PETERSON. Mr. President, at this time it gives me great pleasure to welcome to the gallery of the Pennsylvania Senate probation officers from Warren, Erie and Forest Counties. Would the Senate please give their warm welcome to Carl McKee, Art Amann and Steve Barnett.

The PRESIDENT pro tempore. Would those guests of Senator Peterson who are in the gallery please stand and we will welcome you.

(Applause.)

##### GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO SENATE

Senator ROBBINS. Mr. President, we have with us today senior nursing students from Thiel College, Greenville, Pennsylvania. They are on a trip organized by Nancy Harig. I believe they are in the gallery and I would like to have them stand.

The PRESIDENT pro tempore. Would those guests of Senator Robbins please rise and we would certainly welcome you.

(Applause.)

The PRESIDENT pro tempore. We welcome all of you who are here to watch your state government in action.

And the question recurring,

Shall the bill pass finally?

Senator FUMO. Mr. President, I rise, too, to support the bill and also to respond to the Majority Leader's comments. The Majority Leader says that he has not yet seen a draft of the PERF bill. I would suggest to him that he look at Senate Bill No. 686 that I introduced last week and spoke about during Petitions and Remonstrances. It is currently stalled in the Committee on Appropriations. That is the PERF bill, and we can give him an analysis of that.

Mr. President, also, regarding the PERF bill, we did a little bit of research on that. We found out that this bill that is currently being stalled in the Committee on Appropriations, if you take a look at where PERF funding has gone during the Casey Administration on a per capita basis, the five counties that have benefitted the most from these programs are McKean County, Clearfield County, Luzerne County, Cameron County and Mercer County. If we look a little bit further, Mr. President, we will find out that the seventh county to have benefitted from this is Blair; Lycoming is number ten; Franklin is number eleven; Schuylkill is twelve. Mr. President, these are Republican counties. I do not know why you want to kill economic development in your own counties, unless you want to fund these programs through an increase in the income tax. I do not care how you fund them, it is up to you. But you had better damn well decide pretty



soon. Mr. President, one and one equals two, and this is the year we are going to learn that arithmetic lesson. When we did this budget last year, there were many critics who said it was not balanced, but not one critic from the other side of the aisle who was complaining that the budget was not balanced dared step forth and offer a solution to that unbalanced budget. Not one Republican took to the floor and said he wanted to cut money from that budget in order to balance it. Not one Republican took to the floor and said he wanted to increase taxes in order to balance it. In fact, Mr. President, I made the challenge just before we voted on that budget that I was prepared to vote for taxes on our side of the aisle if the other side of the aisle was willing to cooperate. That challenge fell on deaf ears, so I do not want to hear now that we have this problem that no one knew about.

Mr. President, this problem has been coming a long time, and today's Rainy Day Fund will help solve this year's deficit. We are all optimistic that this year's budget will be balanced by the time we close the books, but it is not going to be balanced without a lot of pain. We find that we want to close hospitals. People do not want to close hospitals. They do not want to vote for taxes to keep them open either. We wanted to close the Scotland State School. We cannot close the Scotland State School; we do not want to do that. But we also do not want to vote for taxes to keep it open. Mr. President, I submit to the other side of the aisle, if you have a better idea, talk about it here. Let us hear what your ideas are. If you do not like the Governor's budget, tell us in an open forum, what do you want to cut, or what tax do you want to raise to balance it. This is the year we will learn the arithmetic lesson that one and one equals two. This is not the United States Congress, which through a bipartisan effort, I will admit, on the part of a Democratic controlled Congress and a Republican Executive Branch, have worked together to give us the biggest budget deficits known in the history of the world. We do not have that luxury here, Mr. President. We may have played some games last year, but this year we are not going to be able to do that. I suggest to the Members of this Body that they be prepared to vote for taxes or they be prepared to vote for cuts. From the way I see the other side of the aisle spending money, it is obvious that they do not want to cut anything. Yesterday in the Committee on Appropriations, we pumped out more bills that cost money, albeit all wonderful things. "Where are you going to get the money to pay for these things?" I asked of the Republican Majority. Their Committee on Appropriations put out a bill for \$17 million yesterday. It would give forgiveness of county liabilities for forensic costs. Hey, that is a nifty idea. Where do we get the \$17 million in a budget that you charge is not balanced, you charge is in a deficit position? Where do we find this \$17 million? You do not know because you do not have a clue. I submit to you that this is the year that the Pennsylvania public will look through the games-playing. Not everyone can be a hero. At some point in time you cannot be for everything and not want to pay for it. This is the year we will pay for that or we will take it back. There is a very simple way to do this. Do not push this legislation out

of the Committee on Appropriations. Put a lock on all future spending until we get the budget balanced, but do not have the audacity to come into this Chamber and complain that the budget is not balanced and still want to spend more money. What happened to good old conservative Republicanism? Where did it go? The Republican Party in this Chamber has become the most liberal spenders in the history of the Commonwealth—\$300 million you guys tried to spend last year to throw the budget into a worse deficit. You have to learn some responsibility. Do not come into this Chamber and complain about deficits as long as you want to make them deeper. And I am talking to the people in the gallery and I am talking to the people in the media, because they are the ones who you are trying to fool. I know what you are doing. It is a great game. Let us pass wonderful spending bills so maybe the Governor will veto them and he will look like a bad guy because he does not want to help these people. Let us also not vote for the taxes that have to be paid for these things, because we want to be a friend to the taxpayer. Mr. President, this is the year that all that stuff comes home to roost. This is the year that, like it or not, when we do this budget, that side of the aisle will be voting for the tax increases that are going to have to do it. We will be prepared to do our fair share, but you are going to have to help. If you want to spend an extra \$300 million, I do not care. Give me some more votes for an extra two-tenths on the income tax. If you do not want to run the PERF bill as a bond issue, I do not care. Give me an extra one-tenth percent on the income tax. But let us recognize the equation. Let us recognize what we are doing. It is great to come in here and talk great philosophy—I do not want to have bond issues pay for salaries, that is absurd. That is terrific. Tell me how you want to pay for the salaries. I will listen to anything, as crazy as it might sound, but I get silence from that side of the aisle when I ask, where do you want to cut? Where do you want to tax? The only thing I get is the Republican rhetoric. We are in a deficit. How did this happen? By the way, pass this bill for an extra \$100 million.

Mr. President, that does not play in any place except maybe Farview State Hospital for the criminally insane. Mr. President, it is about time that we started to get realistic. It is about time we stopped the partisan rhetoric. It is about time we learned basic addition, it is about time we get along with the business of government and it is about time we recognize we are going to have to vote for taxes or cuts. It is a wonderful thing to have a debate on which we are going to do, but let us stop the silliness of that side of the aisle constantly complaining about a budget deficit that it charges this Governor created when it knows that is a lie, but at the same time wanting to spend more money so we can go into a deeper deficit. As I say, there are buses that will take you to Farview if you want to go up there and preach to those people. They might believe you.

#### LEGISLATIVE LEAVES CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, I will be very brief in my remarks at this point, but I cannot help but wonder after listening to the Minority Chairman of the Committee on Appropriations. Apparently he has been hanging around the front office too long and is starting to believe his own rhetoric he is hearing out of there, that maybe he does not recall exactly what we went through in trying to put together a budget this time last year and talked about the deficit that we believed we were going to face in this state. However, I would remind the gentleman that adequate revenues for that budget were certified by the Budget Secretary and attested to by the Governor that they were going to be in place, and we had called that they were going to need to use the Rainy Day Fund, that we were going to experience a serious shortfall in revenue and be in a deficit position this year. When the gentleman talks about an additional \$300 million in spending bills, I think it is interesting to note that is exactly the same amount the Governor had proposed that we put in the bond issue that the gentleman now tells us he has proposed. I guess he is the administration representative in this Chamber. We have not had any contact from the administration at this point as to any draft legislation concerning that. And when he talks about one and one equals two, Mr. President, I think that really characterizes the epitome of what our concern is. One and one does equal two, and that is exactly what we are going to be paying for and our children will be paying for in the years to come, and that is two dollars for every dollar of operating expense that we are going to expend from a bond issue this year.

Senator FUMO. Mr. President, briefly in response, contrary to popular opinion, I may be Casey's guy, but it was not by my direction.

Mr. President, we did argue last year with the Governor. Most vociferously did I carry on that charge, and it was because we were negotiating the budget and felt that it was already in a deficit. The Governor came back and wanted to cut another \$100 million, and our argument was, Governor, it is already out of whack a half a billion dollars. What are you going to do by cutting another \$100 million? The Governor responded that he did not believe it was out of whack by a half a billion, but he still wanted to cut the \$100 million. He forced that discipline on us and we did not like it. I did not like it. The Majority Leader did not like it. But we did it, and if we had not done it, the deficit would be even higher today. It is very enticing around here to spend money. Every politician in America has been hooked on that addiction because they think it is the key to reelection. Spend, spend, spend. But regrettably now, we have to tax, tax, tax in order to spend, spend, spend. The surpluses are gone, and we could have a great and very long philosophical argument as to why. I had people ask me today, in fact, gee, how is it when Thornburgh left he left a \$300 million surplus? The Democrats got in and all of a sudden it is \$1,700,000,000 short. Boy, you guys must be pretty lousy managers. Then I explained to them that when Governor Thornburgh was here he raised taxes. Everybody

forgot that. Governor Thornburgh raised taxes but, politely, before he left, he lowered taxes and left the guy coming in the door with a smaller revenue base. I wonder how that happened? In addition, on this Senate floor—and I was the one who asked the question of my colleague, the gentleman from Montgomery, Senator Tilghman, when we did it—this General Assembly and this Senate for the first time raided the Lottery Fund. Under Thornburgh we went into the Lottery Fund to get operational money. We did that. That is less horrendous than the bond issue we talk about. We went into that Lottery Fund, and guess how much we went into there for? Three hundred million. And guess how much the Thornburgh surplus was? It was \$300 million. It does not take a fifth grade rocket scientist to figure out where that money came from. But during this administration, yes, I will plead guilty because I participated in it, Governor Casey and the Democrats in this administration decided that we could not keep raiding the Lottery Fund because we would bankrupt it, so now we are paying back the \$300 million a year that Dick Thornburgh, Dudley Dorigt that he is, stole from the senior citizens. That cost 300 million bucks. When you start to look at this nonsense, you start to find out that maybe we did not do that bad a job. Yes, Governor Casey made a promise not to raise taxes for four years and he did not, much to my chagrin, because I think proper budgeting would have probably dictated that we should have had a tax increase maybe a year or two ago. But we did not do that, and guess what? Nobody around here really fought that hard with him because nobody likes bad news. What are we kidding ourselves about? We are all participants in this conspiracy. We all knew what was going on. Some of us played cute, and more so on that side of the aisle, and said, I am not voting for this budget but, by the way, I need this project. Get this taken care of, but I am not voting for that budget. I am going home and telling my people I was responsible. Take a look at the money they spent though. They got away with that. That is fine. You only need 26 votes to pass a budget, we do not need 50. But reality is that in most times it is all 50 of us who agree. It is just which lambs are we going to send to slaughter to vote for the taxes or the budget that week. It is about time the public understood this. We have a big problem in Pennsylvania also regarding this deficit that those same turkeys in Washington, granted, Democrats in the Congress and Republicans in the Executive Branch, have cut off the money that we used to get from that source. But at the same time they tried to balance their budget by increasing the taxes of every American as much as six percent. They took money from our people and did not give it back to us. But we now know what they did. They beat Saddam Hussein and we are all happy for that. I suggest to those people, as I have suggested continuously, charity begins at home. We have states that are going bankrupt, be they Democrat or Republican controlled. California has a Republican Governor, \$6 billion in deficit. We even have a Democratic Governor who just took over in Texas; she just walked in the door with a \$9 billion deficit left to her by a Republican Governor.



So this is not a partisan issue, it is one of people recognizing responsibilities. There is no free lunch. Contrary to what Ronald Reagan sold the American public, there is no free lunch. The sad part about it is that we at the state level have to pay for the lunch he gave away. Let us remember who did it and let us stop the partisan nonsense, but let us get on with solving the problem. Let us stop taking shots of who struck John. We all did it, and everyone in here who wants to be honest knows what his role was in this conspiracy. We all know it. But let us at this point in time, having committed this horrendous act, let us stop the bleeding. Let us stop the hemorrhaging. Let us stop the spending. Go back. Send those bills back to the Committee on Appropriations that you reported out yesterday. Send that \$26 million in new spending as of yesterday back to the Committee on Appropriations and let it die there, but do not dare come on this floor and tell me about deficits and keep spending, spending, spending.

I will sit down now, Mr. President. I see my eloquent friend from the rural areas will get up to say how he does not agree with me and how he is so conservative, but I sit in those hearings and watch him beat up every cabinet secretary—"Why do we not have more rural programs?" Now we will see where we go with this one.

Senator PETERSON. Mr. President, now that you know what I am going to talk about, maybe I can keep it short. It is interesting today as we listen to both the Senator from Philadelphia and the Senator from Lackawanna. The first issue I want to address is the one that if we as lowly rank and file Members of the Pennsylvania Senate vote or support a bill, that we are wild spenders. I think the general public understands the process. The Governor's budget that is now before us has his priority list. His priority list treats a lot of people better than some of my priority list. Every time any Member of this General Assembly proposes legislation, he is proposing his priority list of what he thinks is important, not only to his district but also to all the citizens of the Commonwealth and that is this process. I take some offense to anyone who says that when I am putting up my priority list, I am a budget buster, because that is not true and it is not true of any of my other rank and file colleagues here either. The present budget that is before us does not treat rural Pennsylvania well. It does not treat the counties very well, the local governments very well, rural higher education very well, economic development, as far as the counties and the regional development commissions, and it eliminates programs like community facilities that are for communities under 12,000 population.

It appears to me that in this whole debate process we have to have the ability for those of us who do not serve what I call the big eight, who make up the budget in late June or early July or August or September—I am told it is the big six, along with the administration—those of us who work out here in the trenches ought to have the right to propose what we think ought to be in that budget. Yes, if you want to ask me personally what I would take out, I will tell you. There are a lot of things that I would take out of the budget. There are a lot of priorities that are different than the one that has been given to

us from this administration. But in this whole budget process, how did we get to where we are? Because we lacked honesty in the process. The first thing we have to get to today is where are we today financially, how far in the hole are we. I just want to give a quick account of how I view it as a rank and file Member.

When I first came to the General Assembly to the House about 14 years ago, one of the processes that I went through was to help people get paid—county agencies, local groups that served the poor. Anybody who sold gasoline or auto parts to the state had a hard time getting paid. We went through that process for a number of years. I was told that as recently as two years ago people who bought auto parts for PennDOT at a store, they got their check within 30 days, as they should. We all know that in '89 the process of paying our bills on time, which was a good process which government should do, started to slow down. I started to get comments from agencies, counties and businesses who did business with the Commonwealth that their payment schedule was starting to slow down. When you have a \$12 billion general budget and a \$20-some billion budget when you include federal money, when you slow the payment process down a month with just our own money, we save a billion dollars. So the process was starting in '89 of slowing down the bill paying process. Last year's budget tries to blame it on the rank and file Members. I thought we were running into a deficit. I thought we were having a problem coming up. But who in state government, different from the federal government, controls the aces? In the federal government the President does not have the line item veto. The President's budget goes to the Hill and goes to the shredder. Congress drafts the budget and it seldom even resembles the President's budget. Is that true in state government? No. Most Governors get 98 percent of what they ask for in their printed document that they give us, far different than the federal government. What do we do? We tinker with the edges. We tinker with a few priorities. We argue about where a little less money ought to go here and a little more money ought to go there. And that is the process we should do. But who holds aces? The Budget Office and the Governor. They certified last year's budget as being balanced at the end when Mr. Hershock admitted in the hearings of the Committee on Appropriations that they changed their accounting procedures. Sure, we know how you change accounting procedures. Instead of a \$421 million deficit last year, we had a slight surplus, and that was not a true surplus. What happens when you put \$421 million on the table to spend? That is what the Budget Secretary did when he said we were even last year, when we were not. We rolled a half billion dollars into this year's budget and turned around and put it on the table and spent it again. So you have a billion dollar deficit right there. We all knew that welfare costs were going to be much higher this year than last because the number of people in the system was going up. Every week and every month there were more people in the system. But those figures were artificially low because you can hide \$100 million or \$200 million or \$300 million there. We all knew revenue estimates

were too high. Everybody knew that in here, but who certifies that the money is there to spend? That is not true in the national government, but in state government the Budget Office and the Governor certify those figures and, yes, this General Assembly then spent the money. But I think the whole general public should know that the budget process in state government is dominated and most of the aces are in the hands of whoever is in the Governor's Office and whoever sits in the Budget Office. I think the best thing that can happen from this day forward is that we start working with honest and true numbers. Yes, we are going to have to deal with revenues. We are going to have to deal with cuts. We are going to have to deal with changing priorities. I urge my colleagues to be a little cautious when general Members of this Senate have bills and programs that cost money. That is their priority list. It is not that they necessarily are busting the budget.

### LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I need temporary Capitol leave for Senator Schwartz who has been called to her office.

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

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—48

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

#### NAYS—0

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

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

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 9 (Pr. No. 9)** — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEAS—48

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

#### NAYS—0

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

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

### BILL OVER IN ORDER TEMPORARILY

**SB 444** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 14, 145 and 205** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 221 (Pr. No. 230)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing special leave for certain disabled veterans when required to receive treatment at a Veterans' Administration medical facility.

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

### BILLS ON SECOND CONSIDERATION

**SB 222 (Pr. No. 231)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the fountain in the plaza of the East Wing of the Main Capitol Building in Harrisburg as the War Veterans' Memorial Fountain; and imposing duties upon the Department of General Services.

Considered the second time and agreed to,

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

**HB 244 (Pr. No. 922)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**SB 278** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 432 (Pr. No. 457)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Persian Gulf War Veterans' Compensation Fund; providing for powers and duties of the Governor, the Auditor General, the State Treasurer and the Board of Finance and Revenue; providing for the payment of interest on and the redemption and refunding of the bonds; and making an appropriation.

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

#### BILL OVER IN ORDER TEMPORARILY

**SB 433** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

#### BILLS OVER IN ORDER

**SB 523 and 653** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### SENATE RESOLUTION NO. 7, CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 7**, entitled:

A Resolution creating a Senate Task Force to investigate and recommend ways to attract and retain volunteer fire, ambulance and rescue personnel and to enhance cooperation from Pennsylvania businesses to support volunteer services.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 7, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 7.

The motion was agreed to and the resolution was adopted.

#### SENATE RESOLUTION NO. 32, CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 32**, entitled:

A Resolution designating April 29 through May 4, 1991, as "Reflex Sympathetic Dystrophy Syndrome Awareness Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 32, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 32.

The motion was agreed to and the resolution was adopted.

#### SENATE RESOLUTION NO. 35, CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 35**, entitled:

A Resolution opposing the closing of the Scotland School for Veterans' Children and urging certain actions by the Secretary of Education.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 35, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 35.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, prior to the adoption of Senate Resolution No. 35, I would just like the Members, especially on this side of the aisle, to know that the resolution opposes the closing of the Scotland School for Veterans' Children and urges action by the Secretary of Education. There was some debate about this resolution yesterday in the Committee on Rules and Executive Nominations, and I, for one, would like to be voted in the negative against the resolution and perhaps we should either consider taking a slow roll call or at least ask for the negative votes, because this goes along with all the other budget negotiations and budget discussion, and perhaps it should be part of the actual budget negotiations. It is just a simple resolution opposing the closing of the Scotland School without regard to if, in fact, it has a use and useful purpose; if, in fact, it is a prudent expenditure of tax dollars and, in fact, where the revenue is going to come from. Mr. President, in view of the new spirit of cooperation that was established in the Chamber by the vote of 48-0 on House Bill No. 546, we either should be putting Senate Resolution No. 35 over or, basically, we should be reconsidering any support for this proposal.

Senator FUMO. Mr. President, I echo the remarks of the Minority Leader and I went into this in extensive detail at the hearing of the Committee on Appropriations and maybe, just briefly, for the Members, they should be aware of what is going on here. The Scotland State School for Veterans' Children is not an institution, as many people think it is some kind of crippled children's type. It is a regular school, a very good school. It is a private boarding school run by the Commonwealth of Pennsylvania. The problem, Mr. President, is that when it originally started out, it was started out with some very good intentions. It was supposed to give a free education to the orphans of veterans who fought for our country. There could be nothing more admirable than that. Mr. President, later it was expanded to include indigent veterans' families

and that certainly is admirable. Then, I guess after the Vietnam War, there was a lull in the number of veterans who had children who were either orphaned or indigent and, yes, we in the General Assembly voted to expand the authority of that school, I guess to keep it open. So that now, Mr. President, what you have is an institution where if you have any connection with veterans, if you served with the Reserves and you want to send your child to this institution, you can do that. I have seen numbers as high as \$27,000 per year per student to as low as \$22,000 per year per student, which was printed, I think, in the Chambersburg newspaper in their editorial column when they talked about \$27,000 being too high of a number. Mr. President, I received a letter from a constituent regarding this school in which she made a very strong argument to keep it open. I read in the letter, however, that her condition was as follows: She and her husband had decided to divorce 12 years ago. Their children have been in this place for 11 years. She has a very good job at a bank in Philadelphia. Her husband is a Philadelphia police officer. Two people earning good money, probably middle class or upper middle class by our standards, but yet they have two children there receiving an education that is costing the taxpayers somewhere between \$44,000 and \$54,000 per year.

Mr. President, I suggest to this General Assembly and to the Senate that the time has come to take a look at what is going on there. The time has come to reassess these programs, and I am a very strong advocate of helping out the children of veterans who are orphaned or indigent who need this help. We should be able to send them to any institution they want to go to. Mr. President, it was brought out during the hearing of the Committee on Appropriations that Valley Forge Military Academy would take 80-some of these students, at a price of \$17,000 per year. Mr. President, I think the public is being ripped off here and I think that the charade that this is going to hurt veterans is being used to keep a bureaucracy open in a rural area of Pennsylvania that may need that employment, but that is not the proper use for taxpayers' monies. If we are going to help the children of veterans, we should help them in a meaningful way. I submit to you that sending a child to the Valley Forge Military Academy might just be a better education than the Scotland State School. I am not positive about that, but I think it might very well be. In addition to the monies that are needed to keep it open on an operating basis, there is \$20 million needed for asbestos abatement there. Mr. President, again I say to those people who are advocates of keeping this school open, I hope you give me your tax vote when we have to vote on taxes. I hope the Senator from that area will very freely vote for taxes, and I hope the House Member from that area also will vote for taxes. And this gets back to what the gentleman from Venango, Senator Peterson, talked about earlier, a list of priorities. I am certainly very open-minded to individual Member's priorities, and if you have a priority project, you are entitled to get it. However, you have to pay for it. You cannot come to this Chamber and say, I am not voting for taxes, but here is my priority list, you had better do this. Oh, no. It is a two-way street. If you want

these programs to keep rolling on, we need the money to do it. Have the courage to stand up to vote for the taxes and we will gladly talk to you about your priority list. That is what is done in negotiations. Mr. President, this is not just the Governor's priority list, it is everyone's. But in order to get in line to get on the list, you have to have the courage to step up to the plate and vote for taxes or you have to have the courage to step up to the plate and vote against some sexy items. You do not get in the ball park and you do not get in line to get your ticket punched unless you are ready to pay the price. There is no free lunch in this process. There is no free lunch in America, and the sooner we learn it the better.

Senator BELL. Mr. President, about five minutes ago the gentleman from Philadelphia said the Legislature ought to look into this matter. Well, that is what we are doing. I was there and you were there when the Secretary of Education said that only 70 of the children met the requirements of the statute. This resolution states that the Secretary of Education shall enforce the statutory law and the children shall be, number one priority, a child of a veteran with no living parents; number two priority, a child of a veteran with one living parent; number three priority, a child of a parent who is without fiscal means. That is what the law says and that is what the Secretary of Education is not enforcing. I had this resolution written. I did not think I should go as far as to tell the Secretary of Education he ought to try to run that institution in a manner that would not cost \$27,000 per student, because it was only a few years ago—I believe three years ago and I do not have my figures like the gentleman from Philadelphia always has—it only cost \$10,000 a year per student. So it is time for the Secretary of Education to clean up his act, but do not close Scotland School.

Senator PUNT. Mr. President, much is being said about Scotland School and as the Senator from the home county for Scotland School, I think a few additional things need to be said. The Secretary of Education's comments were false, inaccurate and incomplete. The administration wants to close Scotland School solely to help balance its budget deficit, period. The Secretary of Education has said that 287 students appear not to meet the criteria for admission. That may well be so if I had to use his information, because when Frank Frame received the inquiry from the Department of Education, he was given specific guidelines based upon what information the Department of Education wanted, so he provided that information to the Department of Education based upon the criteria as the Department of Education said.

Ladies and gentlemen of the Senate, here are the facts. There are 356 students currently enrolled at Scotland School. Of that number, 262 of those children are sons and daughters of a World War II veteran, Korean veteran or a Vietnam War veteran. Of the remaining 94, those parents are peacetime veterans and of those 94 students, four are half orphans while the other 90 qualified for enrollment under the criteria of destitute children. The criteria that the Department of Education had asked for was based upon the initial charter of Scotland School. What they did not ask for was the legislative change

that was made in 1980. They did not ask for that criteria, nor did the Department of Education ask for the criteria which the Department of Education's legal office approved on December 14, 1984, additional requirements for Scotland School as was approved by the Board of Trustees. It is one thing if we are going to talk about facts, but let us talk about all the facts and not the picture the Department of Education is trying to paint regarding this issue. The cost I have seen varies from \$25,000 to \$27,000. There are two other schools like Scotland School in the entire country. They are in Indiana and Ohio, and those costs are indeed comparable to Scotland School's cost. It is a question, ladies and gentlemen, of principle. Are we going to continue the mission as defined or are we going to alter the mission of Scotland School or are we just going to close it? Nowhere, if you look at all of the information, does it justify anything as Secretary Carroll has said or the Governor has said. In fact, if you look at the whole picture, it points out just the opposite. The department wants to close it simply because of budgetary reasons. Do you really think for one minute that if this had been going on since 1984 this administration or anybody else would have let it go? Do you think the Auditor General's Office in years past would have let it go? No. In October—and I just got my hands on this last week—even the Department of Education was still planning to continue the operation. It is a good operation. They submitted to the Governor's Budget Office a request for an additional \$1,214,000 appropriation for additional improvements at Scotland School. If the Department of Education wanted it to close down, that it was not fulfilling its mission, why would they have asked for an \$800,000 appropriation to renovate the main tunnel utilities system and why would they have asked for \$414,000 to maintain the dining facility? It just does not make sense if you look at the whole picture. What the real picture is is simply budgetary issues to balance his budget deficit on the backs of those children, our veterans' children, and I defy anyone to show me one specific child at that school who is not legally entitled to be there and, in fact, is not a child of a veteran under the definition of both statute and the admission requirements. It just is not so. I would not ask the Members of the Senate to support this resolution. The Governor is wrong. He is dead wrong. As I have said before, he may have, in fact, launched a SCUD missile aimed directly at Scotland School and our veterans' children, but there are patriots here today who are going to fire back. It is just not right.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Schwartz and her temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate agree to the motion?

Senator ARMSTRONG. Mr. President, I guess as a veteran I can speak against this because everyone wants to take care of the veterans' children. But, there is "x" amount of dollars and there are 356 students. All you have to do is divide the

number by the students and you come out with a number, and the number is \$27,000 per student. I guess we have to weigh whether it is worth \$27,000 of our money to send a student to Scotland School for Veterans' Children. Politically, I guess you can say well, that is worth it, because as election time rolls around you are going to be facing this issue if you vote against this. But we cannot afford it. Twenty-seven thousand dollars per student is too much money. Why not send them to Valley Forge or some of the other good academies out there for far less money? It just does not make sense to me. They have a full time recruiter there going out trying to search for students to go to that school. You would think there would be lines of people wanting to get in there. I also understand, as someone told me, that if you have high SAT scores when you come out of there, you can get two years of college. I do not know if that is true or not, but it was told to me by reliable sources. I think there are good educational opportunities available in other schools. We are not trying to take advantage of veterans' orphans at all. We just do not have the money, so we have to look at \$27,000 per student. You can go to Harvard University for that cost, and I think we have to start looking at this and be responsible, and I think we should let the Governor do it and not turn it back over to the General Assembly because we do not want to cut anything because it affects our districts. None of us wants to lose jobs in our districts. But, folks, the money is not there and we have to look at this very seriously.

Senator WILLIAMS. Mr. President, I did not want to get in on this debate, but the last remark by the gentleman caused me to stand up. We have sheltered markets. I am a veteran and a lot of veterans are here and we have spent money because of that. I do not need to refer to cost overruns in the military and all that. All I am saying is that here we have a program that is solid and that works. The philosophy behind it is consistent with principles of this country and I do not think we need to go back to an argument. I would like to add one thing, however. That is that many of the students who go there are students who are just not able to receive an education in our public schools that we pay a lot of money for also, and I do not know what the per capita rate is for that. But if you listen to some of the stories, children just cannot go to the public schools because of violence. Good students, good parents, children of people who fought for this country cannot go to a public school because they go to war, and I do not know, but I have heard those stories, Mr. President. I would just like to comment that the fiscal input on this issue is just not applicable if, indeed, we look at the principle for which this institution was set up and is running solidly on target with the principle behind it. So I would think that for anyone to put it in where we need to save some money now, this is just not one of those programs that is a back burner program. It is a front burner program that has been embedded into the hearts and the minds and the spirits of some valiant Pennsylvanians, and there is no alternative where some of these children are going anyway and we are spending that money anyway.



Senator BORTNER. Mr. President, I have listened to the debate on this issue and I noted the remarks of the sponsor of the resolution who indicated that what we were calling for here through this resolution was a study of this issue, and if that is all that we were doing, I would have no problem supporting this resolution because I have some doubts. I have some confusion as to what our mission, what our future course of action ought to be with regard to the continuation of the Scotland School. I attended the education portion of the Committee on Appropriations hearing, and I listened to the Secretary of Education answer questions, a lot of very difficult questions that were put to him by members of the Committee on Appropriations, and I listened to the exchange involving our Democratic Chairman of the Committee. I heard today some very different figures from the gentleman from Franklin, Senator Punt, concerning the Scotland School, figures that I would like to have an opportunity to check out and ask some questions about, the ones concerning cost, the ones concerning the profile of the students who attend the school. If we were asking for a further study of this issue and some further consideration, I would be for this resolution, but that is not what the resolution says and that is why I have some difficulty supporting it. The resolution states that the Senate, that we vehemently oppose the closing of the Scotland School for Veterans' Children and that it compels the Secretary of Education to begin corrective action with regard to the admission standards. I think that a resolution of this nature is premature at this time, at best. I think that the issue does require further study, and I might suggest that we consider a resolution that would, in effect, provide that study, perhaps by one of our own committees, perhaps by a special committee, to see whether or not further continuation of the school is justified and whether, in fact, it is something we can afford, I think, following up on some very, very good questions and comments made by the gentleman from Lancaster, Senator Armstrong.

Senator SHUMAKER. Mr. President, a lot of the issues have already been discussed and I am not going to reinvent the wheel. But I do want to relate to you something which happened after the hearing of the Committee on Appropriations when, obviously, in response to the questions asked at the hearing, a representative of the Education Department who, incidentally, is also the person in charge of the liaison between education and the Scotland School, came in and gave us a pamphlet called, "Information Pertaining to Scotland School for Veterans' Children." He said to us, the reason we said there are only a few young people there who actually are eligible to be there is because there are only three criteria, and on his paper he says, children both of whose parents are deceased, children with only one living parent or destitute children not being in either of the two previous categories. That is very interesting because if you look at Purdon's Statutes, the amendment was referred to in 1980, and the first one is: "Children whose parent or parents served in the armed forces during any war or armed conflict in which the United States has been, is now or may hereafter be engaged, or in any

movement or campaign in connection therewith or resulting therefrom."

I said to him, "Sir, I want to read to you Purdon's Statutes."

Before I could even read Purdon's Statutes to him, he said, "You must realize this pamphlet is in law and Purdon's Statute is not."

I was shocked. I said, "You mean to tell me the Education Department has the right to overrule a statute of the Commonwealth without it being done by the Legislature?"

He said, "That is our policy and that is the law."

I think that is one of the problems we have in this whole issue. The Education Department has given misleading information and also they have come out and said, in effect, we do not need this school because it is too expensive. That to me has not yet been proven, and I think there are a lot of things that can be done. I think this school should be maintained, and the Education Department should come out with the correct information. I think it is misleading, and it is only an example of what is being done in an effort by the administration to get short-term money. I have no doubt in my mind somewhere down the line they will probably try to sell this.

Senator FUMO. Mr. President, I want to make it very clear that I am not, although I have now been characterized as Casey's guy, here to defend the Secretary of Education. I was equally upset with what I thought were at least misguided remarks, to be kind, when he testified before the committee. However, Mr. President, this resolution is very strong. On page 2, lines 9 and 10, it says "...the Senate vehemently oppose the closing of the Scotland School for Veterans' Children." Mr. President, I do not vehemently oppose the closing of that institution. If this resolution were going to ask a committee of the Senate to reasonably investigate what is going on there, if there is a dispute, is it \$25,000, \$27,000, \$22,000, if we want to find out what the real number is, I would support that. If we want to assess who is entitled to these benefits and whether we should look at that, I would support that. Mr. President, but to back him and say that we vehemently oppose the closing of that school, even from the worst case scenario of the facts that we currently have before us, again I think is irresponsible. I would hope that the gentlemen who have spoken in favor of keeping that institution open are here with us sometime in June, July, August, September, whenever we do the budget—I have heard a number of different predictions—standing tall and lending their vote to taxes. I submit that they probably will not be, and again I repeat the admonition, if you want to keep this type of a pet project—and that is really what I characterize it as, pork barrel legislation—I am more than reasonable when it comes to doing a deal. In fact, if anything, I have been criticized heavily by editorial writers because I am too quick to do a deal to get things done, but do not come to me with pious dreams about a piece of pork barrel legislation. If you want your piece of pork, pay for it. As one of our Senators on our side of the aisle talked about whole hog sausage, in order to get a piece of that whole hog sausage you have to pay the price, and the price is tax votes.

Mr. President, this is a very costly piece of legislation, and as was said at those hearings, the Department of Education had already contacted the Valley Forge Military Academy which is willing to take 80 to 85 of these children to the Valley Forge Military Academy, the alma mater of General Schwarzkopf, certainly a prominent member of the military today, at a cost of \$17,000 per student. Mr. President, I submit to you that we are doing a number of things at the same time by continuing this pork barrel piece of legislation. Number one, we are wasting money and, number two, we are denying the people who are entitled to a good education the right to get into some of our finest academies. I would be willing to send these children to Switzerland, to the finest private schools in the world, and we would save money. Now, granted, that would not keep alive that bureaucracy down there in Franklin County, I believe it is, where those people are making a living off our tax dollars. No question about it. Those jobs might go out the window. Private industry might be doing this better. That is usually a big Republican cry these days—privatization, privatization, privatization. Mr. President, I submit to you that we would be giving a good education to these children, a far better one than they are getting now at a lot less cost. But again I submit, if you want your pork barrel, I am realistic, I am reasonable. Make sure you are standing up here with us when we vote for taxes, specifically the Senator from the area. I know he is a fiscal conservative. I would hope that he would bend and I will give him his pork barrel any day of the week, but you have to pay the price to play the game.

So, Mr. President, in short, I am not here to defend the Secretary of Education for his performance in front of the committee, the same way, quite frankly, I am not here to defend the staff of the Committee on Appropriations of the Majority with their cockamamie grab, those of you who were there. I cannot defend that kind of nonsense either. What I am here to defend is reasonableness. Should we in the Commonwealth of Pennsylvania, should your taxpayers in your district be paying \$27,000 per year to send to this institution the children of veterans or those people who are in the Army Reserve, regardless of their fiscal condition, regardless of whether or not they can afford to pay for this themselves? Should the people in your district be paying for that? I submit that if you went home and told them about it, they would not be that happy about it, and that is what you have to defend here, Mr. President. We are no longer defending the right and the important goal of giving orphans or indigent people who are connected with the military an education. What we have expanded this benefit to, in an effort to keep this school open to protect the jobs in that county, is anyone remotely connected with the military can send their child there for \$27,000 a year on the taxpayers of Pennsylvania. I submit to you that is not a proper use of taxpayers' money. We should get back to those people who need these benefits and take care of them. Furthermore, if you really believe in this resolution's intent and say that the state urges the Secretary of Education to make known to veterans and veterans' organizations the

availability of these opportunities, your costs are going to increase tenfold. It costs you \$90 million a year to keep that place. We will probably have to have ten campuses. Maybe they will have to go in other Senators' districts. We will see a lot of people coming up for that pork barrel too. Again, I submit to you, if you want to pay the price for the whole hog sausage, I am willing to sell it, but you are not getting it for free.

Senator SCHWARTZ. Mr. President, I would like to say, first of all, there are constituents in my district who are parents of students in the Scotland School and I do want to say that I very much sympathize with them and with their feeling very strongly about keeping the Scotland School open. The fact is that they are seeking a quality education for their children and believe they have found it at the Scotland School. I would also like to say that I do plan on supporting House Bill No. 244 which calls for public hearings on this issue as well as others. I do believe we need to have what I would consider an appropriate public and legislative dialogue about schools like the Scotland School, facilities supported with public dollars like this. However, reading this resolution and looking at the words, I do agree with some of my colleagues that it is, in fact, irresponsible to state that we want to keep up and open this school no matter what, that we believe vehemently that it ought to only take children who are veterans' children, that it needs to revert back to an inflexible policy for admission criteria. My understanding, in contrast to the gentleman from Franklin, Senator Punt's, is that the school has been flexible and has, therefore, been able to move with the times and provide a good education to a wide variety of children. I think it would be irresponsible to support this resolution because it does not engage in either an adequate public or legislative dialogue on what really ought to be done about the Scotland School, and I, for one, will speak to keeping it open at a later date or at least keeping open the possibility through public hearings and the budgetary process, but this resolution is extreme in its intent and I think closes off that opportunity. I would actually encourage my colleagues to vote against this resolution.

Senator WILLIAMS. Mr. President, I rise to express my vehemence. The gentleman from Philadelphia, Senator Fumo, seems to find something wrong with that as he began to get very vehement in opposition to this resolution. I think his vehemence sort of confused the issue somewhat. The Scotland School is proposed for elimination and those who support it, assuming it is a good solid thing, ought to be vehement. I do not know that the governess schools are just special schools for which we spend some millions of dollars, a sheltered market where only certain people can get in, but once proposing to close that, this is outright discrimination. I would assume that all those who are opposed to this discrimination against children of veterans, patriots of this country's sound program, ought to step up and be very vehement. This is not to be mixed up with pork barrel and sausage. This is a solid American and Pennsylvania stable tradition. The people from the districts in Philadelphia and all over this state come



to tell you the stories about their children who cannot go to school because they go to war. I do not know whether it is \$27,000 or \$50,000 that we are giving Philadelphia and all these other places so children can be educated. That is what we are vehement about: the singling out and the discrimination of this program that has lasted for years. And you want to have some hearings?

Let us study this a little bit because he is vehement. Well, we ought to be vehement, I would suggest, and we ought to understand that to pick this out is the wrong thing to pick out because we are veterans. We fought for this country and our children should be able to go to school. Someone talked about who could afford it. I do not know anybody who can afford it, but so what? We run governess schools in this Commonwealth already. Do you mean the governess school has some special tract? Eliminate them. Have hearings on them. Let us have some sanity on this issue. The gentleman from Franklin, Senator Punt, is absolutely right. It is discrimination. Do a study next year. Why do a study all of a sudden?

Mr. President, I just want to state that those of us who support the continuation of this proud program are very vehement, and we suggest all you Americans and Pennsylvanians here ought to be vehement, and do not fall for that little trick about let us get into a pork barrel thing. We are talking about priorities. The Governor said it. The education priority is a successful program. That is very consistent, and so I urge us to support this resolution in the most vehement of terms.

Senator PUNT. Mr. President, for the life of me, some of the things that I have heard are very difficult to believe. I do not hear anyone saying that spending \$30,000 to \$35,000 a year to keep a child, a juvenile, in a YDC operation is too expensive and that is pork barrel. I do not hear anyone saying that to spend \$43,000 a year to keep someone in a prison is pork barrel, but to spend \$25,000 to \$27,000 a year to take a child out of that environment and to give them an environment where there is love, care and education that when, in fact, they do grow up to adult age, they will be a productive, contributing member to our society, it is just mind boggling.

We have heard about the budget. You talk about pork barrel, here is a good pork barrel. If the school were going to close and it was not fulfilling its purpose, and it was so costly, why did the superintendent leave on December 28th? He retired as superintendent. But ladies and gentlemen of the Senate, he did not retire. He went off the payroll of Scotland School and went onto the payroll of the Department of Education until March 8th so he could have his ten-year vested pension. Now that is pork barrel, and that is a fact.

Now the numbers, the \$27,000, the gentleman from York, Senator Bortner, asked for some information. Right here it is. You are welcome to it. It is laid out item by item that I went down to obtain. Of the appropriation of the \$8.3 million, \$6.4 million is geared toward the education and the living environment at Scotland School; \$1.9 million in this fiscal year is for capital improvement projects. Excluding the capital improvement projects, it gives you a difference of \$6.488 million, and that as an average cost is \$18,433 a student. That is a fact.

With that, Mr. President, we are talking again about principle. I believe that these folks who have paid and given deserve such. If it is a question of principle and costs a little more, then do we not owe it?

I might close by adding that last week at the meeting of the Senate Committee on Military and Veterans Affairs I asked the Minority Chairman of the committee if he would like to hold a hearing on the issue of Scotland School, to go down to Scotland School and pay a visit, to review the operation there, and I have further requested the interim superintendent to submit to me areas of cost reduction and, at the same time, maintain efficiency in providing those services at Scotland School. That is in the works. But the issue at hand right now is that the Governor does not want to phase it out over a two-year period. The Department of Education is calling right now to place kids by the end of June so that next year the skeleton crew remains to phase it out and close down the entire operation. We have heard a cost about Valley Forge, yes. I have also had calls that they have contacted Milton Hershey School, and the Milton Hershey School costs are over \$30,000 a year per child. So, if we are going to tell part of the story, let us say it all. I would ask of the Senate to support this resolution and at the same time, I commit to you that we will, the Committee on Military and Veterans Affairs, go down and we will do a thorough review of the operation of any waste, any inefficiencies and any Member of the Committee on Appropriations is by all means welcome to come along.

Senator BELL. Mr. President, I know the debate is prolonged and all this and that, but I want to put into the record that the gentleman from Philadelphia who is vigorously opposing this resolution was one of the leading lights which resulted in Scotland School last year getting a 15 percent increase in their appropriation. I do not think Penn State got that much. I can understand where the honey pot is open, people like to dip their fingers in it. I am going to come right back to what I said during the hearing of the Committee on Appropriations, and I say it now. This school can be run at far less cost.

And the question recurring,

Will the Senate agree to the motion?

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

## PERSONAL PRIVILEGE

Senator FUMO. Mr. President, I rise to a point of personal privilege.

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

Senator FUMO. Mr. President, I just want to commend the Chair for having the foresight to at least take the roll again in the proper way. I have been in here in this Chamber when nobody said anything and it passed.

The PRESIDENT pro tempore. The Chair thanks the gentleman.

**CONSIDERATION OF CALENDAR RESUMED****SB 433 CALLED UP**

**SB 433 (Pr. No. 719)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Second Consideration Calendar, by Senator LOEPER.

**BILL ON SECOND CONSIDERATION  
AMENDED AND REREFERRED**

**SB 433 (Pr. No. 719)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing compensation to certain persons who served in the armed forces of the United States during the Persian Gulf War; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SHAFFER offered the following amendment No. A0327:

Amend Sec. 3, page 3, line 3, by striking out "\$200" and inserting: \$250

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

**SB 444 CALLED UP**

**SB 444 (Pr. No. 715)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

**BILL OVER IN ORDER**

**SB 444** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**SENATE CONCURRENT REGULATORY REVIEW  
RESOLUTION NO. 1, CALLED UP**

Senator LOEPER, without objection, called up from page 4 of the Calendar, *Senate Concurrent Regulatory Review Resolution No. 1*, entitled:

Disapproving a certain regulation proposed by the Department of Public Welfare.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT REGULATORY REVIEW  
RESOLUTION NO. 1, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Concurrent Regulatory Review Resolution No. 1.

The motion was agreed to and the resolution was adopted.

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

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet immirently to consider Senate Bill No. 346 and certain nominations.

**RECESS**

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

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

**AFTER RECESS**

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

**REPORT FROM COMMITTEE**

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

**SB 346 (Pr. No. 716)**

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," extending certain personal income tax deadlines for certain individuals.

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

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

**MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC**

January 8, 1991.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. DeMatte, D.C., 1151 Interchange Road, Lehighton 18235, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Louis P. Latimer, D.C., Carbondale, whose term expired.

ROBERT P. CASEY.

**NOMINATION LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nomination just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nomination will be laid on the table.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,  
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

February 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fitz Eugene Dixon, Jr., P. O. Box 178, 665 Thomas Road, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fred C. McIlhattan, Box 27, Peterson Avenue, Knox 16232, Clarion County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul A. Weaver, 1072 Sunset Drive, Clarion 16214, Clarion County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—48**

Afflerbach	Fisher	Lewis	Rhoades
Andrezeski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	Musto	Shumaker
Bodack	Holl	O'Pake	Stapleton
Bortner	Hopper	Pecora	Stewart
Brightbill	Jones	Peterson	Stout
Corman	Jubelirer	Porterfield	Tilghman
Dawida	LaValle	Punt	Wenger
Fattah	Lemmond	Reibman	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC**

January 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. DeMatte, D.C., 1151 Interchange Road, Lehighton 18235, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Louis P. Latimer, D.C., Carbondale, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I ask for temporary Capitol leaves for Senator Madigan, Senator Tilghman, Senator Rhoades, Senator Pecora and Senator Corman.

Senator MELLOW. Mr. President, I want, also, temporary Capitol leaves for Senator Bodack, Senator Jones, Senator Musto, Senator O'Pake and Senator Belan.

The PRESIDENT pro tempore. Senator Fisher requests temporary Capitol leaves for Senator Madigan, Senator Tilghman, Senator Rhoades, Senator Pecora and Senator Corman. Senator Mellow requests temporary Capitol leaves for Senator Bodack, Senator Jones, Senator Musto, Senator O'Pake and Senator Belan. The Chair hears no objection. Those leaves will be granted.

'And the question recurring,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred:)

Senator HOPPER. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT pro tempore. The gentleman will be so recorded.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—32

Afflerbach	Fisher	Lewis	Robbins
Armstrong	Fumo	Lincoln	Salvatore
Baker	Greenwood	Loeper	Schwartz
Belan	Helfrick	Mellow	Shumaker
Bodack	Hopper	Musto	Stewart
Bortner	Jones	O'Pake	Stout
Brightbill	Jubelirer	Pecora	Tilghman
Dawida	LaValle	Rhoades	Wenger

#### NAYS—14

Andrezski	Hart	Peterson	Shaffer
Bell	Holl	Porterfield	Stapleton
Corman	Lemmond	Punt	Williams
Greenleaf	Madigan		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### SPECIAL ORDER OF BUSINESS

#### SUPPLEMENTAL CALENDAR NO. 1

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 346 (Pr. No. 716)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," extending certain personal income tax deadlines for certain individuals.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 346.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—46

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Schwartz
Baker	Hart	Mellow	Shaffer
Belan	Helfrick	Musto	Shumaker
Bell	Holl	O'Pake	Stapleton
Bodack	Hopper	Pecora	Stewart
Bortner	Jones	Peterson	Stout
Brightbill	Jubelirer	Porterfield	Tilghman
Corman	LaValle	Punt	Wenger
Dawida	Lemmond	Rhoades	Williams
Fisher	Lewis		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### UNFINISHED BUSINESS

#### SENATE RESOLUTION

#### RECOGNIZING MARCH 20, 1991, AS "PENNSYLVANIA AGRICULTURE DAY"

Senators HELFRICK, WENGER, STAPLETON, JUBELIRER, PETERSON, RHOADES, MADIGAN, PUNT, O'PAKE, BORTNER, SHUMAKER, HOPPER, SCANLON, MUSTO, REIBMAN, SHAFFER, ARMSTRONG, CORMAN, AFFLERBACH, BRIGHTBILL and SALVATORE offered the following resolution (Senate Resolution No. 38), which was read, considered and adopted:

In the Senate, March 19, 1991.

#### A RESOLUTION

Recognizing March 20, 1991, as "Pennsylvania Agriculture Day."

WHEREAS, Agriculture continues to be Pennsylvania's leading industry, an achievement which was accomplished during the past decade; and

WHEREAS, The average farmer in the United States produces enough food and fiber for 128 people compared to farmers in China who provide for 3.5 people and those in the Soviet Union who provide for 11 people; and

WHEREAS, Pennsylvania's farm families produce \$3.31 billion in crops and livestock annually. Agriculture-related industries contribute an additional \$35 billion to the economy and provide jobs for one-fifth of Pennsylvania's work force; and

WHEREAS, Pennsylvania ranks first nationally in the production of mushrooms, pretzels, potato chips and milk chocolate, and in the top five states for eggs, peaches, cherries, grapes, fresh sweet corn, apples, butter, milk, oats and frozen dairy products; and

WHEREAS, Agricultural exports from this Commonwealth are valued at \$270 million annually; therefore be it

RESOLVED, That the Senate recognize March 20, 1991, as "Pennsylvania Agriculture Day" and call upon the people of this Commonwealth to observe that day with appropriate ceremonies and activities.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Frank Clark and to Mr. and Mrs. George Vlassis by Senator Armstrong.

Congratulations of the Senate were extended to the Wissahickon Fire Company of Ambler by Senator Greenleaf.

Congratulations of the Senate were extended to Lottie Gekoskie and to Eric Birth by Senator Helfrick.

Congratulations of the Senate were extended to Colonel John K. Joseph and to Shirley Freedman by Senator Hopper.

Congratulations of the Senate were extended to Theodore Ansley by Senator Jones.

Congratulations of the Senate were extended to Charles Marsico by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Zapalsky, Mr. and Mrs. Michael Pelick, Mr. and Mrs. Lawrence Devlin, Mr. and Mrs. Lester Hayes, Mr. and Mrs. Allen Greening, Mr. and Mrs. William Feddock, Mr. and Mrs. William G. Goss, Mr. and Mrs. Stanley Karolchuk, David Wojciechowski, David H. Williams and to Catherine Regina Clarke by Senator Lemmond.

Congratulations of the Senate were extended to Andrew Joseph Kovall by Senator Lincoln.

Congratulations of the Senate were extended to Charles A. DeBellis and to Star Grange No. 993 of Moorestown by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Adolph Kurzinsky by Senator Rhoades.

Congratulations of the Senate were extended to Craig Thurber by Senator Robbins.

Congratulations of the Senate were extended to Edward J. Meier, Antonio J. Taglienti, Robert A. Kresicki, Louis F. Puchnick, Jr., John M. Martonik, Max A. Roseck, Charles H. Adamo and to Lester B. Strawbridge, Jr. by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Charles F. Butz, Mr. and Mrs. Martin Miller and to Rose M. Basile by Senator Stapleton.

#### BILLS ON FIRST CONSIDERATION

Senator DAWIDA. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 118, 345, 348, 391, 401, 467, 520, 621, 645, HB 26 and 29.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

#### HOUSE MESSAGE

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 236**.

#### BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**SB 346.**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

#### BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

**HB 236 and 546.**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

#### REPORTS FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 48 (Pr. No. 829) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of a computer.

**SB 113 (Pr. No. 113)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

**SB 266 (Pr. No. 275)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for health care expenses in support matters.

**SB 390 (Pr. No. 830) (Amended)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the rights of crime victims.

### BILLS ON FIRST CONSIDERATION

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 48, 113, 266 and 390.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### PETITIONS AND REMONSTRANCES

Senator FUMO. Mr. President, I would like to insert these remarks into the record concerning the PERF bill.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Philadelphia, Senator FUMO:)

#### PERF Bond Issue

Just before the conclusion of Session last week I expressed my disappointment at the refusal of the Majority Party in this Chamber to consider a bill I sponsored at the request of the Governor to place a referendum question on the May primary ballot to authorize bond funding for state economic development programs.

As I stated last week, this refusal to consider the PERF proposal will leave the Commonwealth with only two undesirable alternatives. We can raise taxes an additional \$150 million, a one-tenth of one percent increase in the PIT—a \$16 increase for the average Pennsylvania taxpayer—or we can reduce state assistance for economic development initiatives.

If we choose the latter of these two alternatives it may be enlightening to my Republican colleagues to see what areas of the Commonwealth would be impacted most heavily. An analysis of Commerce program funding during the first four

years of the Casey Administration reveals some interesting results.

I offer the following statistics: On a per capita basis the five counties that have benefited most from these programs include McKean, Clearfield, Luzerne, Cameron and Mercer.

Not much further down the list ranking number seven is Blair County, with Lycoming County number ten, Franklin County number 11 and Schuylkill County number 12. What do these rankings mean for the local communities? They represent hundreds of millions of dollars in financial assistance that have helped to create or retain thousands of jobs in their local communities.

In Blair County over \$23 million has been provided, including more than \$14 million from the PIDA program alone. For Altoona Fabricators, Inc., \$2.2 million in state funds helped to create 75 new jobs. Besteel Industries received \$924,000 from state programs, creating nearly 250 new jobs, while more than 500 existing jobs were saved at the F.L. Smithe Machine Company, Inc. with the help of state financing assistance.

Firms in Schuylkill County have received more than \$21 million during the past four years. With help from PIDA and the Capital Loan Fund the Miller Group, Inc. was able to invest more than \$500,000 in state funds to create nearly 200 new jobs and save more than 1,000. Gould Pumps, Inc. used nearly \$7 million in PIDA and PEDFA funds to create 127 new jobs and retain another 287 full-time positions.

In Mercer County, the state's much publicized effort to help Sharon Steel used \$2.3 million in state financing to create 200 new jobs and save over 2,000 jobs at this mill on the verge of permanent shutdown. But lesser known projects have also provided \$2.5 million to Clairson International, creating 500 new jobs and \$2 million to Trinity Industries, Inc. to create 325 new jobs.

In Franklin County small businesses have been especially successful at receiving state assistance. Capital loan funding there has totaled more than \$2.4 million during the past four years.

Larger firms have also benefited. A Sunny Day loan was combined with BID and PIDA financing to create 180 new jobs and retain 171 more through assistance to Loewengart and Company, Inc. Meanwhile, \$3.7 million in BID assistance to the Food Lion and Hills Department Store chains will create another 425 jobs in Franklin County.

I use these examples to illustrate my point that the money we provide for state economic development programs are investments in the communities and workers of this Commonwealth. Moreover, as the previously mentioned statistics suggest, investments have disproportionately fallen in Republican legislative districts.

The Casey budget proposal recommended the prudent use of bond funds, authorized in a public referendum, to fund our economic development programs until the economy rebounds. I again call on the Majority from across the aisle to act on Senate Bill No. 686 which currently remains in the Senate Committee on Appropriations.

This discussion is particularly fitting today, since economic development professionals from across the state are meeting this week out at the Marriott Hotel here in Harrisburg. This annual gathering of the members of the Pennsylvania Economic Development Association provides a perfect audience for Republicans to reaffirm their support for these programs.

Rather than the lip service that may be offered at PEDAF functions during the next two days, I challenge everyone in this Body to demonstrate their true support for continuing significant state funding for our economic development programs by acting on Senate Bill No. 686.

Without such action, in the face of necessary tax increases that we all privately agree will total more than \$2 billion, it is highly unlikely that these programs could receive the level of support recommended by the Governor in his proposed 1991-92 budget.

Department of Commerce Expenditures  
January 1, 1987 - December 31, 1990

County	Commerce Expend- itures	Population	Per Cap Expend	Per Cap Rank
Adams	1,940,907	77,963	25	55
Allegheny	98,107,892	1,329,033	74	34
Armstrong	8,572,674	73,303	117	23
Beaver	34,538,322	193,307	179	6
Bedford	2,779,606	47,728	58	42
Berks	16,776,220	335,965	50	44
Blair	23,117,195	130,190	178	7
Bradford	4,150,076	60,643	68	37
Bucks	12,365,448	539,989	23	56
Butler	11,312,428	151,181	75	33
Cambria	20,171,873	162,320	124	16
Cameron	1,349,411	5,899	229	4
Carbon	3,943,220	56,496	70	36
Centre	14,448,826	121,364	119	20
Chester	24,690,494	370,743	67	39
Clarion	4,460,244	42,361	105	25
Clearfield	18,932,459	78,512	241	2
Clinton	3,489,680	36,941	94	29
Columbia	4,811,875	66,154	73	35
Crawford	10,080,322	85,476	118	22
Cumberland	8,073,366	194,889	41	46
Dauphin	3,402,213	233,039	15	62
Delaware	11,514,037	541,669	21	57
Elk	3,316,030	34,823	95	28
Erie	33,796,937	274,053	123	17
Fayette	14,454,277	144,852	100	27
Forest	361,218	4,794	75	32
Franklin	18,474,516	124,797	148	11
Fulton	933,689	13,775	68	38
Greene	2,374,795	39,383	60	40
Huntingdon	3,670,504	44,078	83	30
Indiana	4,869,061	89,514	54	43
Jefferson	5,943,871	46,072	129	15
Juniata	356,297	20,404	17	60
Lackawanna	26,665,401	216,640	123	18
Lancaster	8,512,948	420,916	20	59
Lawrence	3,758,258	96,737	39	47
Lebanon	15,523,918	112,541	138	13
Lehigh	9,934,317	340,887	29	52
Luzerne	76,689,153	320,864	239	3
Lycoming	19,606,368	116,507	168	10
McKean	19,799,507	47,035	421	1
Mercer	22,435,829	120,150	187	5

Mifflin	5,477,318	46,039	119	21
Monroe	3,381,211	93,968	36	49
Montgomery	20,024,416	673,863	30	51
Montour	372,000	17,575	21	58
Northampton	20,753,186	264,729	78	31
Northumberland	9,813,347	96,129	102	26
Perry		40,517		67
Philadelphia	40,218,712	1,543,313	26	54
Pike	50,000	27,786	2	65
Potter	1,772,127	16,604	107	24
Schuylkill	21,582,752	150,607	143	12
Snyder	1,303,575	36,588	36	50
Somerset	3,010,836	77,826	39	48
Sullivan		5,992		66
Susquehanna	1,981,707	40,166	49	45
Tioga	4,919,292	40,688	121	19
Union	203,392	35,832	6	64
Venango	7,767,627	58,741	132	14
Warren	636,142	44,670	14	63
Washington	35,776,040	204,294	175	9
Wayne	1,138,690	39,672	29	53
Westmoreland	64,969,719	369,183	176	8
Wyoming	438,728	27,842	16	61
York	20,250,167	337,520	60	41
Total	911,359,666	11,854,131	77	

### PERMISSION TO ADDRESS SENATE

Senator FUMO asked and obtained unanimous consent to address the Senate.

Senator FUMO. Mr. President, one clarification. When we voted for the chiropractic nomination, we at the desk had made a mistake on Senator Belan's vote. We voted him in the affirmative. He was on leave and we were advised that he should have been voted in the negative. We just want to spread those remarks across the record.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, April 2, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 3:30 p.m., Eastern Standard Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 2, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 17

### SENATE

TUESDAY, April 2, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend PAUL GYSON, Pastor of Zion Evangelical Lutheran Church, Pittsburgh, offered the following prayer:

As we gather on this day, the day after April Fool's Day, within the history of the church yesterday was the Feast of Fools, the day that the altar boys became the Bishops and the Bishops became the altar boys. There was a reversal of positions within all of society.

You reconvene once again, having gathered here on March the 19th. You have been able to rub elbows with constituents, to have your ears bent to the phones, to be sensitive to the needs of others. We are also aware of Christ who was in flesh to become one of us, to serve as you are called upon to serve, and as you public servants begin this Session today, I invite you to put on the mind of Christ and join with me in this prayer that is attributed to St. Francis of Assisi.

Let us pray.

Lord, make us instruments of Your peace.

Where there is hatred, let us sow love;

Where there is injury, pardon;

Where there is discord, union;

Where there is doubt, faith;

Where there is despair, hope;

Where there is darkness, light;

Where there is sadness, joy.

Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

The PRESIDENT. The Chair thanks Reverend Gyson who is the guest this week of Senator Fisher.

### LaVONNE GYSON PRESENTED TO SENATE

The PRESIDENT. I would point out that the pastor's lovely wife, LaVonne, is in the gallery. Would the pastor's wife please rise so we can welcome you to the Senate of Pennsylvania. Thank you for joining us.

(Applause.)

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 19, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 346.

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
BUCKS COUNTY

March 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, R. Barry McAndrews, Esquire, 2350 Greensward South, Warrington 18976, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January, 1992, pursuant to Act 159, approved December 7, 1990.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
INDIANA COUNTY

March 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, M. Jay Earley, Esquire, 95 Bradley Circle, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as Judge of the Court of Common Pleas of Indiana County, to serve until the first Monday of January, 1992, vice Hon. Robert C. Earley, resigned.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
WASHINGTON COUNTY

March 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clyde G. Tempest, Esquire, 149 Chess Street, Monongahela 15063, Washington County, Forty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Washington County, to serve until the first Monday of January, 1992, vice Hon. Samuel Rodgers, mandatory retirement.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Haggerty, 1031 Park Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice LaRoy G. Davis, Feasterville, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lucille M. Tabler, 1140 Grandview Road, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Joseph S. Harvey, Oil City, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF MEDICINE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Gerald A. Chesin, 123 Beechwood Lane, Pittsburgh 15206, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Medicine, to serve until April 25, 1993 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Mary Ellen Weinberg, Philadelphia, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF NURSING

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alice Joyce Kennedy Johnston, 303 Springwater Drive, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Margaret M. Irwin, Bradfordwoods, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marjorie S. Ajay (Republican), 1173 Christopher Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert B. Helsel (Democrat), 146 Theatre Drive, Johnstown 15904, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dolores A. Porcher (Democrat), 420 Oak Street, Johnstown 15902, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cheryl A. Hilinski (Democrat), 3910 Bird Drive, Erie 16510, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John T. Nesbit (Independent), 121 Second Avenue, North East 16428, Erie County, Twenty-fifth Senatorial District, for reappointment as a member of the Erie County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Agnes R. Priscaro (Democrat), 1123 East Lake Road, Erie 16507, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melvin Witherspoon (Democrat), 326 East 31st Street, Erie 16504, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wayne W. Mateer (Democrat), 209 Pine Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Joyce Goss, Mill Creek, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert W. Parsons (Democrat), Box 300, R. D. 1, Blairs Mills 17213, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Hazel B. Parks, Huntingdon, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jacquelyn G. Everitt (Democrat), R. D. 1, Box 33, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Willis E. Kauffman (Democrat), HCR - 63, Box 65, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, June M. Niemond (Democrat), HCR - 63, Box 13A, Richfield 17086, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fred N. Noble (Democrat), R. D. 1, Box 197, Honey Grove 17035, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin H. Rohrbeck (Democrat), Box 13, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thelma A. Shelley (Democrat), R. D. 2, Box 84, McAlisterville 17049, Juniata County, Thirty-fourth Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur J. McMahon (Democrat), R. D. 2, McMahon Road, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Richard A. Reeser (Republican), R. D. 1, Box 34, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy L. Rexer (Democrat), R. R. 1, Box 1216, Forksville 18616, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary B. Gere (Democrat), Box 214, Route 29, South Montrose 18843, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kim Marie Spoonhower (Democrat), 303 Broad Avenue, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rita P. Tiffany (Democrat), R. D. 1, Kingsley 18826, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bonnie K. Fousnought (Democrat), Box 173, Sabinsville 16943, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin A. Isaacson, Jr. (Republican), 256 South Williamson Road, Blossburg 16912, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bertha W. Janeski (Democrat), R. D. 1, Box 16, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gail A. Ruef (Democrat), 312 Mill Street, Westfield 16950, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia A. Serine (Democrat), 6 Mann Street, Mansfield 16933, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jerome F. Fuhr (Republican), R. D. 3, Box 189, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harold A. Grow (Democrat), R. D. 7, Box 297, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edgar L. Lawton, 75 Mann Street, Mansfield 16933, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF KUTZTOWN UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard A. Gray, Jr., 3866 Lilac Road, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Yvonne Ewing Keairns, Ph.D., 5419 Northumberland Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rodney E. McLaughlin, Ed.D., 65 Brook Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joan Brink (Republican), R. D. 1, Box 315, Milford 18337, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Beverly J. Gallagher (Republican), R. R. 1, Box 15, Milford 18337, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen T. Groom (Democrat), 111 West George Street, Milford 18337, Pike County, Twentieth Senatorial District, for appointment as a member of the Pike County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Helen Thielhelm, Lackawaxen, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathleen O. Gross (Democrat), 701 Avenue O, Matamoras 18336, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Betty A. Nosak (Republican), R. D. 1, Box 9, Greentown 18426, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John P. Garrah (Democrat), 300 17th Street, Honesdale 18431, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donn T. Shepard (Democrat), R. D. 3, Box 2100, Honesdale 18431, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph E. Sheridan, Jr. (Democrat), 211 Spruce Avenue, Hawley 18428, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marilyn J. Stamets (Democrat), R. D., Box 61, Lakewood 18439, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 18, 1991 for the reappointment of Arthur Loch, Loch's Mobilehome Sales and Park, 500 Madison Avenue, Hyde Crest, Reading 19605, Berks County, Eleventh Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**CORRECTION TO NOMINATION BY THE  
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated January 14, 1991 for the reappointment of Helen M. Kauffman (Public Member), 4604 Harwich Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, should be corrected to read:

Helen M. Kauffman (Public Member), R 3, Box 67, Bernville 19506, Berks County, Forty-eighth Senatorial District, as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

March 20, 1991

**HB 36 and 157** — Committee on Consumer Protection and Professional Licensure.

**HB 44** — Committee on Judiciary.

**HB 146 and 171** — Committee on Local Government.

**HB 547 and 548** — Committee on Appropriations.

March 26, 1991

**HB 56** — Committee on Banking and Insurance.

**HB 702** — Committee on Appropriations.

April 1, 1991

**HB 58** — Committee on Banking and Insurance.

**HB 177** — Committee on Transportation.

**HB 191** — Committee on Judiciary.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

March 19, 1991

Senators RHOADES, HOPPER, GREENLEAF, FISHER, CORMAN, BELAN, HART, BAKER, SHAFFER, JUBELIRER and AFFLERBACH presented to the Chair **SB 741**, entitled:

An Act providing for certain grants to be made by the Department of Education for the purpose of encouraging collaboration between public schools and social service agencies; and making an appropriation.

Which was committed to the Committee on EDUCATION, March 19, 1991.

Senators JUBELIRER, GREENLEAF, BRIGHTBILL, CORMAN, GREENWOOD, BAKER, SHAFFER, HELFRICK, HART and AFFLERBACH presented to the Chair **SB 742**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for acceptable level of performance on the eighth grade test; providing for a standardized testing program; further providing for requirements for a high school certificate; and making an appropriation.

Which was committed to the Committee on EDUCATION, March 19, 1991.

Senators PUNT, HART, HOPPER, GREENLEAF, FISHER, ROBBINS, CORMAN, WENGER, BELAN, BAKER, SHAFFER, JUBELIRER and AFFLERBACH presented to the Chair **SB 743**, entitled:

An Act providing for certain matching grants to school districts relating to business education; and making an appropriation.

Which was committed to the Committee on EDUCATION, March 19, 1991.

Senators HART, HOPPER, GREENLEAF, CORMAN, BELAN, BAKER, SHAFFER, JUBELIRER and AFFLERBACH presented to the Chair **SB 744**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," adding definitions; providing for school subsidies; and further providing for small district assistance.

Which was committed to the Committee on EDUCATION, March 19, 1991.

Senators CORMAN, ANDREZESKI and RHOADES presented to the Chair **SB 745**, entitled:

An Act amending the act of May 11, 1911 (P. L. 275, No. 177), entitled "An act to provide for the appointment of county and city inspectors of weights and measures;....," regulating the appointment of inspectors of weights and measures.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, March 19, 1991.

Senators CORMAN, HART and PETERSON presented to the Chair **SB 746**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the delegation of certain governing authority from the Supreme Court to other Statewide courts.

Which was committed to the Committee on JUDICIARY, March 19, 1991.

Senators CORMAN, HART and PETERSON presented to the Chair **SB 747**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the Supreme Court of Pennsylvania to delegate all general supervisory and administrative authority to the other Statewide courts.

Which was committed to the Committee on JUDICIARY, March 19, 1991.

Senators CORMAN, HOLL, STOUT, HOPPER, ROBBINS, FISHER, MADIGAN, HELFRICK, SCHWARTZ, BORTNER, SCANLON, ANDREZESKI, REIBMAN, MUSTO, BAKER, JUBELIRER, PUNT, STEWART, LEMMOND, MELLOW, HART and WENGER presented to the Chair **SB 748**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the licensing and regulation of agents and brokers; and imposing penalties.

Which was committed to the Committee on BANKING AND INSURANCE, March 19, 1991.

Senators O'PAKE and BRIGHTBILL presented to the Chair **SB 749**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting detention of dependent children with violent offenders.

Which was committed to the Committee on JUDICIARY, March 19, 1991.

Senators PORTERFIELD, MELLOW, STAPLETON, BELAN, STEWART and LAVALLE presented to the Chair **SB 750**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," providing that certain sports officials be considered employees of the school district which utilizes their services for compensation purposes.

Which was committed to the Committee on LABOR AND INDUSTRY, March 19, 1991.

Senators JONES, BRIGHTBILL, AFFLERBACH, LEWIS, WILLIAMS, SCHWARTZ, PUNT, O'PAKE, ANDREZESKI, BELAN, DAWIDA, PORTERFIELD, HELFRICK, MUSTO, RHOADES, STEWART, REIBMAN, HOPPER, FATTAH, BODACK, FUMO, HART, SHUMAKER, PETERSON, BAKER, ARMSTRONG and WENGER presented to the Chair **SB 751**, entitled:

An Act providing for the creation of the Housing Council within the Department of Community Affairs to coordinate the development of housing policies to ensure decent and affordable housing for all; providing for the powers and duties of the Housing Council; and making an appropriation.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 19, 1991.

Senators HART, PECORA, REIBMAN, HELFRICK, MADIGAN, SALVATORE, BELL, CORMAN, ANDREZESKI, BAKER, PETERSON and RHOADES presented to the Chair **SB 752**, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for administrative expenses.

Which was committed to the Committee on LOCAL GOVERNMENT, March 19, 1991.

Senators STAPLETON, MELLOW, LAVALLE, PORTERFIELD, STEWART, BELL, HELFRICK, STOUT, PETERSON and BORTNER presented to the Chair **SB 753**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for special occasion permits.

Which was committed to the Committee on LAW AND JUSTICE, March 19, 1991.

Senators ANDREZESKI, STAPLETON, MUSTO, BELAN, MELLOW, WILLIAMS, REIBMAN, LYNCH, SALVATORE and HELFRICK presented to the Chair **SB 754**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing a tax credit to corporations that provide child day-care facilities or subsidies for their employees.

Which was committed to the Committee on FINANCE, March 19, 1991.

Senators ANDREZESKI, STOUT, STAPLETON, MUSTO, BELAN, MELLOW, WILLIAMS, O'PAKE, SCHWARTZ, REIBMAN, LYNCH, SALVATORE and HELFRICK presented to the Chair **SB 755**, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," establishing the Senior Citizens Fraud Unit in the Office of Attorney General; and providing for its powers and duties.

Which was committed to the Committee on AGING AND YOUTH, March 19, 1991.

Senators ANDREZESKI, MUSTO, BELAN, WILLIAMS, O'PAKE, SCHWARTZ, REIBMAN and LEWIS presented to the Chair **SB 756**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for driver's license voter registration.

Which was committed to the Committee on STATE GOVERNMENT, March 19, 1991.

Senators FATTAH, MELLOW, SCANLON, SALVATORE, LEWIS, ANDREZESKI, PORTERFIELD, STAPLETON, STEWART, LAVALLE, FUMO, BELAN, AFFLERBACH, O'PAKE, BODACK, JONES, DAWIDA, STOUT, WILLIAMS, SCHWARTZ, MUSTO, LINCOLN, BORTNER, REIBMAN and LYNCH presented to the Chair **SB 757**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the Insurance Department to grant the exclusive right to provide automobile insurance in cities of the first class to a single carrier; making an appropriation; and making a repeal.

Which was committed to the Committee on BANKING AND INSURANCE, March 19, 1991.

Senator SALVATORE presented to the Chair **SB 758**, entitled:

An Act making an appropriation to the Department of Community Affairs to establish centers to aid the homeless.

Which was committed to the Committee on APPROPRIATIONS, March 19, 1991.

Senators SALVATORE, REIBMAN, PECORA, SCHWARTZ, ANDREZESKI, BELAN and RHOADES presented to the Chair **SB 759**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring employers of school bus drivers to notify the Department of Transportation and requiring the Department of Transportation to inform employers of any suspension or revocation of a school bus driver's license.

Which was committed to the Committee on TRANSPORTATION, March 19, 1991.

Senators SALVATORE, HOLL, O'PAKE and HART presented to the Chair **SB 760**, entitled:

An Act amending the act of November 29, 1967 (P. L. 636, No. 292), entitled "Neighborhood Assistance Act," further providing for the maximum amount of tax credit.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 19, 1991.

Senator SALVATORE presented to the Chair **SB 761**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for determination of certain suspensions of operating privileges.

Which was committed to the Committee on TRANSPORTATION, March 19, 1991.

Senators SALVATORE, PECORA, BELAN and RHOADES presented to the Chair **SB 762**, entitled:

An Act amending the act of December 16, 1988 (P. L. 1259, No. 155), entitled "Urban and Rural Teacher Loan Forgiveness Act," further providing for the definition of "qualified applicant."

Which was committed to the Committee on EDUCATION, March 19, 1991.

Senator SALVATORE presented to the Chair **SB 763**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for distance requirements for transportation of pupils.

Which was committed to the Committee on EDUCATION, March 19, 1991.

Senators SALVATORE, PECORA and RHOADES presented to the Chair **SB 764**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the determination of hazardous routes and removing certain traffic control devices from consideration.

Which was committed to the Committee on EDUCATION, March 19, 1991.

Senators SALVATORE, HELFRICK, O'PAKE and BELAN presented to the Chair **SB 765**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the definition of "maximum annual income" and for participant copayment.

Which was committed to the Committee on AGING AND YOUTH, March 19, 1991.

Senator GREENLEAF presented to the Chair **SB 766**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting operation of a railway maintenance yard within 750 feet of a residential neighborhood during certain hours; and providing a penalty.

Which was committed to the Committee on TRANSPORTATION, March 19, 1991.

Senators LYNCH, MELLOW, WILLIAMS and STOUT presented to the Chair **SB 767**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privilege, for racing on highways and for subsequent convictions of racing on highways.

Which was committed to the Committee on TRANSPORTATION, March 19, 1991.

Senators LYNCH, MELLOW, ANDREZESKI, STOUT and GREENLEAF presented to the Chair **SB 768**, entitled:

An Act amending the act of December 22, 1983 (P. L. 303, No. 83), entitled "Animal Destruction Method Authorization Law," further providing for destruction of pet animals by firearms.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, March 19, 1991.

Senator PUNT presented to the Chair **SB 769**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, eliminating the Court Reporting Network evaluation prior to sentencing or receiving Accelerated Rehabilitative Disposition or other disposition.

Which was committed to the Committee on JUDICIARY, March 19, 1991.

Senators FISHER, SCANLON, PECORA, O'PAKE and SALVATORE presented to the Chair **SB 770**, entitled:

An Act providing for the selection of registered architects, professional engineers, landscape architects and land surveyors to provide professional services to Commonwealth agencies.

Which was committed to the Committee on STATE GOVERNMENT, March 19, 1991.

Senators FISHER, CORMAN, SHAFFER, SALVATORE, BELAN, PECORA, HART, ROBBINS, HELFRICK, LAVALLE, PETERSON and RHOADES presented to the Chair **SB 771**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for installation cost of certain traffic-control signals.

Which was committed to the Committee on TRANSPORTATION, March 19, 1991.

Senators FISHER, HART, CORMAN, SALVATORE, MUSTO, ROBBINS, REIBMAN, SHAFFER, BELAN,

HOPPER, ANDREZESKI, HELFRICK, JUBELIRER, LAVALLE, PETERSON, LEMMOND and RHOADES presented to the Chair **SB 772**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," authorizing expenditures for POW/MIA flags.

Which was committed to the Committee on LOCAL GOVERNMENT, March 19, 1991.

Senators FISHER, STOUT, SALVATORE, SHUMAKER, HOPPER, HELFRICK, ANDREZESKI and SCHWARTZ presented to the Chair **SB 773**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for confidential registration for judges.

Which was committed to the Committee on TRANSPORTATION, March 19, 1991.

Senators CORMAN, HART, PECORA, MADIGAN, ANDREZESKI, PORTERFIELD, HELFRICK and RHOADES presented to the Chair **SB 774**, entitled:

An Act amending the act of December 13, 1982 (P. L. 1127, No. 257), entitled "Commonwealth Agency Adjudicatory Expenses Award Law," redefining "fees and expenses."

Which was committed to the Committee on STATE GOVERNMENT, March 19, 1991.

Senators DAWIDA, WILLIAMS, STAPLETON and REIBMAN presented to the Chair **SB 775**, entitled:

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), entitled "The Casualty and Surety Rate Regulatory Act," further providing for the use of miles traveled in rate calculation.

Which was committed to the Committee on BANKING AND INSURANCE, March 19, 1991.

Senators HART, SHAFFER, FUMO, BELAN, HELFRICK, PECORA, DAWIDA, ANDREZESKI and RHOADES presented to the Chair **SB 776**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for bonded warehouse licenses; and providing for winery licenses.

Which was committed to the Committee on LAW AND JUSTICE, March 19, 1991.

Senators LEWIS, FISHER, JUBELIRER, LOEPER, WENGER, HOLL, BRIGHTBILL, BORTNER, HOPPER, HART and REIBMAN presented to the Chair **SB 777**, entitled:

An Act providing for a system of courts of special chancery; and making conforming amendments to existing law.

Which was committed to the Committee on JUDICIARY, March 19, 1991.

Senator BELL presented to the Chair **SB 778**, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," prohibiting a landlord from charging a tenant more than the actual cost of cable television service; and imposing a penalty.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 19, 1991.

Senators SCHWARTZ, BELAN, O'PAKE, GREENWOOD, LYNCH, HART, SALVATORE, DAWIDA, WILLIAMS, REIBMAN, MELLOW, STEWART, AFFLERBACH, MUSTO, LAVALLE, BORTNER, ANDREZESKI and PETERSON presented to the Chair **SB 779**, entitled:

An Act providing for Commonwealth support for a Mental Health and Mental Retardation Caseworker Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as mental health and mental retardation caseworkers in this Commonwealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 19, 1991.

Senators LINCOLN, BELAN, FUMO, MUSTO, LYNCH, SCHWARTZ and ANDREZESKI presented to the Chair **SB 780**, entitled:

An Act providing for agency shop in political subdivisions.

Which was committed to the Committee on LABOR AND INDUSTRY, March 19, 1991.

#### March 21, 1991

Senators CORMAN, BAKER, STOUT and BORTNER presented to the Chair **SB 781**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for contracts.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators CORMAN, BAKER, STOUT and BORTNER presented to the Chair **SB 782**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for contracts.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators CORMAN, BAKER, STOUT and BORTNER presented to the Chair **SB 783**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for contracts.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators CORMAN, BAKER, STOUT and BORTNER presented to the Chair **SB 784**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for the publication of a certain notice relating to fiscal matters.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators CORMAN, BAKER, BORTNER and STOUT presented to the Chair **SB 785**, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," redefining the terms "municipal employee" and "retired member's

reserve account"; further providing for qualifications for disability; further providing for purchase of military time; changing provisions relating to payout of contributions and excess investment moneys; and making technical changes.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators CORMAN, BAKER, STOUT and BORTNER presented to the Chair **SB 786**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for complaints when officers fail or neglect to perform their duties; and making an editorial change.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators BAKER, STOUT and BORTNER presented to the Chair **SB 787**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for certain reimbursement.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators BAKER, STOUT and BORTNER presented to the Chair **SB 788**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for certain reimbursement.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators BAKER, STOUT and BORTNER presented to the Chair **SB 789**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for certain reimbursement.

Which was committed to the Committee on LOCAL GOVERNMENT, March 21, 1991.

Senators CORMAN, BAKER, STOUT and BORTNER presented to the Chair **SB 790**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the times for reports to the Secretary of Revenue.

Which was committed to the Committee on FINANCE, March 21, 1991.

#### March 22, 1991

Senators CORMAN, BAKER, STOUT and BORTNER presented to the Chair **SB 791**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for formation of and attendance at county associations of township officers.

Which was committed to the Committee on LOCAL GOVERNMENT, March 22, 1991.

Senators CORMAN, BAKER, BORTNER and STOUT presented to the Chair **SB 792**, entitled:

An Act providing procedures for the consolidation or merger of municipalities other than counties; establishing procedures for allocation of assets and liabilities; and making repeals.

Which was committed to the Committee on LOCAL GOVERNMENT, March 22, 1991.

Senators FISHER, WENGER, SALVATORE, SCANLON, PECORA, SHAFFER, BELAN, RHOADES, ANDREZESKI, BELL, LAVALLE, O'PAKE, HOPPER, AFFLERBACH, BAKER and LYNCH presented to the Chair **SB 793**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," prohibiting the offer to buy or sell, or solicitation of another to buy or sell, controlled substances or designer drugs; providing penalties; and providing for the suspension of certain State benefits or entitlements upon conviction.

Which was committed to the Committee on JUDICIARY, March 22, 1991.

Senators FISHER, SALVATORE, BELL, SCANLON, PECORA, O'PAKE, HART, ROBBINS, BELAN, ANDREZESKI, HOPPER, BAKER, SHAFFER, RHOADES, SHUMAKER and STOUT presented to the Chair **SB 794**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing penalties for the sale and distribution of a controlled substance; and providing for mandatory minimum sentences for the possession, use or sale of "ice" or "crack."

Which was committed to the Committee on JUDICIARY, March 22, 1991.

Senators FISHER, JUBELIRER, WENGER, SALVATORE, SHUMAKER, SCANLON, BELL, O'PAKE, LYNCH, REIBMAN, GREENWOOD, HOPPER, BORTNER, ANDREZESKI and PORTERFIELD presented to the Chair **SB 795**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the forfeiture of property and interests of persons convicted of involvement with corrupt organizations; and making a repeal.

Which was committed to the Committee on JUDICIARY, March 22, 1991.

Senators FISHER, SALVATORE, BELL, SCANLON, REIBMAN, BAKER, LAVALLE and AFFLERBACH presented to the Chair **SB 796**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies.

Which was committed to the Committee on JUDICIARY, March 22, 1991.

Senators FISHER, JUBELIRER, SALVATORE, SHUMAKER, SHAFFER, BELL, SCANLON, O'PAKE, ANDREZESKI, JONES, HOPPER, PORTERFIELD, REIBMAN and AFFLERBACH presented to the Chair **SB 797**, entitled:



An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing an additional class of criminal homicide known as homicide by abuse.

Which was committed to the Committee on JUDICIARY, March 22, 1991.

Senators FISHER, JUBELIRER, WENGER, SALVATORE, HOLL, BELL, MUSTO, BELAN, SCANLON, STOUT, SHUMAKER, HART, GREENWOOD, ROBBINS, O'PAKE, AFFLERBACH, REIBMAN, RHOADES, PORTERFIELD, HOPPER, BORTNER and ANDREZESKI presented to the Chair **SB 798**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further defining "drug paraphernalia"; and further providing for prohibited acts and penalties.

Which was committed to the Committee on JUDICIARY, March 22, 1991.

Senators FISHER, RHOADES, SALVATORE, BELL, SHUMAKER, HART, GREENWOOD, ROBBINS, HOPPER, REIBMAN, BELAN, STOUT, SCANLON, O'PAKE, BORTNER and ANDREZESKI presented to the Chair **SB 799**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain transactions involving property derived from criminal activity.

Which was committed to the Committee on JUDICIARY, March 22, 1991.

Senators FISHER, SALVATORE, BELL, SCANLON, STOUT, REIBMAN, GREENWOOD, HOPPER, LAVALLE and BORTNER presented to the Chair **SB 800**, entitled:

An Act requiring financial institutions to report certain financial transactions to the Office of Attorney General; imposing additional powers and duties on the Office of Attorney General; and providing for the imposition of civil penalties for violations of the reporting requirements.

Which was committed to the Committee on BANKING AND INSURANCE, March 22, 1991.

#### March 26, 1991

Senators FISHER, JUBELIRER, SALVATORE, SCANLON, BELL, STOUT, HART, LAVALLE, PECORA, SHAFFER, RHOADES, DAWIDA, GREENWOOD, ROBBINS, HOPPER and ANDREZESKI presented to the Chair **SB 801**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing certain immunity to individuals and organizations dealing with juveniles.

Which was committed to the Committee on JUDICIARY, March 26, 1991.

Senators TILGHMAN and HOPPER presented to the Chair **SB 802**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," further providing for the

establishment of a State Lottery Commission and transferring powers and duties from the Department of Revenue, Division of the State Lottery to the State Lottery Commission.

Which was committed to the Committee on FINANCE, March 26, 1991.

Senators REIBMAN, MUSTO, SCANLON and BORTNER presented to the Chair **SB 803**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the computation of instructional time.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators REIBMAN, MUSTO, SCANLON, O'PAKE, SHUMAKER and BELAN presented to the Chair **SB 804**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for courses of study; and making an editorial change.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators REIBMAN, MUSTO and SCANLON presented to the Chair **SB 805**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the coordinating of pupil transportation within intermediate units.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators REIBMAN, MUSTO, SCANLON, O'PAKE, SCHWARTZ, SHUMAKER, BORTNER and BELAN presented to the Chair **SB 806**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for pupils who are unable, because of observance of a religious holiday, to attend classes.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators REIBMAN, MUSTO, SCANLON, O'PAKE, SCHWARTZ, SHUMAKER, BORTNER and BELAN presented to the Chair **SB 807**, entitled:

An Act amending the act of July 17, 1961 (P. L. 776, No. 341), entitled, as amended, "Pennsylvania Fair Educational Opportunities Act," further providing for unfair educational practices.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators REIBMAN, MUSTO, SCANLON, O'PAKE, SCHWARTZ and BELAN presented to the Chair **SB 808**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing the provision of instruction by telecommunications system equipment for homebound children; further providing for payments on account of instruction of certain special education and homebound children; and making editorial changes.



Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators REIBMAN, MUSTO, SCANLON and O'PAKE presented to the Chair **SB 809**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments on account of approved adult program travel.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators REIBMAN, MUSTO, SCANLON, O'PAKE and BELAN presented to the Chair **SB 810**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for health services, dental examinations and dental hygiene services; and further providing for reimbursements by the Commonwealth.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators O'PAKE, BELL, MELLOW, SALVATORE, BELAN, MUSTO, REIBMAN, LAVALLE, SHUMAKER, HELFRICK, FISHER, LYNCH, AFFLERBACH, LEMMOND, CORMAN and RHOADES presented to the Chair **SB 811**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for display of flags.

Which was committed to the Committee on EDUCATION, March 26, 1991.

Senators ANDREZESKI, STAPLETON, O'PAKE, BELAN and LYNCH presented to the Chair **SB 812**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for free fishing licenses for certain disabled veterans.

Which was committed to the Committee on GAME AND FISHERIES, March 26, 1991.

Senators ANDREZESKI, STAPLETON, O'PAKE, BELAN and LYNCH presented to the Chair **SB 813**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, changing certain requirements for free hunting licenses for disabled veterans.

Which was committed to the Committee on GAME AND FISHERIES, March 26, 1991.

#### April 1, 1991

Senators HELFRICK, JUBELIRER, ARMSTRONG, CORMAN, GREENLEAF, HOPPER, PUNT, SHUMAKER, WENGER and BAKER presented to the Chair **SB 814**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," repealing provisions requiring certain State and public school employees to pay a fee to employee organizations.

Which was committed to the Committee on LABOR AND INDUSTRY, April 1, 1991.

Senators FUMO, MELLOW, STAPLETON, O'PAKE, LEWIS, ANDREZESKI, REIBMAN, BELAN, LAVALLE, SCHWARTZ and LYNCH presented to the Chair **SB 815**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," restricting deductions for costs and expenses of environmental damage cleanup.

Which was committed to the Committee on FINANCE, April 1, 1991.

Senators FUMO, MELLOW and ANDREZESKI presented to the Chair **SB 816**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the tax imposition, report, payment and exemptions relating to the mutual thrift institutions tax.

Which was committed to the Committee on FINANCE, April 1, 1991.

Senators FUMO, MELLOW, SCHWARTZ, FISHER, WILLIAMS, REIBMAN, O'PAKE, STAPLETON, MUSTO, LAVALLE, BELAN and ANDREZESKI presented to the Chair **SB 817**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for exclusions from sales and use tax.

Which was committed to the Committee on FINANCE, April 1, 1991.

Senators FUMO, ANDREZESKI, MELLOW, REIBMAN, LEWIS, MUSTO, STAPLETON, O'PAKE, LYNCH, BELAN, LAVALLE and WILLIAMS presented to the Chair **SB 818**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for exclusions from sales and use tax.

Which was committed to the Committee on FINANCE, April 1, 1991.

Senators ROBBINS, SHUMAKER, SHAFFER, HELFRICK, O'PAKE, CORMAN, HOPPER, REIBMAN, JUBELIRER, ANDREZESKI, BELAN, SALVATORE, PETERSON, STAPLETON, LYNCH and RHOADES presented to the Chair **SB 819**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens.

Which was committed to the Committee on GAME AND FISHERIES, April 1, 1991.

## GENERAL COMMUNICATION

### LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

#### SENATE OF PENNSYLVANIA

April 1, 1991

To the Honorable, the Senate of the  
Commonwealth of Pennsylvania  
To the Honorable, the House of Representatives

of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from March 1, 1991 through March 31, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN

Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

## REPORTS FROM COMMITTEES

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

### SB 28 (Pr. No. 904) (Amended) (Rereported)

An Act imposing duties on kennels and pet shops licensed by the Pennsylvania Department of Agriculture or the United States Department of Agriculture; providing for misrepresentation of pedigree and health of dogs bred for sale; providing for enforcement by the Attorney General; and imposing penalties.

### SB 275 (Pr. No. 284) (Rereported)

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects; and providing for a referendum to incur indebtedness for such projects and the issuance of notes and bonds if authorized by the referendum.

### SB 335 (Pr. No. 345) (Rereported)

An Act establishing a sinkhole damage assistance program; providing for grants and loans; and making an appropriation.

### SB 405 (Pr. No. 905) (Amended) (Rereported)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive; providing for legal advisors to the respective boards; and further providing for special early retirement and for accrued liability.

### SB 432 (Pr. No. 906) (Amended) (Rereported)

An Act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Persian Gulf War Veterans' Compensation Fund; providing for powers and duties of the Governor, the Auditor General, the State Treasurer and the Board of Finance and Revenue; providing for the payment of interest on and the redemption and refunding of the bonds.

### SB 433 (Pr. No. 907) (Amended) (Rereported)

An Act providing compensation to certain persons who served in the armed forces of the United States during the Persian Gulf War; providing the method of making payment to representatives

of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

### SB 434 (Pr. No. 720) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Freedom Defense Campaign Medal and Ribbon.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bill:

### SB 40 (Pr. No. 872) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices and for limitations on compulsory arbitration.

## SPECIAL ORDER OF BUSINESS

### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The leaders have given permission for the Committee on Rules and Executive Nominations to consider certain nominations during today's Session as well as Senate Resolution No. 40.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for the week for Senator Pecora.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Jones, Senator Lewis, Senator Porterfield and Senator Williams.

The PRESIDENT. Senator Fisher requests legislative leave for Senator Pecora. Senator Mellow requests legislative leaves for Senator Jones, Senator Lewis, Senator Porterfield and Senator Williams. The Chair hears no objection. The leaves will be granted.

## LEAVES OF ABSENCE

Senator FISHER asked and obtained leaves of absence for Senator ROBBINS and Senator PETERSON, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

## SENATE CONCURRENT RESOLUTION

### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, April 2, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 8, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, April 8, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,  
Will the Senate agree to the motion?

#### LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, prior to the roll call, may I have temporary Capitol leave for Senator Fattah.

The PRESIDENT. Senator Mellow asks temporary Capitol leave for Senator Fattah. The Chair hears no objection. The leave will be granted.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—46

Afflerbach	Fisher	Lewis	Salvatore
Andrezeski	Fumo	Lincoln	Scanlon
Armstrong	Greenleaf	Loeper	Schwartz
Baker	Greenwood	Madigan	Shaffer
Belan	Hart	Mellow	Shumaker
Bell	Helfrick	Musto	Stapleton
Bodack	Holl	O'Pake	Stewart
Bortner	Hopper	Pecora	Stout
Brightbill	Jones	Porterfield	Tilghman
Corman	Jubelirer	Punt	Wenger
Dawida	LaValle	Rhoades	Williams
Fattah	Lemmond		

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

#### LEAVE OF ABSENCE

Senator STAPLETON asked and obtained leave of absence for Senator REIBMAN, for today's Session, for personal reasons.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:30 p.m.

Senator STAPLETON. Mr. President, I would ask all the Democrats to go to the back of the room immediately for their caucus.

The PRESIDENT. For purposes of Democratic and Republican caucuses to begin immediately, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 222 (Pr. No. 231)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the fountain in the plaza of the East Wing of the Main Capitol Building in Harrisburg as the War Veterans' Memorial Fountain; and imposing duties upon the Department of General Services.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Andrezeski. Senator O'Pake has been called from the floor and I request a temporary Capitol leave for Senator O'Pake.

The PRESIDENT. Senator Mellow asks temporary Capitol leaves for Senator Andrezeski and Senator O'Pake. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—46

Afflerbach	Fisher	Lewis	Salvatore
Andrezeski	Fumo	Lincoln	Scanlon
Armstrong	Greenleaf	Loeper	Schwartz
Baker	Greenwood	Madigan	Shaffer
Belan	Hart	Mellow	Shumaker
Bell	Helfrick	Musto	Stapleton
Bodack	Holl	O'Pake	Stewart
Bortner	Hopper	Pecora	Stout
Brightbill	Jones	Porterfield	Tilghman
Corman	Jubelirer	Punt	Wenger
Dawida	LaValle	Rhoades	Williams
Fattah	Lemmond		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Armstrong and Senator Shumaker have been called from the floor and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Armstrong and Senator Shumaker. The Chair hears no objection. Those leaves will be granted.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 244 (Pr. No. 922)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator STEWART. Mr. President, I would move that we revert to prior Printer's No. 767 on House Bill No. 244.

The PRESIDENT. Senator Stewart moves that the Senate do revert to prior Printer's No. 767 on House Bill No. 244.

On the question,

Will the Senate agree to the motion?

Senator CORMAN. Mr. President, I would oppose this motion to revert to prior Printer's No. 767. If we revert to prior Printer's No. 767, that means we put back into the bill the State General Hospital in Philipsburg, which happens to be located in my senatorial district. Philipsburg has been trying to disengage itself from being a state facility for some years. We fought that battle on this floor of the Senate approximately four years ago when we had an organization from Allegheny County called Forbes, which wanted to provide quality care service for the people in the Moshannon Valley, and we turned them down on a vote of, I believe it was 26 votes. We now have another opportunity and we have several very capable private providers who would like to lease that facility and run quality acute care for the people of the Moshannon Valley if we only give them an opportunity. I would urge, I would beg all of my colleagues to support the community which supports this idea of having the hospital being run by an organization that will consider the medical needs of the community and not have political decisions being made concerning that hospital as had happened over all the years of its existence. I would urge a negative vote on this proposal.

Senator LOEPER. Mr. President, I would also support the gentleman from Centre, Senator Corman, in his efforts and ask for a negative vote on the motion to revert.

Senator STEWART. Mr. President, my motion to revert, as stated by the gentleman from Centre, Senator Corman, does indeed restore Philipsburg to the same status in this legislation as all of the other state institutions and state hospitals. We have before, via resolution, asked that Philipsburg be treated the same as all of the other state hospitals that are in similar financial circumstances, and this reversion motion simply continues that theme in asking that this state hospital be treated the same as all of the others. I would ask for an affirmative vote.

## LEGISLATIVE LEAVE

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Brightbill.

The PRESIDENT. Senator Fisher requests a temporary Capitol leave for Senator Brightbill. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator STEWART and were as follows, viz:

### YEAS—22

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Porterfield	Stout
Bortner	Lewis	Scanlon	Williams
Dawida	Lincoln		

### NAYS—24

Armstrong	Greenleaf	Jubelirer	Rhoades
Baker	Greenwood	Lemmond	Salvatore
Bell	Hart	Loeper	Shaffer
Brightbill	Helfrick	Madigan	Shumaker
Corman	Holl	Pecora	Tilghman
Fisher	Hopper	Punt	Wenger

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

## LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Hopper has been called from the floor and I would request a temporary Capitol leave on his behalf.

Senator FUMO. Mr. President, Senator Lincoln has been called from the floor to his office. We would like to place him on temporary Capitol leave as well.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Hopper and Senator Fumo requests temporary Capitol leave for Senator Lincoln. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator FUMO. Mr. President, on House Bill No. 244, I think the record has to be clear in that there are many of us who feel that while this may be an emotional issue and something which no one wants to be for, i.e., closing hospitals and other facilities, the fact of the matter still remains that this current budget deficit is growing by the day and the other side of the aisle does nothing to help stem the flow of blood from that budget in red ink. In fact, just today in the Committee on Appropriations they probably added another \$20 million or \$30 million to the problem. Mr. President, at some point in time there has to be some reality. If we do not want to close facilities, if we do not want to make cuts in the budget, then we have to raise taxes. But I do not hear anyone clamoring at the microphone saying they want to raise taxes. We cannot have it both ways, Mr. President. This is not the United States Congress. Here one and one still has to equal two and, like it or not, this is the year that simple arithmetic is going to come home to roost.

Mr. President, we cannot support, on this side of the aisle, House Bill No. 244 because, in addition to the budgetary problems that this would create, there are some basic constitutional principles involved, one of which is the role of the Executive Branch of government vis-a-vis the Legislative Branch of government. Mr. President, the enactment of House Bill No. 244 would put the Legislature in the management process of running government, a role which was never envisioned by our forefathers, and, quite frankly, I do not think it is a role we really want to be in, although today it is nice to be able to go home and tell our constituents we stood up to the Executive Branch and we are not going to let them close hospitals or schools or anything else. The reality is, Mr. President, that is simply not our role. I would urge a negative vote on House Bill No. 244 and, again, I would urge this Body and the other Body across the hall to start seriously considering this budget as if it were something that is real because, in fact, it is. We have to stop playing games. We have to stop being political in the process and we have to stop spending money because we do not have it to spend, Mr. President, and it is about time we started to realize that or else it is going to be a very long, hot summer for all of us. I, for one, and we on this side of the aisle do not want to participate in that kind of charade. We would rather that there be some sound logic to this process and some hard decisions made. We cannot avoid them forever, and I submit to you today that House Bill No. 244 might be a nice place to start dealing with the budget problems of the Commonwealth.

Senator LOEPER. Mr. President, I would like to direct my remarks today directly to the content of House Bill No. 244, that I think if we were to take a look, Mr. President, over the years, we have seen that most of our state-run institutions have been affected by changes in state policy. Some of those institutions have been converted to other uses, but they still remained under state control. I think we have seen in other cases that those institutions have been transferred through an orderly process to private operators and I think these efforts

have not been shaded by particular partisan political concerns. There were actually occasions that we have worked jointly on together in order to make that orderly transition. For example, a conversion in the district of the gentleman from Blair, Senator Jubelirer, took place during the Shapp Administration. A transfer in the district of the gentleman from Fayette, Senator Lincoln, took place during the Thornburgh years, and I think there are other worthy examples we could cite to follow the same type of transition that has taken place over the years. I think though, Mr. President, it is well to note, however, Legislators from both sides of the aisle have rallied to preserve institutions that were prematurely or unwisely targeted for closure by various previous administrations. I think this history is very important that we lay out on the record today when we are considering House Bill No. 244, particularly because if this was followed in this particular case, these procedures that traditionally have been followed, it would not be necessary that we have legislation like that contained in this bill before us today. It seems to me, however, Mr. President, that the effort by the Governor to abruptly close four state general hospitals as well as the Scotland School for Veterans' Children changes the pattern that we have just talked about. It was not announced as a well-considered change in state policy, and there was no apparent effort to arrange for any kind of an orderly transition in those closings. There was no consultation with either the affected communities or with their representatives and, rather, these seem to be budget bombshells that were dropped as part of an act of fiscal desperation. The General Assembly participated in the creation of these facilities and the growth of state support for their efforts, and it certainly seems to be proper that we have a say in their final fate, and I would ask for an affirmative vote on the bill.

And the question recurring,  
Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Senator STEWART. I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—27

Afflerbach	Greenleaf	Loeper	Schwartz
Armstrong	Hart	Madigan	Shaffer
Baker	Helfrick	O'Pake	Shumaker
Bell	Holl	Pecora	Stapleton
Brightbill	Hopper	Punt	Tilghman
Corman	Jubelirer	Rhoades	Wenger
Fisher	Lemmond	Salvatore	

#### NAYS—14

Belan	Fumo	Lincoln	Scanlon
Bodack	Greenwood	Mellow	Stewart
Bortner	LaValle	Musto	Stout
Dawida	Lewis		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE**

**SB 444 (Pr. No. 715)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," classifying the State System of Higher Education, the State Employees' Retirement System and the Public School Employees' Retirement System as independent agencies entitled to appoint and fix the compensation of legal counsel.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator LOEPER. Mr. President, Senate Bill No. 444, which is before us, creates an office of independent counsel specifically for the State System of Higher Education. As I had mentioned in the Committee on Education when we were considering this legislation, the state system was created essentially to keep some independence from the Executive Branch of government and particularly so the 14 state schools, or now universities, could have more control over their own destiny. Certainly, the lady from Northampton, Senator Reibman, who was a champion of this idea for many years—it just happened to be that my name was on the bill as it went all the way through the system in 1982—created this system, and the system has functioned very well in that period of time, and through the Board of Governors and also the independent counsel at the 14 state universities, the system has functioned extremely well. Unfortunately, we have now faced the first of a series of problems with the system and that is, Mr. President, the Board of Governors' current reliance on the Office of General Counsel, and it seems to me that to have the Office of General Counsel render legal opinions to the state system of the Board of Governors compromises their independence, particularly in this case when the administration is intent on forcing the schools to act against their own best interests and the interests of the students that each one of those 14 universities serve. The schools do not have much chance of winning disputes when they have to count on the prosecutor for their defense. I think, Mr. President, that the independent counsel ensures that this system has an independent line of defense against the general incursions from the Office of General Counsel. I think, particularly, as we view the current situation we are in, that we have seen the repeated pressure of the administration that it has applied to the two retirement boards as well on budget and policy issues, and it also makes it imperative that these boards would have independent counsel as well. I think if we were to see if the State Tax Equalization Board or the Historical Museum Commission are entitled to

independent counsel, and they are under the Commonwealth Attorneys Act, then certainly the retirement boards and the SSHE system should be entitled to the very same type of independent counsel that those agencies enjoy at this time. It seems to me, Mr. President, that the independent counsel is a small investment in substantial protection of the educational missions that we are looking for among our 14 state universities and certainly the fund integrity that we have seen in each of those retirement systems, both the State Employees' Retirement System as well as the State School Employees' Retirement System.

You know, Mr. President, with the bottom line really this year—and we have heard the gentleman from Philadelphia, the Minority Chairman of the Committee on Appropriations, talk about the budget and deficits—I think it is important to note that the retirement systems and the State System of Higher Education were not created to be super money access machines, and that seems to be how the Office of General Counsel and the administration view each one of these boards, and also the State System of Higher Education. They simply go when they are short on cash, call in the cash from the machines of either the retirement system or the state system but at the expense of many people throughout this state, and I would ask for an affirmative vote on the bill.

Senator FUMO. Mr. President, I do not know why the gentleman wants to make these three agencies different from every other independent agency. The law is clear in 71 Purdon's, Section 732-401, that each independent agency may appoint counsel. But, yet, all of a sudden in this bill we will not even give these three agencies the right to pick whether or not they want to appoint their counsel or not. We are mandating it.

Mr. President, I take issue with the gentleman as to the motivations of the front office. In fact, with regard to at least one of these agencies, I think much rumor has been going around the Capitol for a number of years about increasing pensions, and I think it has been the Governor's Office and the Governor's counsel that has kept a lid on that. I have heard much discussion that if one of these boards can get control of counsel, they can issue legal opinions that would fatten the pensions of many Members of the General Assembly. Mr. President, I think that as independent as these boards may be, we should not play around with it this way. I think that we have been served well by having the Governor's General Counsel provide legal advice to these boards. It has kept some rationality to the process, rather than letting everyone into the cookie jar who wants to get into it.

Mr. President, I would urge a "no" vote on this so as to save the Governor the trouble of having to veto the bill if it ever got to his desk anyway. This is pie in the sky and while it looks very nice on paper, let us have this independent agency really be independent. We really ought to ask the question, why, all of a sudden, when pensions are an issue among Members of the General Assembly, do we need independent counsel at some of these boards. Mr. President, I think the answer speaks for itself, and the General Counsel of the Gov-



ernor's Office, while we may not like it, has certainly kept the lid on some of the grabs that some people would like to pull off.

Senator BELL. Mr. President, why do we raise this question? I am glad this gentleman from Philadelphia asked that because I never in my time up here, and I have been here quite a while, have heard of raids upon the schoolteachers school employees' pension fund or the public employees' pension fund until this year, and I am talking about the decision of the school employees' pension fund to lend money to the City of Philadelphia. I think that was this year, was it not? I have just been reading in the papers during the last two weeks that the Governor wants to lower the contribution to the schoolteachers school employees' pension fund. Was it from 18 percent to 14 percent? And the counsel apparently feels this is adequate.

I do not know about others in this room, but the public employees' pension fund is sacred to those of us who have money invested in it, and I want to have a pension fund with its own lawyer, not one who can be hired and fired at the mere political whim of the Governor, and I will speak for the retired school employees. They do not want anybody diddling with their pension fund either.

Senator LOEPER. Mr. President, I think it would be inappropriate if I did not respond to the remarks of the gentleman from Philadelphia as to the intent of this particular legislation. I think, Mr. President, for the gentleman to characterize it as a smoke screen for a pension grab is just simply ludicrous. Mr. President, we are talking about our Commonwealth university students, the tuitions those students have to pay across this Commonwealth. I think we are talking about the increase of tuition, that we are saying with the Governor's grab out of the state system this year, is going to cost each student at least an additional \$600.00 per student next year. We are talking about a board that needs to be independent, that needs to keep the resources that are allocated to them by this General Assembly. And particularly, Mr. President, if we are concerned about a pension grab, I think that certainly the Governor himself, who will have 20 years in that system at the end of this term, would be the person to benefit from such a grab, and I do not think it is in the best interest of the General Assembly or the people of Pennsylvania, and I would ask for a "yes" vote on the legislation.

Senator FUMO. Mr. President, in response, the Governor's pension is fixed, and it is with many of us, and I recognize the gentleman from Delaware, Senator Bell, is not in this problem. He already has the fat pension system going for him, but there are a lot of younger people a little bit upset about that, and what I have heard is that this is one way to solve that problem. Fortunately, or maybe unfortunately, we have not been here as long as Senator Bell.

Mr. President, also to straighten the issue with regard to PSERS and the loan to the City of Philadelphia, I happen to sit as the Democratic caucus appointee to PSERS, without a vote I might add. We do not have legislative votes there. That is probably the best deal PSERS ever got, 27 percent interest,

Mr. President, with a very safe investment. I do not know where they could have gotten that return anywhere in the country.

Furthermore, as far as the counsel, Senator Bell ought to be advised that it is not the counsel who has said that a reduction in the pension contribution from 18 percent to whatever it is supposed to be is okay. It is the independent actuaries who rule on those issues, not counsel. I submit to you that the money is safe there and it has been very safe under this administration. I also want to know why the Republicans were not out making these same arguments when Governor Thornburgh demanded that the Governor's counsel be at those two boards. But now that we have a Democratic Governor, our whole perspective changed. Not only do Republicans spend like there is no tomorrow, but now they want to grab back all the things that Dick Thornburgh told them they had to do. Mr. President, you have to have some consistency in life, although I do not expect much in this Chamber, but at least a little bit. Let us be honest about it, Mr. President, this is a power grab in its rawest form. And as far as the State System of Higher Education, the lawyer being the difference as to whether or not tuitions go up, nothing could be further from the truth. That will be determined by how much money this General Assembly wants to give them to run that system. Again, I come back to the hard, cold facts for my colleagues on the other side of the aisle. That will be determined by how much taxes we increase. There is no manna falling from heaven. One and one is two and if we decide we want to raise taxes even more to give a totally free education, this is certainly our prerogative, but counsel has nothing to do with that. It is our appropriation power, and as much as the other side of the aisle likes to continue to make the deficit worse than it is, they cannot do it without tax votes and, certainly, the counsel to that board has nothing to do with tuition increases. Those tuitions will be increased if this General Assembly, Republicans included, do not give more money to that system. That is the simple fact of the matter. And also we cannot give more money to that system unless we are prepared to vote for taxes over and above what the Governor has suggested. Reality has set in, and I enjoy saying it every day. We are going to have to step up to the plate sooner or later. Let us start now and stop the silly nonsense and worry about realities. The lawyer for that board is not going to determine the financial situations of any of these institutions, but the lawyer for that board can write some very favorable opinions that affect our pensions, and we have to hold the line somewhere, Mr. President. I urge a "no" vote.

Senator BELL. Mr. President, I want to remind the gentleman from Philadelphia that I have been here a long time but my feet are not in the grave yet.

Back in Governor Shapp's time we had a Secretary of the Commonwealth by the name of C. DeLores Tucker, and she was on the retirement boards. She came up with a grandiose idea that would take all of the flow of the money out of the pension boards, the funds, and invest it in inner city mortgages. I told her that each and every one of you on the pension



board are fiduciaries, and you owe the duty of a fiduciary as to the investments. What happens? Again, I am glad to hear that it is the actuary who determines how much money has to go into the school pension fund. I think you ought to tell Secretary Carroll that, because publicly he said he is in favor of the raid of Governor Casey on the pension fund. Who advises a board as to whether there is a breach of fiduciary duty? It is the lawyer for the board.

Senator LOEPER. Mr. President, finally, I would just like to respond to the gentleman from Philadelphia once again. The gentleman has his facts wrong as far as the state system board is concerned, that it was this General Assembly that made an appropriation to that system in order to operate that system and its 14 state universities for the current fiscal year. It was the Governor who then came and told that board that they had to reduce that appropriation by 3.5 percent. In the same action, the Governor also withheld every bit of tuition challenge grant money from the Department of Education to the state system and that, Mr. President, is what is going to force a tuition increase. It is not what the General Assembly appropriated for those institutions. It is what the Governor has taken away, and that ruling was upheld by the counsel to the state system board which was the opinion of the Office of General Counsel and the Governor's Office, and that, certainly, Mr. President, represents a conflict in independence and one that is going to cost our students in the state system dearly in the year to come.

#### LEGISLATIVE LEAVE

Senator FUMO. Mr. President, Senator Mellow has been called to his office and I would like to request temporary Capitol leave for him.

The PRESIDENT. Without objection, Senator Mellow will be recorded as having temporary Capitol leave.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—24

Armstrong	Greenleaf	Jubelirer	Rhoades
Baker	Greenwood	Lemmond	Salvatore
Bell	Hart	Loeper	Shaffer
Brightbill	Helfrick	Madigan	Shumaker
Corman	Holl	Pecora	Tilghman
Fisher	Hopper	Punt	Wenger

#### NAYS—22

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Porterfield	Stout
Bortner	Lewis	Scanlon	Williams
Dawida	Lincoln		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

#### RECONSIDERATION OF SB 444

#### BILL OVER IN ORDER ON FINAL PASSAGE

Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 444, Printer's No. 715, just failed of final passage.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Senator LOEPER. Mr. President, I request that Senate Bill No. 444 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will be placed on the Final Passage Calendar.

#### SECOND CONSIDERATION CALENDAR

#### BILL ON SECOND CONSIDERATION

**SB 14 (Pr. No. 14)** — The Senate proceeded to consideration of the bill, entitled:

An Act imposing restrictions and prohibitions on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; providing for the powers and duties of the Environmental Quality Board; and imposing penalties.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**HB 26 (Pr. No. 16)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," providing for electrolgists and for the practice of electrology; creating a committee; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**HB 29, SB 48, 113 and 118** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 145 (Pr. No. 145)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for alternate security for performance of contracts.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL REREFERRED

**SB 205 (Pr. No. 214)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 266, 278 and 345** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL REREFERRED

**SB 348 (Pr. No. 357)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 390, 391 and 401** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 467 (Pr. No. 496)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for control and treatment of Lyme disease; and making appropriations.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 520 (Pr. No. 549)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further defining "maximum annual income."

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL ON SECOND CONSIDERATION

**SB 523 (Pr. No. 784)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 10, 1968 (1967 P. L. 925, No. 417), entitled "Legislative Officers and Employees Law," reestablishing and expanding the membership of the Senate Committee on Management Operations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS REREFERRED

**SB 621 (Pr. No. 651)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for eligibility for medical assistance for inmates of public institutions.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 645 (Pr. No. 675)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for eligibility for medical assistance.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL ON SECOND CONSIDERATION

**SB 653 (Pr. No. 683)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the payment of certain salaries, benefits and expenses from the Capital Facilities Fund.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

April 2, 1991

**DIRECTING THE LOCAL GOVERNMENT  
COMMISSION TO ORGANIZE A TASK FORCE  
TO CODIFY THE STATUTES RELATING TO  
REAL PROPERTY ASSESSMENTS**

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES offered the following resolution (**Senate Concurrent Resolution No. 39**), which was read and referred to the Committee on Finance:

In the Senate, April 2, 1991.

## A CONCURRENT RESOLUTION

Directing the Local Government Commission to organize a task force to codify the statutes relating to real property assessments.

WHEREAS, The real property assessment laws are currently scattered throughout numerous laws that create a patchwork of assessment requirements and guidelines; and

WHEREAS, Many provisions of the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, have become obsolete because the separate laws applicable

to different classes of counties and third class cities take precedence; and

WHEREAS, Real property taxes are based upon real property assessments; and

WHEREAS, It is important that real property assessments be as accurate and uniform as possible to ensure that real property taxes are fairly applied; and

WHEREAS, The present real property assessment laws create confusion and contradictions in an area that is already complicated; and

WHEREAS, The consolidation of Pennsylvania's statutory law begun in 1970 would be furthered by the inclusion of a codification of the real property assessment laws; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly direct the Local Government Commission to organize a task force to codify the laws relating to real property assessments and modernize their format as a part of the consolidated statutes; and be it further

RESOLVED, That the Local Government Commission report its findings and recommendations, along with appropriate legislation, to the General Assembly by November 1, 1991.

**MEMORIALIZING THE GOVERNOR TO PROCLAIM  
THE WEEK OF APRIL 7 THROUGH APRIL 14,  
1991, AS "DAYS OF REMEMBRANCE OF  
THE VICTIMS OF THE HOLOCAUST"**

Senators SALVATORE, JUBELIRER, REIBMAN, SCHWARTZ, SHAFFER, SHUMAKER, SCANLON, WENGER, JONES, BELL, MUSTO, BORTNER, DAWIDA, GREENLEAF, HART, BELAN, AFFLERBACH, O'PAKE, HELFRICK, PORTERFIELD and BRIGHTBILL offered the following resolution (**Senate Resolution No. 40**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, April 2, 1991.

**A RESOLUTION**

Memorializing the Governor to proclaim the week of April 7 through April 14, 1991, as "Days of Remembrance of the Victims of the Holocaust."

WHEREAS, From 1933 to 1945 six million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people perished as victims of Nazism; and

WHEREAS, The people of this Commonwealth should always remember the atrocities committed by the Nazis so that such horrors shall never be repeated and should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, The people of this Commonwealth should remain eternally vigilant against all tyranny and should recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, The Pennsylvania Department of Education in 1990 published "The Holocaust—A Guide for Pennsylvania Teachers," in cooperation with the Pennsylvania Jewish Coalition; and

WHEREAS, Publications of this type are useful and important tools to educate our teachers and their students in eliminating the prejudice and bigotry which leads to discrimination, persecution and, ultimately, to genocide; and

WHEREAS, April 11, 1991, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, It is appropriate for the people of this Commonwealth to join in the international commemoration; therefore be it

RESOLVED, That the Senate memorialize Governor Robert P. Casey to proclaim the week of April 7 through April 14, 1991, as "Days of Remembrance of the Victims of the Holocaust," in memory of the victims of the Holocaust and in the hope that we will strive always to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED, That the Senate memorialize the Governor to support the continued promotion and distribution of "The Holocaust—A Guide for Pennsylvania Teachers," in schools of the Commonwealth of Pennsylvania.

**DESIGNATING THE WEEK OF APRIL 7  
THROUGH 13, 1991, AS "WEEK OF THE  
YOUNG CHILD" IN PENNSYLVANIA**

Senator GREENLEAF offered the following resolution (**Senate Resolution No. 41**), which was read, considered and adopted:

In the Senate, April 2, 1991.

**A RESOLUTION**

Designating the week of April 7 through 13, 1991, as "Week of the Young Child" in Pennsylvania.

WHEREAS, Youth is one of the primary concerns of the nation today; and

WHEREAS, Specialists agree that the early years are the most crucial; the attitudes and concepts formed at this time influence indelibly the future man or woman that the person becomes; and

WHEREAS, It is recognized that to become a healthy contributing member of a democratic society, a person must have his daily physical, emotional and intellectual needs met; and he must have the opportunity to open education, both academic and conceptual; and he must have the right to choose the vocation which he will pursue in his adult life; and

WHEREAS, With the public consciousness awakening to the needs of infants and young children, legislation is being increasingly directed toward these needs and the means with which to meet them; and

WHEREAS, The future of our nation is dependent upon our ability to fulfill the intellectual, emotional and social needs of our children; therefore be it

RESOLVED, That the Senate designate the week of April 7 through 13, 1991, as "Week of the Young Child" in Pennsylvania and urge all residents of this Commonwealth to become more aware of the variety of child-care services that are available in this Commonwealth.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Senator Loeper has asked for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations. For that purpose, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

## REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nomination, made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:

### JUDGE, COURT OF COMMON PLEAS, SCHUYLKILL COUNTY

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cyrus Palmer Dolbin, Esquire, 1705 Mahantongo Street, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Schuylkill County, to serve until the first Monday of January, 1992, vice The Honorable Donald D. Dolbin, mandatory retirement.

ROBERT P. CASEY.

### NOMINATION LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nomination just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nomination will be laid on the table.

## EXECUTIVE NOMINATION

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to.

### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

### JUDGE, COURT OF COMMON PLEAS, SCHUYLKILL COUNTY

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cyrus Palmer Dolbin, Esquire, 1705 Mahantongo Street, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Schuylkill County, to serve until the first Monday of January, 1992, vice The Honorable Donald D. Dolbin, mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

### YEAS—46

Afflerbach	Fisher	Lewis	Salvatore
Andrezski	Fumo	Lincoln	Scanlon
Armstrong	Greenleaf	Loeper	Schwartz
Baker	Greenwood	Madigan	Shaffer
Belan	Hart	Mellow	Shumaker
Bell	Helfrick	Musto	Stapleton
Bodack	Holl	O'Pake	Stewart
Bortner	Hopper	Pecora	Stout
Brightbill	Jones	Porterfield	Tilghman
Corman	Jubelirer	Punt	Wenger
Dawida	LaValle	Rhoades	Williams
Fattah	Lemmond		

### NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## RESOLUTION REPORTED FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolution:

### SR 40 (Pr. No. 903)

A Resolution memorializing the Governor to proclaim the week of April 7 through April 14, 1991, as "Days of Remembrance of the Victims of the Holocaust."

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

## CONGRATULATORY RESOLUTIONS

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Olga Kasper and to Hogar CREA International, Incorporated of Pennsylvania by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Earl N. Bechtold, Mr. and Mrs. Ross K. Bare, Mr. and Mrs. Raymond Shreiner, Mr. and Mrs. Jacob G. Hess and to Kimberly Yvonne Fisher by Senator Armstrong.

Congratulations of the Senate were extended to Andrea Thompson and to Chester County Bar Association by Senator Baker.

Congratulations of the Senate were extended to Matthew S. Painter, Eugene R. Baker and to Clairton High School Boys Basketball Team by Senator Belan.

Congratulations of the Senate were extended to Madaleen Ellis by Senator Bell.

Congratulations of the Senate were extended to Shaler Area High School Cheerleaders by Senator Bodack.

Congratulations of the Senate were extended to Robert C. Hoffman by Senator Bortner.

Congratulations of the Senate were extended to Mary M. Grogan by Senators Brightbill and Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Intorre, Mr. and Mrs. C. James Scheid and to Cameron County High School by Senator Corman.

Congratulations of the Senate were extended to Robert M. Spinazzola by Senator Fisher.

Congratulations of the Senate were extended to Alexander Adaire School of Philadelphia by Senator Fumo.

Congratulations of the Senate were extended to Olive Raslafsky by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Soska, Major Jeffrey Scott Tice, D. Bruce Townsend and to Deborah Camero by Senator Greenwood.

Congratulations of the Senate were extended to Hettie Anderson Richmond by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin Johnson, Mr. and Mrs. Henry L. Marzari, Mary Long Wood, Honorable Jay W. Myers and to William N. Phillips by Senator Helfrick.

Congratulations of the Senate were extended to Richard B. Neiley, Jr., Ruth Ann Fritz, Virginia A. Frantz, Trinity United Church of Christ of Skippack, North Pennsmen Barbershop Chorus of Lansdale, Arcola Intermediate School of Norristown and to North Penn High School Boys Swim Team of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Gertrude Mann by Senators Holl and O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Horner and to Robert H. Webb by Senator Hopper.

Congratulations of the Senate were extended to Joe Tamburro by Senator Jones.

Congratulations of the Senate were extended to Dr. C. Everett Koop by Senators Jubelirer and Brightbill.

Congratulations of the Senate were extended to James Thompson, Doug Bruno, One to One: Citizen Advocacy of Beaver and to Beaver County Children and Youth Services by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Robert F. Miller, Eugene Oliver, Peter DeLucia, Mark Edwards, Brent Laskowski, Stephen Watson, Lawrence R. V. Potter, Robert P. Metschulat, Daniel Maceiko and to Richard Smith by Senator Lemmond.

Congratulations of the Senate were extended to George W. Shaffer and to Francis B. J. Branagan by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Gironda, Milton G. Lohr, Sr. and to Cadet Captain Jody L. Leverknight by Senator Lincoln.

Congratulations of the Senate were extended to Robert C. Ewing and to Joseph J. Grant by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth D. Young, Mr. and Mrs. Stephen Hendershot, Mr. and Mrs. John E. Gromley, Mr. and Mrs. Warren Russell, Mr. and Mrs. James A. Hitesman, Mr. and Mrs. Joseph W. Kunes, Jeremy Route, Jason M. Taylor and to Rodney J. Laub by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph R. Holland, Delores Byrn, Joseph R. Holland, Alfred Smith, Saint John the Baptist Russian Orthodox Church of Mayfield, Saint Gregory's Church Youth Group of Clarks Green, Make Someone Happy of Clarks Summit State Hospital and to Greenridge Assembly of God Church of Scranton by Senator Mellow.

Congratulations of the Senate were extended to Brian Milore by Senator Musto.

Congratulations of the Senate were extended to Wilkes-Barre GAR Memorial High School Varsity Boys Basketball Team by Senators Musto and Lemmond.

Congratulations of the Senate were extended to Clayton Auden by Senator Pecora.

Congratulations of the Senate were extended to Joseph Mamana by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Howard A. Rehrig, Mr. and Mrs. Edward Mady, Florence Honicker and to Irene Wildoner by Senator Rhoades.

Congratulations of the Senate were extended to Kenneth S. Coyer, Ted Pedas and to Bradley D. Tidd by Senator Robbins.

Congratulations of the Senate were extended to Ari Cornman, Reverend Paul A. Mihal, Philip J. Hennessy, Thomas H. Heim and to Mark Bonitatibus by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. L. A. Heckard, Mr. and Mrs. Ira Elder Keck, Mr. and Mrs. George Kilmer, Mr. and Mrs. Carl Marshall, Mr. and Mrs. Eugene Kendall, Officer Wayne Seibel, Paul Edward Raisley, Florence Wilson, Catherine Weber and to the Easter Seal Society of Butler by Senator Shaffer.

Congratulations of the Senate were extended to Ernest E. Latsha, Ronald Yerger, The Volunteer Center of Harrisburg, Hershey Foods Corporation and to John D. Cassel and Sons, Incorporated by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Alvin Spicher, Mr. and Mrs. Mervin Jordan, Don Stemmerich, Shawn Forsyth and to Michael Bruzga by Senator Stapleton.

Congratulations of the Senate were extended to Emil Branas, Penn Cambria Junior High School Cheerleading

Team, Penn Cambria High School Varsity Cheerleading Team and to Forest Hills School District Varsity Cheerleading Team by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Robert D. Irwin, Sr., Mr. and Mrs. Bernard Baer, Jonella Wozny and to Olive P. Guest by Senator Stout.

Congratulations of the Senate were extended to Robert L. Meals, D.O. by Senator Tilghman.

### CONDOLENCE RESOLUTIONS

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late W. Luke Lobb by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Bishop Walter McCollough by Senator Jones.

Condolences of the Senate were extended to the family of the late Joseph P. Vargo by Senator Stewart.

### BILL ON FIRST CONSIDERATION

Senator JUBELIRER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### SB 40.

And said bill having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. Mr. President, yesterday the people of Pennsylvania suffered a serious setback. By virtue of Judge Craig's ruling on the challenges to judicial reform, the public will now not have the chance to vote on the question in the Primary Election of this year. Changes in judicial discipline, involving lay people and opening up the process, in financial disclosure requirements, in funding accountability, the issues that constitute what is rightfully called judicial reform, are now effectively delayed at least two years. The delay and the nature of the challenges will only, to our regret, further erode public confidence in the system.

There is an overwhelming sense of disappointment, Mr. President, especially for the many who have toiled in the fields for over a decade, for while the public interest is often talked about, the proposed constitutional amendment was clearly directed to the public interest. It would be one thing to lose on the merits, Mr. President, but this did not even reach the merits.

The most tragic aspect of the situation is the reason why judicial reform will not appear on the ballot. Although Judge Craig did object to what he termed an improper delegation of authority on determining the time of the election, that was not

the central problem. In fact, since similar language has been used in proposed constitutional amendments through the years, at least 15 years, the same language, Mr. President, the case can be made there was no real defect in legislative consideration. But what derailed judicial reform is the incomprehensible ineptness with which the Department of State fumbled what should have been their utmost responsibility. How could they so badly handle the required advertising, not once, but twice? Certainly not for lack of practice, for they had to advertise Governor Casey's local tax plan in previous Sessions. Why would the Budget Office jeopardize such a consequential matter by not paying bills? Why was the administration not working to make certain the matter was handled properly? The Governor has to answer to the people for these questions, Mr. President.

Mr. President, this is not just a partisan observation. If you review accounts of the hearings, the testimony by department officials is absolutely appalling. Some might describe such details as technicalities, but they were large enough to kill judicial reform this year. A great opportunity was lost, and the people pay the price.

The final chapter has not yet been written on either story. We will be back on judicial reform, for it is a compelling good government issue. The public deserves to voice their opinions as to whether these provisions should be embodied in our State Constitution, as we believe they should, and I would certainly hope the administration would not be satisfied that they gave it the good old college try. There is no margin for error on constitutional amendments. Even if close counted, they did not come close. That is not acceptable to the public, which expects state government to perform properly. It is not acceptable to us as Legislators, who have seen a major reform effort undone by bureaucratic bungling.

### UNFINISHED BUSINESS

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF PODIATRY

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. DiBacco, D.P.M., 5755 Schultz Road, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael R. Marino, D.P.M., Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Glover M. Beh, 729 Monroe Avenue, Scranton 18510-1710, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David H. Widmer, 100 Widmer Lane, Rochester 15074, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hershel B. Donald (Democrat), 726 Menoher Boulevard, Johnstown 15901, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

## ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, APRIL 3, 1991

9:30 A.M.	LAW AND JUSTICE	Room 461
	(to consider the nominations	4th Floor
	of James A. Goodman to the	North Wing
	Pennsylvania Liquor Control	
	Board and Lt. Colonel Glenn	
	A. Walp as Commissioner of	
	the Pennsylvania State Police	
	and Senate Bill No. 850)	

10:00 A.M.	ENVIRONMENTAL	Room 8E-A
	RESOURCES AND ENERGY	Hearing Room
	(to consider Senate	East Wing
	Bills No. 293 and 429)	

1:00 P.M.	EDUCATION (Public	Room 8E-A
	Hearing - on Education	Hearing Room
	Improvement Concepts)	East Wing

THURSDAY, APRIL 11, 1991

9:30 A.M.	EDUCATION (Public	G. Washington
	Hearing - on Education	Intermediate Sch.
	Improvement Concepts)	New Castle, PA

FRIDAY, APRIL 12, 1991

9:30 A.M.	EDUCATION (Public	Nittany Lion Inn
	Hearing - on Education	State College,
	Improvement Concepts)	PA

WEDNESDAY, APRIL 17, 1991

2:00 P.M.	EDUCATION (Public	Franklin County
	Hearing - on Education	Courthouse
	Improvement Concepts)	Chambersburg, PA

THURSDAY, APRIL 18, 1991

9:30 A.M.	EDUCATION (Public	Penn State
	Hearing - on Education	Schuylkill
	Improvement Concepts)	Schuylkill Haven,
		PA

FRIDAY, APRIL 19, 1991

9:00 A.M.	EDUCATION (Public	Mercer Museum
	Hearing - on Education	Doylestown, PA
	Improvements Concepts)	

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, April 3, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.



The Senate adjourned at 4:50 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 3, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 18

### SENATE

WEDNESDAY, April 3, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, the Reverend PAUL GYSON, Pastor of Zion Evangelical Lutheran Church, Pittsburgh, offered the following prayer:

In the Rotunda of the Capitol stands a painting of Lady Justice. Her eyes are blindfolded. In one hand she holds the scales, in the other a sword. Words around her state that, "Justice is the end of government." In the Seventh Century B.C. a prophet by the name of Amos, speaking to Israel said, "...let justice roll down like waters, and righteousness like an everflowing stream."

Another prophet in the Twentieth Century worked for justice. We gather today on the eve of his assassination, the assassination of Dr. Martin Luther King, Jr., one who sought to unmask blind justice and to work for justice within our country and world.

Let us gather then in prayer.

O God, as we gather this day we pray for an outpouring of Your Spirit upon each one here gathered that enlightened they may work for justice. Bless all those who make, administer and judge the laws so that we may as a Commonwealth, as well as a nation, continue to let justice roll down like waters. Grant each one gathered here this day joy in Your service and blessings upon each one of their ministries, and we pray this in Your most holy name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 2, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator FISHER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

#### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

April 2, 1991

Senators BAKER, WENGER, LOEPER and TILGHMAN presented to the Chair **SB 820**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for resident State troopers; and providing for underwater search teams.

Which was committed to the Committee on APPROPRIATIONS, April 2, 1991.

Senators RHOADES, SHUMAKER, SHAFFER, ROBBINS, BELAN, REIBMAN, BELL, JONES, SCHWARTZ, O'PAKE, ANDREZESKI, SALVATORE and HELFRICK presented to the Chair **SB 821**, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," requiring correctional institutions to comply with drug and alcohol treatment standards.

Which was committed to the Committee on JUDICIARY, April 2, 1991.

Senators RHOADES, JONES, REIBMAN, SCHWARTZ, HOPPER, O'PAKE, ANDREZESKI, SHUMAKER, SALVATORE, LAVALLE, AFFLERBACH, GREENWOOD, HART and LEMMOND presented to the Chair **SB 822**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for crime victims and witnesses with mental retardation; and imposing a penalty.

Which was committed to the Committee on JUDICIARY, April 2, 1991.

Senators STOUT, FISHER, BELAN, JONES, PORTERFIELD, STAPLETON, HELFRICK and ANDREZESKI presented to the Chair **SB 823**, entitled:

An Act amending the act of September 24, 1968 (P. L. 1040, No. 318), entitled, as amended, "Coal Refuse Disposal Control Act," providing for the use of coal refuse material as a fuel source.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 2, 1991.

Senators STOUT, BELL, REIBMAN, MUSTO, O'PAKE, BELAN and AFFLERBACH presented to the Chair **SB 824**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing a motorbus road tax; providing penalties; and making repeals.

Which was committed to the Committee on TRANSPORTATION, April 2, 1991.

Senators STOUT, BELL, REIBMAN, MUSTO, O'PAKE, BELAN and AFFLERBACH presented to the Chair **SB 825**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the determination of average fuel consumption for the motor carrier road tax; authorizing the Secretary of Transportation and the Secretary of Revenue to enter into road tax agreements; providing for the enforcement of liquid fuels and fuel use taxes; and making repeals.

Which was committed to the Committee on TRANSPORTATION, April 2, 1991.

Senators LEMMOND, MUSTO, ANDREZESKI and STOUT presented to the Chair **SB 826**, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the salary of the coroner.

Which was committed to the Committee on LOCAL GOVERNMENT, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 827**, entitled:

An Act amending the act of June 27, 1939 (P. L. 1199, No. 404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class;....," providing for appeals where there has been a countywide revision of assessments.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 828**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled "Second Class County Assessment Law," providing for appeals where there has been a countywide revision of assessments.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 829**, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," providing for appeals where there has been a countywide revision of assessments.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 830**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," further providing for appeals from assessments where there has been a countywide revision of taxes.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 831**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for appeals where there has been a countywide revision of assessments.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 832**, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," limiting the act to second A class counties.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 833**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), entitled, as amended, "State Tax Equalization Board Law," further providing for powers and duties of the State Tax Equalization Board; creating and empowering an advisory committee; making an appropriation; and making editorial changes.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 834**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), entitled, as amended, "State Tax Equalization Board Law," further providing for powers and duties of the State Tax Equalization Board; establishing an advisory committee and providing for its powers and duties; expanding use of the common level ratio to third class city assessments; imposing further duties on recorders of deeds; providing for the application of revised assessment rates; and making editorial changes.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 835**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further defining "common level ratio"; further providing for board determinations in assessment appeals; providing for assessment errors and refunds; providing for appeals to the State Tax Equalization Board; and further providing for court determinations in assessment appeals.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 836**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," prohibiting a type of reassessment.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 837**, entitled:

An Act providing for a limited exemption from taxation of residential real property of certain retired persons and for reimbursement by the Commonwealth through the Department of Revenue for loss of revenues occasioned by such exemption.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 838**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for disposition of a portion of the State realty transfer tax.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, STOUT and JONES presented to the Chair **SB 839**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," providing for the periodic certification and review of tax-exempt properties.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, STOUT and JONES presented to the Chair **SB 840**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," providing for the periodic certification and review of tax-exempt properties.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 841**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," including third class counties within the scope of the act; further providing for assessment procedures; further providing for appeals of assessments; further providing for the powers and duties of county commissioners and of the governing body of home rule charter counties; making editorial changes; and making repeals.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators PORTERFIELD, LEWIS, BELAN, AFFLERBACH, STEWART, DAWIDA, LAVALLE, MELLOW, BODACK, REIBMAN, STOUT and JONES presented to the Chair **SB 842**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," limiting the act to counties of the first, second and second A classes; further providing for the powers of the county commissioners relating to assessments; expanding the powers of assessment boards in counties of the first, second and second A classes; further providing for appeals; and providing for optional assessment revision and appeals procedures.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators GREENLEAF, SHAFFER, WILLIAMS, SHUMAKER, LEWIS, CORMAN, REIBMAN and SALVATORE presented to the Chair **SB 843**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, redefining "children," "financial institution" and "lineal descendants"; providing for a credit for estate taxes paid by the estate of a resident decedent to other states; imposing an estate tax on nonresident decedents;

further providing for applications for refund of inheritance and estate taxes; and making technical changes.

Which was committed to the Committee on FINANCE, April 2, 1991.

Senators GREENLEAF, HART, SALVATORE, O'PAKE, BELL, HELFRICK, STAPLETON, BELAN and RHOADES presented to the Chair **SB 844**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for an automatic stay of execution against the property of a reservist who has been ordered to active duty.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, April 2, 1991.

Senator GREENLEAF presented to the Chair **SB 845**, entitled:

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for definitions; and further defining liability.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, April 2, 1991.

Senators GREENLEAF, BELL, ANDREZESKI, CORMAN and RHOADES presented to the Chair **SB 846**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for certain medical assistance payments for psychological services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 2, 1991.

Senator GREENLEAF presented to the Chair **SB 847**, entitled:

An Act requiring a warning of potential adverse side effects on packages of ibuprofen.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 2, 1991.

Senator GREENLEAF presented to the Chair **SB 848**, entitled:

An Act providing for the dispensing of transition drugs; providing for powers and duties of the Department of Health; and imposing a penalty.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 2, 1991.

#### April 3, 1991

Senators BRIGHTBILL, MUSTO, FISHER, HART, GREENWOOD, MADIGAN, SHUMAKER, WENGER, BAKER, JUBELIRER, AFFLERBACH, CORMAN, SALVATORE, RHOADES and HELFRICK presented to the Chair **SB 849**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a tax credit for manufacturing consumption.

Which was committed to the Committee on FINANCE, April 3, 1991.

Senators SHUMAKER, PECORA, HOPPER, SCANLON, JUBELIRER, ANDREZESKI, FISHER, HART, O'PAKE, LAVALLE, MUSTO and AFFLERBACH presented to the Chair **SB 850**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for the selling of liquor or malt or brewed beverages at certain boxing and wrestling events, bowling tournaments and bowling contests; and making a repeal.

Which was committed to the Committee on LAW AND JUSTICE, April 3, 1991.

Senators BELL, SHUMAKER, STAPLETON, BAKER, LAVALLE, BRIGHTBILL, AFFLERBACH, O'PAKE, SALVATORE and RHOADES presented to the Chair **SB 851**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the sentencing proceeding; providing for disposition of assets or income of a defendant; and providing for restitution for incarceration.

Which was committed to the Committee on JUDICIARY, April 3, 1991.

Senators SHAFFER and LAVALLE presented to the Chair **SB 852**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for venture capital investments.

Which was committed to the Committee on FINANCE, April 3, 1991.

Senator TILGHMAN presented to the Chair **SB 853**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further providing for the maximum fees payable to local registrars.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 3, 1991.

Senator GREENLEAF presented to the Chair **SB 854**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for computer recorder message calls.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 3, 1991.

Senator HOLL presented to the Chair **SB 855**, entitled:

An Act amending the act of July 10, 1986 (P. L. 1398, No. 122), entitled "Energy Conservation and Assistance Act," further providing for certain programs.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 3, 1991.

Senator HOLL presented to the Chair **SB 856**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restraint systems.

Which was committed to the Committee on TRANSPORTATION, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 857**, entitled:

An Act authorizing low-interest loans for radon gas mitigation; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 858**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for safety regulations for school buses.

Which was committed to the Committee on TRANSPORTATION, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 859**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for financial responsibility; and providing for payment to the Commonwealth of fines assessed for violations of financial responsibility provisions.

Which was committed to the Committee on BANKING AND INSURANCE, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 860**, entitled:

An Act amending the act of September 22, 1978 (P. L. 763, No. 143), entitled "An act establishing certain procedures relating to the termination of insurance agency contracts or accounts and providing penalties," extending the scope of the act.

Which was committed to the Committee on BANKING AND INSURANCE, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 861**, entitled:

An Act authorizing and directing the transfer of land and buildings at the Philadelphia State Hospital grounds to the Department of Environmental Resources; and authorizing and directing the Department of Environmental Resources to lease as much land as may be required by the Veterans for a Delaware Valley Nursing Home, Inc., and the Northeast Philadelphia Cultural Council to fulfill the purposes of their charters.

Which was committed to the Committee on STATE GOVERNMENT, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 862**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding and revising provisions relating to condominiums; and making editorial changes.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, April 3, 1991.

Senators SALVATORE and HART presented to the Chair **SB 863**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to real estate cooperatives.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 864**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring sign language to be taught in public schools as a prerequisite to graduation.

Which was committed to the Committee on EDUCATION, April 3, 1991.

Senator SALVATORE presented to the Chair **SB 865**, entitled:

An Act regulating credit services; prohibiting certain activities; and providing for certain information to be given to buyers, for the contents of contracts and for enforcement.

Which was committed to the Committee on BANKING AND INSURANCE, April 3, 1991.

Senators SALVATORE and HART presented to the Chair **SB 866**, entitled:

An Act providing authority for municipal homesteading and the procedure for establishing a municipal homesteading program; expanding local government's authority in dealing with blight and decay; and providing exclusions from certain statutes.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, April 3, 1991.

## GENERAL COMMUNICATION

### DEPARTMENT OF LABOR AND INDUSTRY

#### SEASONAL FARM LABOR REPORT

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR AND INDUSTRY  
Harrisburg, Pennsylvania 17120

March 20, 1991

Honorable Mark R. Corrigan  
Secretary of the Senate  
Senate Post Office  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan,

I enclose a copy of the 1990 Seasonal Farm Labor Report, describing our Department's enforcement of Pennsylvania's Seasonal Farm Labor Act. The Act provides wage protection for the Commonwealth's seasonal farm workers and sets standards for the living conditions of individuals who work to harvest crops.

As the report reflects, we are committed to carrying out the Act's enforcement requirements and to ensuring that problems incurred by seasonal farm workers are properly and fairly resolved.

If you have any questions about the Seasonal Farm Labor Report or if you would like more information about Pennsylvania's Seasonal Farm Labor Act, please let me know, or contact Helen Friedman, Director of the Bureau of Labor Standards at 717-787-4670.

Sincerely,  
HARRIS WOFFORD  
Secretary

The PRESIDENT. This report will be filed in the Library.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. Jay R. Muir as a public member of the Legislative Audit Advisory Commission.

Senator Stewart J. Greenleaf as a member of the Committee on Law and Justice of the State/Federal Assembly of the National Conference of State Legislatures.

Senator Gibson E. Armstrong as a member of the Committee on Fiscal Affairs and Oversight of the Assembly on the Legislature of the National Conference of State Legislatures.

Senator Michael M. Dawida as a member of the Public Employee Retirement Study Commission.

Senator Edward W. Helfrick as a member of the Committee on Environment and Natural Resources of the State/Federal Assembly of the National Conference of State Legislatures and as a member of the Committee on Agriculture and International Trade of the State/Federal Assembly of the National Conference of State Legislatures.

### SENATE COMMITTEE MEMBER APPOINTED PURSUANT TO SENATE RESOLUTION NO. 178 OF 1990

The PRESIDENT. The Chair wishes to announce the President pro tempore has appointed the following Senator to serve as a member of the Task Force to study ways in which the Commonwealth can enhance service efficiency at minimal economic public cost:

The gentleman from Bucks, Senator James C. Greenwood.

### APPOINTMENT BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Senator Michael A. O'Pake to serve with the Governor's Commission for Children and Families.

### REPORTS FROM COMMITTEES

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bill:

#### SB 293 (Pr. No. 927) (Amended)

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for the establishment, implementation and administration of an inspection program for vehicles which transport solid waste.

Senator SHUMAKER, from the Committee on Law and Justice, reported the following bill:

#### SB 850 (Pr. No. 910)

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for the selling of liquor or malt or brewed beverages at certain boxing and wrestling events, bowling tournaments and bowling contests; and making a repeal.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request legislative leaves for the day for Senator Pecora and Senator Lemmond.

Senator STEWART. Mr. President, we would like to request temporary Capitol leaves for Senator Fattah and Senator Belan, and legislative leaves for Senator Jones, Senator Lewis, Senator Porterfield and Senator Williams.

The PRESIDENT. Senator Fisher requests legislative leaves for Senator Pecora and Senator Lemmond. Senator Stewart requests temporary Capitol leaves for Senator Fattah and Senator Belan, and legislative leaves for Senator Jones, Senator Lewis, Senator Porterfield and Senator Williams. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator FISHER asked and obtained leaves of absence for Senator PETERSON, Senator ROBBINS and Senator JUBELIRER, for today's Session, for personal reasons.

Senator STEWART asked and obtained leaves of absence for Senator LYNCH and Senator REIBMAN, for today's Session, for personal reasons.

### CALENDAR

#### FINAL PASSAGE CALENDAR

##### BILL OVER IN ORDER

SB 444 — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### THIRD CONSIDERATION CALENDAR

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 14 (Pr. No. 14) — The Senate proceeded to consideration of the bill, entitled:

An Act imposing restrictions and prohibitions on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; providing for the powers and duties of the Environmental Quality Board; and imposing penalties.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:



## YEAS—31

Afflerbach	Corman	Hopper	Salvatore
Andrezeski	Dawida	Lemmond	Schwartz
Armstrong	Fisher	Loeper	Shaffer
Baker	Greenleaf	Madigan	Shumaker
Belan	Greenwood	Musto	Stewart
Bell	Hart	Pecora	Tilghman
Bortner	Helfrick	Punt	Wenger
Brightbill	Holl	Rhoades	

## NAYS—14

Bodack	LaValle	O'Pake	Stapleton
Fattah	Lewis	Porterfield	Stout
Fumo	Lincoln	Scanlon	Williams
Jones	Mellow		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR D. MICHAEL FISHER  
PRESENTED TO SENATE

Senator FISHER. Mr. President, I would like to welcome to the Senate today Kathy Riley, who is a former member of the State Senate of the State of Maryland; Thom Little, an instructor at American University in Washington, D.C., and their students who are here visiting our Capitol today as part of their course program to study various state governments, with a particular focus on the differences between the part-time versus full-time legislatures.

The PRESIDENT. Would the guests of Senator Fisher and our friends from American University and our Senator please rise so that we could welcome you to the Senate of Pennsylvania.

(Applause.)

## LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Andrezeski, Senator Mellow and Senator Musto.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski, Senator Mellow and Senator Musto. The Chair hears no objection. The leaves will be granted.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Belan. His temporary Capitol leave will be cancelled.

## THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 145 (Pr. No. 145)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for alternate security for performance of contracts.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—45

Afflerbach	Fisher	Lewis	Salvatore
Andrezeski	Fumo	Lincoln	Scanlon
Armstrong	Greenleaf	Loeper	Schwartz
Baker	Greenwood	Madigan	Shaffer
Belan	Hart	Mellow	Shumaker
Bell	Helfrick	Musto	Stapleton
Bodack	Holl	O'Pake	Stewart
Bortner	Hopper	Pecora	Stout
Brightbill	Jones	Porterfield	Tilghman
Corman	LaValle	Punt	Wenger
Dawida	Lemmond	Rhoades	Williams
Fattah			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

**SB 523** and **653** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS  
AMENDED OVER IN ORDER

**SB 28, 405, 432** and **433** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILLS OVER IN ORDER

**HB 29** and **SB 40** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILLS ON SECOND CONSIDERATION

**SB 48 (Pr. No. 829)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of a computer.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 113 (Pr. No. 113)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

### BILLS OVER IN ORDER

**SB 118, 266, 275, 278, 335, 345, 390, 391, 401 and 434** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

### SENATE RESOLUTION NO. 40, CALLED UP

Senator FISHER, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 40**, entitled:

A Resolution memorializing the Governor to proclaim the week of April 7 through April 14, 1991, as "Days of Remembrance of the Victims of the Holocaust."

On the question,

Will the Senate adopt the resolution?

### SENATE RESOLUTION NO. 40, ADOPTED

Senator FISHER. Mr. President, I move that the Senate do adopt Senate Resolution No. 40.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator FISHER and were as follows, viz:

#### YEAS—45

Afflerbach	Fisher	Lewis	Salvatore
Andrezeski	Fumo	Lincoln	Scanlon
Armstrong	Greenleaf	Loeper	Schwartz
Baker	Greenwood	Madigan	Shaffer
Belan	Hart	Mellow	Shumaker
Bell	Helfrick	Musto	Stapleton
Bodack	Holl	O'Pake	Stewart
Bortner	Hopper	Pecora	Stout
Brightbill	Jones	Porterfield	Tilghman
Corman	LaValle	Punt	Wenger
Dawida	Lemmond	Rhoades	Williams
Fattah			

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

### UNFINISHED BUSINESS

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Reverend Hugh J. Nolan and to the Cheshire County Youth Choir of England by Senator Baker.

Congratulations of the Senate were extended to the Kiwanis Club of Hanover by Senator Bortner.

Congratulations of the Senate were extended to Dorothy Heffentreyer by Senator Greenleaf.

Congratulations of the Senate were extended to William C. Clark by Senator Hart.

Congratulations of the Senate were extended to Ralph M. Rich, Jr. by Senator Porterfield.

Congratulations of the Senate were extended to Judith M. Heh by Senators Porterfield, Belan and Pecora.

Congratulations of the Senate were extended to the Scotland School for Veterans' Children Varsity Basketball Team by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. David J. Welsh by Senator Shumaker.

Congratulations of the Senate were extended to Dr. Bernard C. Watson by Senator Williams.

### BILLS ON FIRST CONSIDERATION

Senator BORTNER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

#### **SB 293 and 850.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON EDUCATION

Senator RHOADES. Mr. President, I would just remind the Members of the Committee on Education that we will be holding a hearing in Room 8E-A starting at 1:00 p.m. dealing with education reform and its practices.

### ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Monday, April 8, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:35 a.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, APRIL 8, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 19

### SENATE

MONDAY, April 8, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend ROBERT M. FRANCO, Pastor of the Church of St. Cyril of Alexandria, Pittsburgh, offered the following prayer:

Heavenly Father, as we come together in mourning the loss of Senator Heinz and Senator Tower, we realize the implication of Your importance in our life. To be a leader in these difficult days is not secure. The problems are many, the solutions are difficult and painful. The appreciation for our efforts is scant indeed. Give us the courage to go on, to do the difficult, to seek after truth and justice. Let expedience never be our dominant trait, but let the good guide us. Teach us that duty, honor and integrity are not words but are the very fabric of public life. Without them, no pride or praise will ever fill these halls. Let what we do here bring happiness and security to Your people and glory to Your name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Franco who is the guest this day of Senator Scanlon.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 3, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGE

#### HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 244**.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

### REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**SB 347 (Pr. No. 470) (Rereported)**

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

**SB 820 (Pr. No. 929) (Amended)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for resident State troopers; providing for underwater search teams; making an appropriation; and making a repeal.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Lemmond.

The PRESIDENT pro tempore. Senator Fisher requests a temporary Capitol leave for Senator Lemmond. The Chair hears no objection. That leave is granted.

Senator STAPLETON. Mr. President, I request legislative leaves for Senator Afflerbach and Senator Andrezeski and temporary Capitol leaves for Senator Fattah and Senator Jones.

The PRESIDENT pro tempore. Senator Stapleton requests legislative leaves of absence for Senator Afflerbach and Senator Andrezeski and temporary Capitol leaves for Senator Fattah and Senator Jones. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator STAPLETON asked and obtained leaves of absence for Senator BELAN and Senator LYNCH, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, April 8, 1991.

**RESOLVED**, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 15, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

**RESOLVED**, That when the House of Representatives adjourns this week it reconvene on Monday, April 15, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4:00 o'clock.

Senator MELLOW. Mr. President, I request an immediate caucus in our caucus room at the rear of the Chamber.

The PRESIDENT pro tempore. Senator Loeper and Senator Mellow have requested that the Members of the Senate, Democrat and Republican, report to their respective caucus rooms. For that purpose, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Salvatore and Senator Holl have been called to their offices and I request temporary Capitol leaves on their behalf.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Dawida, Senator O'Pake and Senator Porterfield.

The PRESIDENT pro tempore. Senator Loeper has requested temporary Capitol leaves for Senator Salvatore and Senator Holl. Senator Mellow has requested temporary Capitol leaves for Senator Dawida, Senator O'Pake and Senator Porterfield. The Chair hears no objection. Those leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Lemmond. His leave will be cancelled.

#### CALENDAR

##### FINAL PASSAGE CALENDAR

##### BILL OVER IN ORDER

**SB 444** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### THIRD CONSIDERATION CALENDAR

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 48 (Pr. No. 829)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of a computer.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart

Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence of Senator Jones on the floor and her temporary Capitol leave will be cancelled.

**THIRD CONSIDERATION CALENDAR RESUMED****BILL OVER IN ORDER TEMPORARILY**

**SB 113** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

**BILLS ON THIRD CONSIDERATION AMENDED**

**SB 523 (Pr. No. 784)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 10, 1968 (1967 P. L. 925, No. 417), entitled "Legislative Officers and Employees Law," reestablishing and expanding the membership of the Senate Committee on Management Operations.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A0418:

Amend Title, page 1, line 12, by removing the period after "OPERATIONS" and inserting: ; and further providing for the compensation of the Director of the Legislative Reference Bureau.

Amend Bill, page 2, by inserting between lines 5 and 6:

Section 2. Section 49 of the act is repealed.

Section 3. The act is amended by adding a section to read:

Section 49.1. The annual salary of the Director of the Legislative Reference Bureau shall be determined jointly by the President pro tempore of the Senate and the Minority Leader of the Senate and the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting:  
4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

**SB 653 (Pr. No. 683)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the payment of certain salaries, benefits and expenses from the Capital Facilities Fund.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A0294:

Amend Sec. 2, page 2, line 24, by striking out "immediately" and inserting: July 1, 1991

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

**SB 28 (Pr. No. 904)** — The Senate proceeded to consideration of the bill, entitled:

An Act imposing duties on kennels and pet shops licensed by the Pennsylvania Department of Agriculture or the United States Department of Agriculture; providing for misrepresentation of pedigree and health of dogs bred for sale; providing for enforcement by the Attorney General; and imposing penalties.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**SB 405** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

**SB 432 (Pr. No. 906)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Persian Gulf War Veterans' Compensation Fund; providing for powers and duties of the Governor, the Auditor General, the State Treasurer and the Board of Finance and Revenue; providing for the payment of interest on and the redemption and refunding of the bonds.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 433 (Pr. No. 907)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing compensation to certain persons who served in the armed forces of the United States during the Persian Gulf War; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 29, SB 40, 118, 266, 275 and 278** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 293 (Pr. No. 927)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for the establishment, implementation and administration of an inspection program for vehicles which transport solid waste.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 335 and 345** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 390 (Pr. No. 830)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the rights of crime victims.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 391 (Pr. No. 827)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," extending the act to leases of automobiles.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment No. A0334:

Amend Sec. 1 (Sec. 2), page 2, line 7, by inserting an underscored period after "bought"

Amend Sec. 1 (Sec. 2), page 2, line 7, by inserting a bracket before "for" where it appears the first time

Amend Sec. 1 (Sec. 2), page 2, line 10, by inserting a bracket after "sale."

Amend Sec. 1 (Sec. 2), page 2, line 17, by inserting an underscored period after "bought"

Amend Sec. 1 (Sec. 2), page 2, line 17, by inserting a bracket before "for" where it appears the first time

Amend Sec. 1 (Sec. 2), page 2, line 18, by inserting a bracket after "purposes."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator GREENLEAF.

#### BILL OVER IN ORDER

**SB 401** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 434 (Pr. No. 720)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Freedom Defense Campaign Medal and Ribbon.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 850** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SB 113 CALLED UP

**SB 113 (Pr. No. 113)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 113 (Pr. No. 113)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A0400:

Amend Sec. 1 (Sec. 3121), page 1, line 17, by inserting after "younger": , if the person engaging in sexual intercourse with the child is 16 years of age or older

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator GREENLEAF.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 2****BILL WHICH HOUSE HAS NONCONCURRED  
IN SENATE AMENDMENTS****SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE  
TO HB 244**

**HB 244 (Pr. No. 922)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

Senator LOEPER. Mr. President, I move the Senate do insist upon its amendments to House Bill No. 244.

The motion was agreed to.

Senator LOEPER. Mr. President, I move that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 1****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 653 (Pr. No. 930)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the payment of certain salaries, benefits and expenses from the Capital Facilities Fund.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator FUMO. Mr. President, we oppose this bill, and I think there is a little bit of misunderstanding about this. We have tried to tell our counterparts on the other side of the aisle, but there seems to be no real desire to face up to the truth. The argument that has been coming from the Majority is that we should not be spending capital money, i.e., long-term money, to pay for operating salaries. Mr. President, in most instances I would agree with that philosophy, except for the fact that the salaries they are paying here are salaries that are directly related to long-term projects. These are the people who are, in fact, going to inspect the projects and make sure that they get built. It is quite analogous, Mr. President, to taking out a 30-year mortgage on a house that you are going

to build and some of the money from that 30-year mortgage is going to the general contractor for his operating expenses in his day-to-day living. Those salaries are, in fact, allocated to capital projects and, therefore, should be paid for out of the proceeds of bond issues.

I recognize the game of the Majority. They have been continually, and I add, continually very relentless in their drive to make this budget even more unbalanced than it is, and this is just another tactic to do that. Mr. President, all these games-playing exercises are going to come back to haunt us some day when we have to step up to the reality of this budget deficit and fund it. Now there is absolutely no real basis, in fact, for their claims concerning this legislation, and I would urge this Chamber to reject this bill and let us get back to reality and start really trying to solve the budget crisis rather than making it worse.

Senator STEWART. Mr. President, unlike the previous speaker, the games playing is not quite as clear to me. I have a more mundane type question. I would ask to interrogate the Majority Leader or the Chairman of the Committee on Appropriations, or someone on that side of the aisle.

The PRESIDENT pro tempore. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated? Senator LOEPER. I will, Mr. President.

Senator STEWART. Mr. President, if I have a flood control project, for instance, in my district that is a capital budget item and it is funded from the capital budget, are the contractor and the engineer and all of the people necessary to bring that project to actual construction currently paid out of that particular capital bond item?

Senator LOEPER. Mr. President, this bill would not prohibit the payment in a case like the gentleman had mentioned where it was, in fact, a state contract. However, what the bill would prohibit is the payment of regular services and salaries of Commonwealth employees.

Senator STEWART. Mr. President, if DER engineers that project, currently are they paid out of the proceeds of the bond that was floated to fund that project?

Senator LOEPER. No, Mr. President. This was only effective to Department of General Services personnel and not Department of Environmental Resources.

Senator STEWART. Mr. President, so even if this legislation were to become law, the DER engineers who worked on that particular project would still be paid out of the proceeds of the bond issue to fund that project. Is that what you are saying?

Senator LOEPER. No, that is not correct, Mr. President. The engineering services provided by the Department of Environmental Resources would be paid out of General Fund revenue, and that is the current practice.

Senator STEWART. Mr. President, one more question. Would the gentleman clarify what he just said, that that is the current practice that they are paid for out of the General Fund?

Senator LOEPER. Mr. President, that is correct that any services provided by DGS or DER by their departmental



employees are paid out—excuse me, Mr. President, I am corrected that only in the case of DER, the Department of Environmental Resources, services of those employees are paid out of the General Fund budget, and that is current practice.

Senator STEWART. Mr. President, again, it has been alluded to that there may be some politics involved due to the problems we are having with our budget, but I just see, having dealt with a great number of capital projects in my Senatorial district, some trouble down the road if this becomes law in what appears to me to be some sort of complete switch in how we do business with capital projects, and I would ask for a negative vote.

Senator TILGHMAN. Mr. President, I would like to speak on this bill for a minute and explain its genesis and what we are trying to do with this piece of legislation.

Years ago in Pennsylvania there was a thing called the General State Authority and it was the authority that did the building within the state. The General State Authority really got to a position where the abuses relative to the employment in the number of people in the General State Authority was done away with by the General Assembly. It was an authority where it was shifted from Democrat to Republican and back again and everybody was very fair, but the number of personnel who were being put against various projects in the General State Authority really got out of hand and the General Assembly did away with it.

This legislation is trying to correct the same problem that is now arising in Pennsylvania in the Capital Facilities Fund, and it is recognized as being bad government to put a lot of people on the payroll and against the bond issues that are not involved in the project. What happens today in this fund is if there is a bond issue, the bonds are sold and all the income from the various bonds—there might be ten of them—are put into one fund. The good faith and credit of the Commonwealth are the collateral behind the bonds. Now as things go, I have the payroll here of the various people who are put against these building projects, and I have no particular problem if there is an engineer who is actually working on the project, but we have clerk typists, we have accountants who have nothing to do with the project, we have a storeroom clerk and hundreds and hundreds of other people who have nothing to do with the project but their salaries are being paid by bonds. This came up during the hearing of the Committee on Appropriations and I wrote to Secretary Jannetta relative to this problem. He answered me on March 6th when I said to him, "What is the cost of an annual salary of \$35,000 amortized over ten years or over 20 years, depending on what it would be?" This is the answer to the questions that many of you on the Committee on Appropriations know we asked, and they sent back the answers. We have confirmed that the current interest rate on capital bond funds is 6.8 percent. At that rate a \$35,000 a year salary—that \$35,000 is including 41 percent benefits—amortized over ten years is \$48,000, and over 20 years it goes to \$64,000. That is what we are paying for storeroom clerks in Pennsylvania when they run out of this bond, \$65,000.

Above and beyond that, there was a meeting on June 28, 1990, after the budget of last year, in the office of the gentleman from Philadelphia, Senator Fumo, and Secretary Hershock was there and Secretary Hershock gave his commitment that he would not again propose paying salaries out of the Capital Facilities Fund and benefit costs to the Department of General Services employees. Secretary Hershock promised that. In return for that commitment we said, okay, for 1990-91, that is to say this year, you may continue to do it and phase out, and for 1989-90 you may continue to do it retroactively.

He said, okay, let me do it through this year, if you will, and we will not do it again.

That meeting took place, as I told you, on June 28th. We are simply asking you to confirm what Secretary Hershock said when he admitted that it is a very bad policy. Now we are talking about a fund that is for building various projects in which all of us have an interest, and you might be interested to know how many dollars we are talking about that are paid out of that fund in salaries. In 1989-90 there was \$7,322,000. Seven million dollars, that is a lot of people. In 1990-91 there was \$7,254,000 and in 1991-92 the estimate would be \$8,562,000.

Ladies and gentlemen, that is what we are trying to stop. Part of that may be perfectly appropriate. If I had copies I would send them to you, but I do not. If you would look at this listing of job classifications, the number of positions and the percent of time charged against the project—there are two pages—oddly enough, in every single case with a few exceptions, the percentage of time charged for hundreds of people is 60 percent. It is the same all the way down the list—60 percent. I would ask for your support of this legislation. The Secretary of the Budget realizes it is a bad policy and said, give me a chance to work out of this and we will stop doing it, and this legislation would back us up on that. I think it is good legislation and I think it will help the building projects. I do not know how much damage this would cause to the rest of the budget at this precarious time, but I ask for your support for this legislation.

Senator FUMO. Mr. President, there are just a few areas of the remarks of the gentleman from Montgomery, Senator Tilghman, that I would like to address. First of all, the General State Authority, GSA, was created because at one time there was a million dollar cap on the amount of money under the Constitution that we could finance in this Commonwealth, and they needed an artificial vehicle to get around that cap. That is why GSA was created. Then we changed the Constitution and increased that debt limit to a much more reasonable number, and that is why GSA was sort of phased out and there was no longer any need for it. It continues in existence to pay off some of the bonds it had floated.

As to Secretary Hershock saying that this is bad policy, I never heard him say that, Mr. President. In fact, we maintained that this is good policy because, as I said before, while you can say they are operational, they are capital items, and the Secretary, when I spoke with him, never remembers giving

a commitment to stop doing this practice and, quite frankly, I do not remember him ever doing it either, but we checked with him personally and he said he never gave such a commitment. More importantly, Mr. President, if, in fact, he did do that, why does the gentleman include this year's numbers in it as well? If he has an arrangement with the Secretary covering this year's budget, why is he then going back on his word and trying to stick it to him in the 1990-91 budget? Certainly, we on this side of the aisle intend to keep our budget commitments. We voted that way in the Committee on Appropriations today concerning the State Police, over the objections of the State Police, I might add, but we felt morally obliged to honor a commitment we had made to House Republicans and we stand by that.

Mr. President, I repeat again, this bill is bad public policy. If you have someone who is a clerk typist and someone who is an inspector who is working on a capital project, that time allocated to the work on that capital project is, in fact, capital time, and there is nothing wrong with paying for that out of bond proceeds for that project. Again, it is very similar to my building a house and taking a 30-year mortgage out and paying for it when I know full well that some of that money is going to the general contractor for his wages on a daily basis and he might even be paying his accountant out of that money. These are capital items. Therefore, they are entitled to be paid for with capital dollars. We know the games the other side is playing. We watched them play it even on the veterans bill, and we will get to that one later today or tomorrow, or whenever. Mr. President, this is just an attempt to make the budget crisis even worse. This year, according to the front office, it will cost at least \$1.9 million for the remaining three months, and we are just not going to go along with it. Again, I must repeat, it is not good public policy if you have people working on capital projects to pay for them out of operational dollars.

Senator LOEPER. Mr. President, I would just simply remind the gentleman in talking about budget agreements last year and living up to them, one area of concern we had raised during that budget process last year was the very financing of these salaries out of capital bond monies, and it was the gentleman from Montgomery, Senator Tilghman, at the table who expressed this concern and we had agreement that we would stop that practice in the coming years, and I think it is the obligation also of the Minority, Mr. President, to live up to their budget agreements.

Senator FUMO. Mr. President, I listened to the other side talk about the agreements it made during that budget process and how they should be honored. If that, in fact, is true, then why have they pumped out over \$300 million in additional spending for this year? I would hope they would keep their word and not try to spend more money than they negotiated they were going to spend, but they do not want to hear about that. We will keep our commitments on this side of the aisle. We are famous for that, Mr. President. Obviously, if they made an agreement on the budget, they should not be playing around with it the way they are right now. Let the facts speak

for themselves, Mr. President, as to who has been more honest in giving their word and keeping it.

Senator BELL. Mr. President, I will be very brief. Apparently, some people met in a room and decided what is good for Pennsylvania. We are meeting here today to vote, the Senate of Pennsylvania, what is good for Pennsylvania.

Senator PETERSON. Mr. President, I just want to make one quick comment. It seems to me as you look at this issue where we now are charging departmental functions dealing with capital projects into the cost of the project, we are going to have a problem that maybe we have not thought about. We never have enough capital projects to serve the needs of this Commonwealth, whether it be educational capital projects or new prisons, or whatever. The more departmental labor costs that we include in the capital funding, the more we are going to limit the ability we have to build these needed facilities. It may help us in this budgetary crunch time to roll as many costs as we can into capital projects, but we have a very limited amount of capital money. Each time we roll costs that were normally department costs into those projects, that is one, two, three more projects down the road that we will not be able to build but may be very necessary to educating our young people or providing infrastructure to our communities, and I do not think that is good public policy and I think this bill is very appropriate for the long-term future of Pennsylvania.

Senator STEWART. Mr. President, very briefly, what I am concerned about are not so much the budget problems and how this may fix it or not fix it. I am concerned, like the rest of you should be, that we have redevelopment authority directors and redevelopment authorities out there that handle a lot of these capital budget items—we have colleges, and I am not clear if my redevelopment authority director is asked to administer a project by General Services or DER, or whoever, if this is saying that he and his staff back home cannot charge off his administrative costs to handle that particular project from the proceeds of what funds the project or whether we are going to tell him that he has to wait for the General Fund to pay him for those administrative costs. I am afraid we are going to have redevelopment authorities just saying, thanks, but no thanks, because we do not know whether we are going to get our administrative costs covered. If I am wrong, I wish somebody would correct me. But I am worried not so much about the personnel here at General Services or state employees, I am worried about a lot of the people back home who administer these projects for the Commonwealth and expect an administrative fee for doing that. If this is going to mean we have to tell them, you build the project and we are going to pay for the cement and the mortar and the bricks and everything, but you are going to have to wait for a resolution of the General Fund before they get paid, a lot of them I am sure are just going to say, thanks, but no thanks for the project.

Senator LOEPER. Mr. President, just a final point of clarification to the gentleman's question is that this only deals with a change in the Administrative Code and only deals with the salaries of state employees in the state departments. It would

not affect any contractual obligations on the part of any agency that has a contract with DGS as far as charging their administrative costs to that money.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

#### NAYS—22

Afflerbach	Fumo	Musto	Schwartz
Andrezski	Jones	O'Pake	Stapleton
Bodack	LaValle	Porterfield	Stewart
Bortner	Lewis	Reibman	Stout
Dawida	Lincoln	Scanlon	Williams
Fattah	Mellow		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### UNFINISHED BUSINESS SENATE RESOLUTIONS

#### DECLARING THE MONTH OF APRIL 1991 AS "CHILD ABUSE PREVENTION MONTH" IN PENNSYLVANIA

Senators HOPPER, GREENWOOD, JUBELIRER, FISHER, ARMSTRONG, SALVATORE, PETERSON, JONES, LEWIS, LOEPER, HELFRICK, REIBMAN, LEMMOND, O'PAKE, CORMAN, WENGER, HART, BORTNER, AFFLERBACH, ROBBINS, BRIGHTBILL, PECORA, PORTERFIELD, BELAN, SHUMAKER, ANDREZESKI, LAVALLE, SHAFFER, MADIGAN, STAPLETON, LYNCH and MUSTO offered the following resolution (*Senate Resolution No. 42*), which was read, considered and adopted:

In the Senate, April 8, 1991.

#### A RESOLUTION

Declaring the month of April 1991 as "Child Abuse Prevention Month" in Pennsylvania.

WHEREAS, Children are our most precious asset; and

WHEREAS, Each year, child abuse kills several thousand children and inflicts long-term physical, mental and emotional harm on many more children; and

WHEREAS, Child abuse respects no racial, economic or geographic boundary and, in fact, has reached epidemic proportions throughout our nation; and

WHEREAS, Child abuse is a tragedy that can and must be prevented; and

WHEREAS, The elimination of child abuse cannot be achieved without the full support of every responsible and compassionate American; and

WHEREAS, Much remains to be done in order to guarantee that our children have the safe and happy upbringing they deserve; and

WHEREAS, We should cultivate a safe nurturing social environment for our children that promotes strong and loving families and traditional values; and

WHEREAS, As our knowledge about the prevention and treatment of child abuse grows, we must provide support, information and guidance to families in which child abuse may happen; and

WHEREAS, April is designated as "National Child Abuse Prevention Month"; therefore be it

RESOLVED, That the Senate declare the month of April 1991 as "Child Abuse Prevention Month" in Pennsylvania.

#### DESIGNATING THE WEEK OF APRIL 21 THROUGH 27, 1991, AS "PROFESSIONAL SECRETARIES WEEK" AND DESIGNATING APRIL 24, 1991, AS "PROFESSIONAL SECRETARIES DAY"

Senator BORTNER offered the following resolution (*Senate Resolution No. 43*), which was read as follows:

In the Senate, April 8, 1991.

#### A RESOLUTION

Designating the week of April 21 through 27, 1991, as "Professional Secretaries Week" and designating April 24, 1991, as "Professional Secretaries Day."

WHEREAS, Secretaries uphold the highest standards of ethical and professional judgment; and

WHEREAS, Professional secretaries should be recognized for their outstanding contributions to business, education and government; therefore be it

RESOLVED, That the Senate designate the week of April 21 through 27, 1991, as "Professional Secretaries Week" and designate April 24, 1991, as "Professional Secretaries Day" throughout this Commonwealth of Pennsylvania; and be it further

RESOLVED, That the Senate invite citizens of this Commonwealth to join Professional Secretaries International, originator and sponsor of the week and day, as they acknowledge the vital contributions of secretaries to offices everywhere.

Senator BORTNER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 43, ADOPTED

Senator BORTNER. Mr. President, I move that the Senate do adopt Senate Resolution No. 43.

On the question,

Will the Senate agree to the motion?

Senator BORTNER. Mr. President, this particular resolution request comes from Ms. Dee Royer, Co-chairperson of the Secretaries Week Committee of Professional Secretaries International in York, Pennsylvania. This resolution gives us all a very meaningful understanding of just how much we and our entire workforce in the Commonwealth rely and depend upon our secretarial support in our daily work. We should

and we must recognize the important productive role the secretarial profession offers Pennsylvania's workforce.

Mr. President, I would ask for the immediate adoption of this resolution.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Lewis H. Waltman, Sr., Mr. and Mrs. Ross H. Thompson, Mr. and Mrs. Elwood Welk, Mr. and Mrs. Robert Watts, Lititz Lions Club and to the Hugh O'Brian Youth Foundation by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Ellixson and to Mr. and Mrs. John Mea by Senator Bell.

Congratulations of the Senate were extended to Bernard J. Wessolek by Senator Bodack.

Congratulations of the Senate were extended to Duane E. Brooks by Senator Bortner.

Congratulations of the Senate were extended to Jereme Frank, Ryan J. Booz and to Jeff Prescott by Senator Corman.

Congratulations of the Senate were extended to Curtis Jones and to Delilah Winder by Senator Fattah.

Congratulations of the Senate were extended to Charles L. Blockson by Senators Greenleaf, Holl and Tilghman.

Congratulations of the Senate were extended to Jonathan T. Walter and to Michael Scott Kauffman by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Earle C. Dornbach and to Shamokin Area High School Boys Basketball Team by Senator Helfrick.

Congratulations of the Senate were extended to Joseph H. Shaw and to Lansdale Presbyterian Church by Senator Holl.

Congratulations of the Senate were extended to James P. Murphy, Esquire by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Benasutti by Senator LaValle.

Congratulations of the Senate were extended to Nicholas J. Manorek by Senator Lemmond.

Congratulations of the Senate were extended to John P. Murtha by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph F. Naughton, Mr. and Mrs. Wally McNeal, Mary Woolever, Paul Keysaw, Jr. and to Scott C. Cyr by Senator Madigan.

Congratulations of the Senate were extended to Master Sergeant Edward Wintermantle, First Lieutenant Claudia A. West, Chief Warrant Officer Martin Cloonan, Private First Class Gina Murray, Specialist Phillip L. Walker, Specialist

Timothy Shaner, Specialist John G. Porter, Corporal Tim Chelosky, E-3 Richard A. Ofchinick, Seaman Tim Voelker, First Lieutenant Gary Kent, E-3 Bryan Tomovcsik, Private First Class David Plutto, Joseph K. Burton, Jr., Joyce L. Armstrong, Vincent A. Amore, Lance Corporal Anthony Furtivo and to Monroeville Beautification Committee by Senator Pecora.

Congratulations of the Senate were extended to Kevin L. Slocum, James D. Kemp, Jr., David B. Allen, Jr. and to the Salvation Army of Warren by Senator Peterson.

Congratulations of the Senate were extended to Sharon Allegra and to The Boys and Girls Club of Easton by Senator Reibman.

Congratulations of the Senate were extended to Schuylkill County Mental Health/Mental Retardation Program by Senator Rhoades.

Congratulations of the Senate were extended to Dr. Ernest F. Rosato and to Dr. Francis E. Rosato by Senator Salvatore.

Congratulations of the Senate were extended to Dr. David Bronstein by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Lester H. Buterbaugh, Homer Center Varsity Cheerleaders and to the Homer Center Junior Varsity Cheerleaders by Senator Stapleton.

### BILL ON FIRST CONSIDERATION

Senator CORMAN. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### SB 820.

And said bill having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

April 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne D'Harnoncourt Rishel, 2322 Delancey Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1993, and until her successor is appointed and qualified, vice Gerald R. Hildebrandt, Philadelphia, deceased.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

April 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kenneth E. Gaudi, 302 Sarah Court, Jeannette 15644, Westmoreland County, Thirtieth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Walter Cook, Oil City, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

April 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, LeRoy A. Packard, Sr. (Democrat), 37 Mansion Boulevard, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Father Bonaventure Midili, Altoona, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John P. O'Boyle, 1625 Clay Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as District Justice in and for the County of Lackawanna, Magisterial District 45-1-07, to serve until the first Monday of January, 1992, vice Michael S. Polizzi, resigned.

ROBERT P. CASEY.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 9, 1991

10:30 A.M.	JUDICIARY (to consider Senate Bills No. 112, 306 and 431 and House Bill No. 25)	Room 8E-B Hearing Room East Wing
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THURSDAY, APRIL 11, 1991

9:30 A.M.	EDUCATION (Public Hearing - on Education Improvement Concepts	G. Washington Intermediate Sch. New Castle, PA
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FRIDAY, APRIL 12, 1991

9:30 A.M.	EDUCATION (Public Hearing - on Education Improvement Concepts)	Nittany Lion Inn State College, PA
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WEDNESDAY, APRIL 17, 1991

2:00 P.M.	EDUCATION (Public Hearing - on Education Improvement Concepts)	Franklin County Courthouse Chambersburg, PA
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THURSDAY, APRIL 18, 1991

9:30 A.M.	EDUCATION (Public Hearing - on Education Improvement Concepts)	Penn State Schuylkill Schuylkill Haven, PA
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FRIDAY, APRIL 19, 1991

9:00 A.M.	EDUCATION (Public Hearing - on Education Improvements Concepts)	Mercer Museum Doylestown, PA
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ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, April 9, 1991, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:30 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 9, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 20

### SENATE

TUESDAY, April 9, 1991.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend ROBERT FRANCO, Pastor of the Church of Saint Cyril of Alexandria, Pittsburgh, offered the following prayer:

Almighty God, we remember the families of Senator Heinz and Senator Tower as they mourn the tragic deaths of their loved ones. You know who we are. You care little for our earthly show, our feeble ardors. What pleases You is how well we serve. Give us of Your strength to bear the burdens. Give us of Your wisdom to solve the problems. Give us of Your courage to forge new tasks. Give us curiosity to try new paths. Let us guide this Commonwealth along paths pleasing to You and beneficial to Your people. Bless us now and evermore. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 8, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

April 9, 1991

**HB 10** — Committee on Military and Veterans Affairs.

**HB 77** — Committee on Judiciary.

**HB 89 and 93** — Committee on Game and Fisheries.

**HB 101** — Committee on Transportation.

### RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

April 9, 1991

#### DIRECTING THE LOCAL GOVERNMENT COMMISSION TO UNDERTAKE A CODIFICATION OF THE STATUTES RELATING TO REAL PROPERTY ASSESSMENTS

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART, PUNT and RHOADES offered the following resolution (**Senate Resolution No. 44**), which was read and referred to the Committee on Finance:

In the Senate, April 9, 1991.

#### A RESOLUTION

Directing the Local Government Commission to undertake a codification of the statutes relating to real property assessments.

WHEREAS, The real property assessment laws are currently scattered throughout numerous laws that create a patchwork of assessment requirements and guidelines; and

WHEREAS, Many provisions of the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, have become obsolete because the separate laws applicable to different classes of counties and third class cities take precedence; and

WHEREAS, Real property taxes are based upon real property assessments; and

WHEREAS, It is important that real property assessments be as accurate and uniform as possible to ensure that real property taxes are fairly applied; and

WHEREAS, The present real property assessment laws create confusion and contradictions in an area that is already complicated; and

WHEREAS, The consolidation of Pennsylvania's statutory law begun in 1970 would be furthered by the inclusion of a codification of the real property assessment laws; therefore be it

RESOLVED, That the Senate direct the Local Government Commission to organize a task force to codify the laws relating to real property assessments and modernize their format as a part of the consolidated statutes; and be it further



RESOLVED, That the Local Government Commission report its findings and recommendations, along with appropriate legislation, to the Senate as soon as possible.

### BILLS IN PLACE

Senator LaVALLE presented to the Chair several bills.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for the day for Senator Greenwood.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Andrezeski.

The PRESIDENT. Senator Fisher asks legislative leave for Senator Greenwood. Senator Mellow requests a legislative leave for Senator Andrezeski. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator MELLOW asked and obtained leaves of absence for Senator BELAN and Senator LYNCH, for today's Session, for personal reasons.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Approval by the floor leaders will be given for the Committee on Judiciary to meet during today's Session in the Rules room to consider House Bill No. 25, Senate Bills No. 112, 306 and 431.

### CALENDAR

#### FINAL PASSAGE CALENDAR

##### BILL OVER IN ORDER

**SB 444** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### THIRD CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**SB 28, 113, 390, 432 and 433** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 434 (Pr. No. 720)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Freedom Defense Campaign Medal and Ribbon.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR F. JOSEPH LOEPER PRESENTED TO SENATE

Senator LOEPER. Mr. President, I would like to introduce to the Members of the Senate today some visiting guests who are from Nigeria. They are visiting our Capitol and they are legislative clerks in Nigeria. They are here to obtain information on the administrative, financial and legislative procedures and activities of the Senate and the workings of our institutional offices. They have been with our Chief Clerk, Gary Crowell. The government of Nigeria is in the process of establishing both a national as well as state assemblies in its effort to formalize the creation of a federal system of government that is modeled after the system that we have here in the United States. We hope their experiences here will certainly prove beneficial to that endeavor. I would ask the Senate if it would extend a very warm welcome to Chief Clerk Crowell's guests.

The PRESIDENT. Would our distinguished visitors please rise so that we could welcome you to the Senate of Pennsylvania.

(Applause.)

#### GUEST OF SENATOR ROBERT J. MELLOW PRESENTED TO SENATE

Senator MELLOW. Mr. President, we also today have a young man who is with us as a guest page. He is a young fellow who is 12 years old and is in the sixth grade at Cumberland Valley Middle School. His name is John Martz. John Malady, who is Neil Malady's brother from our staff, serves as his big brother, and I would just ask if the Senate today would extend its cordial welcome to John Martz who is serving today as a guest page. John, would you stand.



The PRESIDENT. John, please stand so we could say hello to you and thank you for your help.

(Applause.)

### **GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO SENATE**

Senator SCHWARTZ. Mr. President, I would also like to ask my colleagues in the Senate to welcome two representatives from a hospital in the Fourth Senatorial District. They are from Roxborough Memorial Hospital. We have Christine Jackman, who is the Director of Public Relations, and Grace Heywood, Director of Volunteers, and they brought many of their colleagues from the hospitals across the state, I believe, who are visiting with us today, and I believe they are in the gallery. I ask you to offer them a warm welcome as well.

The PRESIDENT. Would the guests of Senator Schwartz and, indeed, all of the representatives from the Hospital Association please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

### **GUESTS OF SENATOR D. MICHAEL FISHER PRESENTED TO SENATE**

Senator FISHER. Mr. President, visiting us today in the gallery is the Bethel Park Gold Card Club, a senior group from my district. I would appreciate it if you would give them our usual warm Senate welcome.

The PRESIDENT. Would the guests of Senator Fisher please rise so we can give you our usual warm welcome.

(Applause.)

### **SPECIAL ORDER OF BUSINESS BITUMINOUS COAL QUEEN PRESENTED TO SENATE**

Senator STOUT. Mr. President, it gives me great pleasure to introduce a special guest to the Senate today. For the past 37 years the King Coal Association of Carmichaels in Greene County has held a Coal Queen Pageant in conjunction with the King Coal Show. The purpose is to select a young lady to represent the bituminous coal industry of Pennsylvania.

The 1990 Coal Queen, Jonella Wozny, is from Carmichaels, Greene County, a resident of the 46th Senatorial District. Senator Lincoln and I are pleased to have Miss Wozny and her parents, Jane and John, with us today. Jonella is also accompanied by the Chairperson of the Coal Queen Pageant, a duty that she has performed for the last 14 years, Connie Shoaf. Also with the group from Greene County are Connie's husband, Frank, and a young man, Scott Groves, from Greene County who has escorted the queen at various functions.

At this time I would like those who are accompanying the queen to stand to be recognized. Would the family please stand. Give them a good Senate welcome.

(Applause.)

Senator STOUT. Mr. President, early this morning Jonella had an opportunity to meet with Governor Casey and discuss the importance of the coal industry in Pennsylvania and had a photo opportunity with the Governor. Later this morning she will be introduced in the House of Representatives by Representative DeWeese. At 12:30 p.m. today she will be honored at a luncheon in the House of Representatives Majority Caucus room, and this evening she will be the guest of honor at a dinner at Casa Rillo, hosted by the Pennsylvania King Coal Association. Miss Wozny is an outstanding senior at Carmichaels Area High School. She is a member of the National Honor Society, student council, Spanish club, senior committee, drama committee, campus life and chorus. In addition to her many school activities, she is also very active as a counselor in the CYF youth organization.

Mr. President, at this time I would ask that the Senate extend its usual warm welcome to Miss Jonella Wozny, 1990 Pennsylvania Coal Queen, and afford her an opportunity to address this Body.

The PRESIDENT. Would the Senate please join me in welcoming Miss Jonella Wozny, the 1990 Pennsylvania Coal Queen, and would you favor us with a few remarks.

(Applause.)

Miss WOZNY. Good morning, Mr. President and distinguished Members of the Senate and guests.

When I first began preparing this speech, I wondered what I could say to make it different from Coal Queen addresses you may have heard in the past. So I have decided to tell you about three things that I have not found enjoyable so far during my reign. I like to call them the three "H's"—hair-spray, humidity and high-heeled shoes. But there is one "H" that I have found to be quite rewarding, not only during my reign as Coal Queen but also throughout my entire life, humility. God did not save me to be a sensation. He saved me to be a servant. Becoming Coal Queen has provided me with many opportunities to bring cheer to the lives of others. I share the philosophy of E. A. Guest when he penned, I would live this life so well, strangers of me praise might tell. Somehow I would like to be cherished here in memory, not as one whose skill was great; or as one who mastered fate; not as one who rose to fame, and left behind a remembered name, but as one who met some need with a timely, kindly deed.

Helping others is a rewarding experience. Yet many people who really need assistance are often overlooked. The recent surge of patriotism in America following the Gulf War has been magnificent to experience. Now is the time to turn our sights upon the wars raging at home. We must focus on such atrocities as drug and alcohol abuse, homelessness, illiteracy and teenage pregnancy. We must set a moral example for the future of our country through our words and deeds. More jobs need to be created to deal with delinquency in juveniles. We must not only focus on the crimes committed by young people, but the circumstances which led to the lawbreaking. In Greene County alone, one probation officer is responsible for over 160 juveniles. There is no chance to discover the

cause of crime under these circumstances. To correct the crime we must learn its cause. Jobs are required if we are to reduce crime among young people. We must also ensure the well-being of our future by taking steps to save our planet. Recycling and conservation should be foremost in our minds. Everyone thinks about conserving energy, but we need to be concerned about the very air that we breathe. Steps must be taken to reduce air, water and soil pollution if our children are to have a healthy planet. I have chosen to share these concerns with you because they are important to me, rather than bore you with a stale speech full of fake words. I hope I have encouraged you to continue thoughtful and careful policy-making. Your decisions affect us all.

Thank you for your time. I am having a wonderful day here in Harrisburg and I am learning a lot about the way our government works. Best wishes to all of you and God bless you.

(Applause.)

### LEAVE OF ABSENCE

Senator MELLOW asked and obtained leave of absence for Senator WILLIAMS, for today's Session, for personal reasons.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 523 (Pr. No. 931)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 10, 1968 (1967 P. L. 925, No. 417), entitled "Legislative Officers and Employees Law," reestablishing and expanding the membership of the Senate Committee on Management Operations; and further providing for the compensation of the Director of the Legislative Reference Bureau.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—46

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Madigan	Salvatore
Armstrong	Hart	Mellow	Scanlon
Baker	Helfrick	Musto	Schwartz
Bell	Holl	O'Pake	Shaffer
Bodack	Hopper	Pecora	Shumaker
Bortner	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stewart
Corman	LaValle	Punt	Stout
Fattah	Lemmond	Reibman	Tilghman
Fisher	Lewis	Rhoades	Wenger
Fumo	Lincoln		

#### NAYS—1

Dawida

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**HB 29, SB 40, 118, 266, 275, 278, 335, 345, 347, 391, 401, 405 and 820** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 850 (Pr. No. 910)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for the selling of liquor or malt or brewed beverages at certain boxing and wrestling events, bowling tournaments and bowling contests; and making a repeal.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

### SPECIAL ORDER OF BUSINESS

#### SENATE RESOLUTION

#### EXPRESSING SORROW AT THE DEATH OF H. JOHN HEINZ, III, U.S. SENATOR FROM PENNSYLVANIA

Senators PECORA, JUBELIRER, LOEPER, FISHER, HART, MELLOW, BELL, LINCOLN, HOPPER, FUMO, STAPLETON, REIBMAN, SCANLON, BODACK, SHUMAKER, HELFRICK, MADIGAN, CORMAN, PUNT, LEMMOND, PETERSON, ARMSTRONG, GREENWOOD, SALVATORE, SHAFFER, TILGHMAN, BRIGHTBILL, MUSTO, HOLL, RHOADES, BAKER, STOUT, WENGER, BORTNER, STEWART, GREENLEAF, ROBBINS, AFFLERBACH, ANDREZESKI, BELAN, DAWIDA, FATTAH, JONES, LYNCH, O'PAKE, PORTERFIELD, SCHWARTZ, WILLIAMS, LaVALLE and LEWIS offered the following resolution (*Senate Resolution No. 45*), which was read as follows:

In the Senate, April 9, 1991.

#### A RESOLUTION

Expressing sorrow at the death of H. John Heinz III, U.S. Senator from Pennsylvania.

WHEREAS, U.S. Senator H. John Heinz III, the senior senator from Pennsylvania, was killed in a tragic airplane crash on April 4, 1991; and

WHEREAS, He was born in Pittsburgh on October 23, 1938, graduated from Yale University and received his MBA from Harvard, where he graduated in the top 10% of his class; and

WHEREAS, In the 1988 Senate election, he won by over 1,000,000 votes and was considered the most popular politician in the State; and

WHEREAS, He was highly respected by his Senate colleagues as a real workhorse and detail man who was instrumental in pushing through legislation which put Social Security on a sounder footing and who played a major role in issues affecting the elderly, the environment, the railroad system and trade laws that encouraged American exports and protected American products; and

WHEREAS, Senator Heinz kept in close contact with the people of Pennsylvania, hearing their concerns and making every effort to solve their problems throughout his fifteen years in the U.S. Senate; and

WHEREAS, In addition to his interest in politics, he was also a serious art collector especially of 16th and 17th century Dutch and Flemish still lifes; and

WHEREAS, He was a talented athlete who was reputedly the best skier in the Senate and one of its best tennis players; and

WHEREAS, He was a devoted family man to his wife, Teresa, and sons, John IV, Andre and Christopher; and

WHEREAS, The death of Senator John Heinz leaves a large void in the lives of those who worked for and with him, and the people of Pennsylvania miss his energy, his dedication, his caring and his abilities; therefore be it

RESOLVED, That the Senate of Pennsylvania express its sorrow at the death of Senator H. John Heinz III, and direct that a copy of this resolution, sponsored by Senators Frank A. Pecora, Robert C. Jubelirer, F. Joseph Loeper, D. Michael Fisher, Melissa A. Hart, Robert J. Mellow, Clarence D. Bell, J. William Lincoln, John D. Hopper, Vincent J. Fumo, Patrick J. Stapleton, Jeanette F. Reibman, Eugene F. Scanlon, Leonard J. Bodack, John J. Shumaker, Edward W. Helfrick, Roger A. Madigan, J. Doyle Corman, Terry L. Punt, Charles D. Lemmond, Jr., John E. Peterson, Gibson E. Armstrong, James C. Greenwood, Frank A. Salvatore, Tim Shaffer, Richard A. Tilghman, David J. Brightbill, Raphael J. Musto, Edwin G. Holl, James J. Rhoades, Earl M. Baker, J. Barry Stout, Noah W. Wenger, Michael E. Bortner, William J. Stewart, Stewart J. Greenleaf, Robert D. Robbins, Roy C. Afflerbach, Anthony B. Andrezeski, Albert V. Belan, Michael M. Dawida, Chaka Fattah, Roxanne H. Jones, Francis J. Lynch, Michael A. O'Pake, Eugene F. Porterfield, Allyson Y. Schwartz, Hardy Williams, Gerald J. LaValle and H. Craig Lewis on behalf of the Senate, be transmitted to his widow, Teresa, and to his sons, John IV, Andre and Christopher.

Senator PECORA asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 45, ADOPTED

Senator PECORA. Mr. President, I move that the Senate do adopt Senate Resolution No. 45.

On the question,

Will the Senate agree to the motion?

Senator PECORA. Mr. President, it is a great honor to be here today to speak on behalf of an individual who has been a close friend and a constituent of mine in my Senatorial district. John Heinz and I met many years ago in the 1970s when he was a candidate for Congress. When I sat down and discussed the reasons why he wanted to be a Congressman—and remember I grew up in the City of Pittsburgh in a poor community—it was difficult to understand a person of wealth being interested in representing the people of Pennsylvania

and representing our country. But when he explained to me his concern for the poor people, the senior citizens, the needy and other persons, I was a little dubious at that time, trying to realize that here is a person who has everything. How can he be so concerned about the working people, the poor people and the senior citizens? But he made a believer out of me because when we won that election his first actions were to help these people who he explained to me he was interested in. Of course, he then sought the position of United States Senator and, again, we had meetings in Penn Hills. He explained his accomplishments, what he had accomplished for people whom he respected and was concerned about. He then became our United States Senator and he never changed. He still was available in our town hall meetings and he still was available to help the people who needed help. He was a great tribute to us politicians, as many people consider us, but he considered himself as I do, a servant of our constituents, not a politician. When you are elected to office you are elected to serve, and it was a great honor to meet someone who had so much wealth and so many things to live for and had, really, no reason to be a politician because he was financially able to just enjoy life. But John Heinz became a symbol—a younger person than I—to me of respect because what he said he did, and Pennsylvania's loss of our U.S. Senator John Heinz was a loss for all the people because he was such a credit to our Commonwealth. Today I can only say, God bless John Heinz and may God watch over his family.

Senator LINCOLN. Mr. President, I would like to begin by offering my condolences to the Heinz family on this sudden and terrible loss. I also would like to speak about my relationship with Senator Heinz and, being of a different registration, it became a little bit awkward at times dealing with it, as we do have our friendships here. But I can remember back in 1977, in February, we had 20 straight days of sub-zero weather in western Pennsylvania, and my particular Senate district was very badly affected by that. The rivers froze. We were unable to move coal barges. We were unable to bring in oil and we had a very short supply of natural gas. We had people who were actually delivering kerosene in little five gallon cans, and the only person on a state level or federal level who responded to the pleas of an awful lot of public officials in my county at that time was John Heinz. Not only did he respond just by listening to us, he came into the district and within 48 hours had 8,000-gallon tank trucks coming into Fayette County from someplace in New Jersey, met with Anchor Hocking Glass, which is a major employer in my county, and got them back in operation because it was an energy problem for them. I was a very young House Member at that time and he was just a very young beginning Senator, but I think he proved to me at that time, and continued to prove to me throughout his whole career, that you can be a statesman and a hands-on person at the same time, and I think that probably best describes my view of John Heinz. He was a statesman but he also put his hands on things and got them done. I think we lost a tremendous public official here in Pennsylvania, someone who had accrued a great deal of experience and had used that experi-

ence to some great extent to help everyone here in Pennsylvania. I think it is a loss that is going to take a while to recover from, and I am as saddened by that as I would be if he were the closest personal friend I have. I am sure that the family is probably going to take a long time getting over the really serious shock that came to them. I wish them well in that, and I hope that they get through these days as best they can. The memory of John Heinz will be one that will be there with his family and with all his friends and his constituents.

The PRESIDENT pro tempore. Mr. President, we have seen perhaps one of the great tragedies of our time. I remember very well the tragedy of 1963 when President Kennedy was suddenly taken from us through a violent act. I remember the tragedy of Treasurer Budd Dwyer who left through a very violent act. This tragedy is, perhaps, so great that we cannot possibly realize the impact of it right now. Truly the course of history has been changed. Truly a family has been left without a father, without a husband. The state and its constituents have been left without one of its greatest advocates and, perhaps, its most popular elected official in modern history. The country has been left without a spokesman for issues that were vitally important to this nation, to the elderly, to the environment, to people, to educators and those who believed that some of the most sensitive human service issues were clearly carried in the hands of John Heinz. To say I have lost a great personal friend is truly an understatement.

I was state chairman of the Young Republicans of Pennsylvania from 1972 to 1974. As the gentleman from Allegheny, Senator Pecora, put it, Senator Heinz at that time was Congressman Heinz. I remember very well meeting him as a speaker at one of our Young Republican meetings and becoming involved in his U.S. Senate race in 1976, truly an experience when you sit with someone at 6:00 o'clock in the morning next to him after he just barely eked out a victory and screamed, "It is a landslide, it is a landslide, John, you have won," and see the recognition of his constituents, because at that time he carried 94 to 95 percent of Allegheny County to win that election and became Pennsylvania's United States Senator after the retirement of the person he worked for for a number of years, former Minority Leader Hugh Scott. To work with that person on a regular basis and see the tremendous growth of a human being who learned his craft, who certainly did not come into the Senate with the tremendous credentials, perhaps, but with the desire, as Senator Pecora said, to serve those most vulnerable, the very young and the elderly, those who were least able to fend for themselves.

Yes, he was a man of wealth. He was a man of position. He could have done anything he wanted in this world. He had a beautiful family, a supporting wife who certainly was and is an outspoken individual in her own right. One can only remember her support of George McGovern in 1972 and John Heinz supporting President Nixon at that time, but recognizing that Teresa Heinz had every right to speak for herself and take the important issues of the day and be just as outspoken.

One never knows what will happen tomorrow. Nobody has a contract with God. Fate steps in and plays a role and we all recognize our own mortality. John Heinz never got a chance to know that his time was up. I think, as one looks back on history, in those short 52 years John Heinz has probably accomplished more than any of us could ever hope to expect to accomplish in a lifetime. He will never die on the face of the elderly, on that senior citizen who has benefited because John Heinz was there for him or her. I can remember not too many years ago in a snowstorm in the City of Altoona, the city he was in the day before his tragic death, where he was snowed in and he could have easily gone to a hotel and gotten away from the constituents he was meeting with at a town meeting at a senior citizens center, but instead he propped his feet up and spent the time with those senior citizens, talked to them at length and just worked to relax and enjoy himself with the people he loved the most, those people who he called his constituents. Whether it was a town meeting, whether it was a political dinner, whether it was a call from his colleagues in Washington, it did not matter. He was a tireless worker. He was not a member of the club, though. He was independent, perhaps too independent for some other members of the club. He did what he thought was right and he did it for his constituents in Pennsylvania, and he never lost sight that he was a servant of the people, someone who had been served all his life and the opportunity, if one would say born with a silver spoon, was a true servant of the people.

Mr. President, the loss I feel today, the emptiness I feel, the shock I had—I was away when I learned of this terrible tragedy—I will never, ever get over. Life is for the living and we will all get on, but the void that John Heinz leaves to his family, to his constituents in Pennsylvania and to this nation will always be remembered. I know Teresa and the boys are very strong because they had two strong parents, and they will survive and they will move on with their lives. But how fortunate they were to have had a husband and father the likes of John Heinz, and how fortunate we have been, if only for a short period of time in the overall scheme of things, to have had John Heinz, first as a friend and as our senior Senator and somebody who cared so much about us. He will never be forgotten. He will always be that warm personality, that caring person, a guy who had a great sense of humor, who loved to tell jokes. He did not do very well at telling them but he laughed at himself when he did it, and he will always be remembered as a very, very special human being.

Mr. President, it is with a deep sense of sadness but a great privilege that I second this resolution.

Senator FATTAH. Mr. President, I just want to add to what has already been said. I remember Senator Heinz from his first campaign, as my dad worked on his campaign in Philadelphia and I wondered why. I remember John coming into Philadelphia and playing in an urban league tennis tournament, but more importantly I remember him as someone who, over the years, had always found a way to be supportive of a number of issues, that it was interesting, to say the least, that he would be concerned about—housing authorities in Phila-

delphia and Allegheny County and all across this country. Public housing authorities knew that they had one friend in the U.S. Senate, and that was John Heinz. For some reason he had a unique concern about affordable housing, and public housing in particular, and was authoring now the Heinz amendments to the National Housing Act so that in Philadelphia we could move families out of high rises. He was someone who would call you up and spend an hour or more on the phone walking through the intricate details of various public policy positions on programs. I remember a couple of weeks ago he invited me and my staff to Washington to meet with Secretary Kemp and to also have lunch in the Senate dining room. He was someone who, irrespective of party, irrespective of geography, was very, very concerned about a number of issues, and he worked very hard, which is unique in our business, I think, and really got into the nuts and bolts of how to make life better tomorrow than it is today.

I just wanted to add my few words to the record. It was Emerson who said that, a man who does not involve himself in the passion and action of his times risks being judged not to have lived. We all know that John Heinz lived and he still lives in the hearts and minds of many people who are not Republicans or from Allegheny County or from Pennsylvania. He was someone who did so much for so many, when others given his own circumstances would have opted to do something else, that I think it is important the record clearly shows that all of us in some way feel a loss in Senator Heinz's tragic accident.

Senator FISHER. Mr. President, I rise with a great sense of loss and a great deal of sadness over the tragic and untimely death of our good friend, Senator John Heinz.

My career in politics began at or about the same time that John's did, he at the federal level, myself at the state level, back in our home county of Allegheny County. I had the privilege and the great opportunity to serve with John during most of the past two decades and to have been able, over that period of time, to develop what I believe was a great friendship. We did not see one another a lot. We did not consult with one another a lot, but I think we both knew that each other was there. We had a number of good times together. Our paths crossed a tremendous number of times, particularly back in our home county, and for me, five years ago when I was crisscrossing the state, I ran into John in many places when he was there on my behalf.

John Heinz meant a tremendous amount to, I know, all the people of Pennsylvania, but he was even more significant to the people of our county. He represented Allegheny County first in the 18th Congressional District and then as the Senator from Allegheny County during a period of time when our county and all of southwestern Pennsylvania were particularly hard hit. The people in our home county realized that they always had a friend in Washington, a friend who was helping certainly the entire state, but a friend who particularly knew what the problems were in southwestern Pennsylvania and knew what the problems were in Allegheny County because he lived through them. He was part of them. He came from a dif-

ferent social strata than most, but yet, as Senator Pecora and others have said, he cared so much about the poor, the elderly, the sick, the infirm. He cared about such issues as housing, and he cared about the very problems which the people who elected us really expect us to deal with and to deal with in a responsible fashion. Certainly the people of our region recognized the great job he did time in and time out. In fact, although many have said and many recognize how easily and how heavily he carried not only the state and Allegheny County as a Republican, he is the only Republican in modern history to carry the City of Pittsburgh, the only Republican in modern history. Not even Dwight Eisenhower at the height of his prime carried the City of Pittsburgh, but John Heinz did in at least his last two Senate races.

Many here today and other places talked about his attributes and his skills. He was a person who certainly did a lot. He had a wide range of activities. I had the opportunity to be with him just, I believe, twelve days before he died. We chatted at our Republican dinner in Allegheny County and, as he typically did, in his typical style, I think what made everyone who knew him remember him so fondly was, he was always interested in what you were doing. He was always interested in what other people were doing and he was never too important for anyone who not only needed him, but wanted to talk to him. He spent a considerable amount of time in public gatherings talking as he talked with me, as he talked with my wife and as he inquired just twelve days before he died and asked me about a number of political issues that were pending in our county and inquired as to how we were doing here in Harrisburg and wanted to know some of the ins and outs of what was going on.

Many people who saw him in that intervening two weeks or twelve days said that in their memory of John Heinz they never saw him more cheerful. In fact, one of the people who did a television show with me last Friday on a program which I really have to give WTAE a lot of credit for putting on, Pittsburgh Talking, A Tribute to John Heinz, one of his tennis partners, David O'Laughlin, said that in his opinion John Heinz died at a time when he was at the top of his game in life. John was a person who cared about people. He cared about his job. He worked at it. I was always amazed, and I did not attend all of his public meetings, but I always remember one time I was attending a public meeting in Carnegie, which is in my Senatorial District. John was there one night in the middle of summer. It was about 85 degrees in a hot room on the second floor of the library and he was there taking a lot of flak from people about some particular issue, and I sat in the back of the room, as I was not the target of their wrath but he was, and I shook my head to myself saying how marvelous it was that this man was there at a time when he did not need to be there. He could have been back in Washington or his home, and we all knew that he would have won by the same resounding majority that he won by. But he enjoyed that and he realized that it was part of his role as a Senator, and he did that up to the time that he died. When you look at where he was last week, a week when many of his colleagues may have



been on vacation, may have been in Washington, he was back in his home state. He was touring the state on his way to, I believe, one of those town meetings in Delaware County because he enjoyed his work. He wanted to help the people. He wanted to know what the people were feeling and he was there working to the very end.

On that show that I referred to, the host asked us as a last question to all the panelists who were on, "How will you remember John Heinz?" I would like to give the same answer that I gave at that time. I said the night before, the night that John died, I called my son since just two months before we were at Congressman Santorum's swearing-in in Washington and John spent about five minutes talking to my son and my daughter. When I told my son about Senator Heinz's death, whether he knew it or not, his reaction was, "Dad, he was a good man, wasn't he?" That is how I will remember John Heinz. He was a good man.

Senator STEWART. Mr. President, I would be remiss if I did not, for the record, offer condolences on behalf of many of my constituents and myself who experienced the devastation of the 1977 Johnstown flood. I too was a freshman that year in the House of Representatives as John Heinz was a freshman that year in 1977 in the United States Senate, and I remember him showing up on the scene that morning. We were introduced—I had not met him before—and there was a great deal of confusion and devastation and we discussed about how each of us were freshmen and brand new at this. John Heinz, I recall, said to me, "I am not sure exactly what we are supposed to do here but, by God, we are going to do something." It was not long after that that the area was declared a federal national disaster area. Not long after that several tractor-trailer loads full of baby food showed up, and I saw Senator Heinz later in the recovery and I congratulated him for being, even though a freshman in the United States Senate, powerful enough to get a federal disaster declaration. He said, "No, no, no, Bill, the disaster declaration was Dick Schweiker, Jack Murtha and Jimmy Carter. The baby food was mine." That is the kind of pragmatic person John Heinz was to us, and I think the people who he helped in my district during that terrible tragedy would certainly want to offer condolences to his family.

Senator HART. Mr. President, I feel compelled as do many of my colleagues here today to speak our condolences to the Heinz family and also because he touched our lives in so many ways. As one who was born and raised in the Pittsburgh area, I became acutely aware of John Heinz at the tender age of nine. Up until then the only thing that I associated with the name Heinz was the corporation that made ketchup. At that point when I began to read the newspapers and began to become aware of the political scene, John Heinz was one of the first politicians who really struck a chord with me, and over the next twenty years he meant so much more to the people of his state than his family's business could ever have meant. He was an inspiration to me even before I got to know him personally, and he will remain an inspiration to me for the rest of my life. Here was a man who could very well have

lived a life of leisure and simply enjoyed his tremendous wealth, but he knew that because God had so blessed him that he should utilize those talents that were given to him to help those less fortunate than he. As we all know, that he did. For the elderly, the unemployed, especially in the Pittsburgh area when the steel industry began to fail and most recently, as I witnessed, for the families of our forces in the Persian Gulf, and for countless others, John Heinz worked tirelessly. He was a strong voice for the kind of caring and compassionate society that all of us truly want. He made everyone who met him feel like their problem was the most important in the world to him, and it was important to him. That is why he took the time to listen and to understand. While many political figures spend much of their time tearing things down, John Heinz built a strong record of achievement. Above all, in a time when too many of us in politics are followers, John Heinz was a leader. On a personal level, John Heinz was much more than an accomplished U.S. Senator. He was a friend who inspired me to enter public service, as he inspired so many young Pennsylvanians. He encouraged me when I began my campaign for the Senate, and he took the time to discuss the campaign with me at a time at a dinner when so many other people were demanding his attention. He reminded me at that time that it is much more important for us to listen to the people than to speak ourselves. Shortly after I was elected, John Heinz held one of his famous town meetings in my district. That evening, it was in December, it was a forum where many people expressed their deep concern for the situation in the Persian Gulf. I was late, I walked in late, and immediately he looked up and recognized me. He mentioned to everybody in the room that their new state Senator had just arrived, and he was happy and pleased that I had taken the time to join him in that town meeting. I was touched at that time by his human concern and his patience with many of the people who were there that evening. They were so demanding and so distressed by the situation in the Gulf. His genuine concern and sincerity eased their fears.

Annually he held a picnic at his estate and invited many of the people who had helped him throughout the prior year. As a perennial volunteer, I was always invited to those, and one year, a few years ago, he had recently had knee surgery and was on crutches. I recall a lot of people were lining up to meet him and he had to have been tired. It was a hot day. He was hobbling around on crutches, but he kept going. He would stop and lean the crutches against a tree to shake hands with everyone and take that kind of time, and he spent a lot more time listening. I recall the last time I saw him, which was a couple of weeks ago. He spoke of his pride in the young people entering public service today. He expressed his concern that he had not lost the energy and the enthusiasm and the idealism that he sees in us, the young politicians of today. We all know that he never did lose that. I learned a great many lessons from Senator Heinz. But, perhaps, the most important lesson is that we in government are here to serve, and addressing the needs of the people who sent us here must always be at the top of our agenda. We are truly fortunate

that he touched our lives and, hopefully, we will continue to carry his ideals with us through ours.

Senator SHUMAKER. Mr. President, as I listened to Senator Hart describing her support from John Heinz, I remember after I received the endorsement of the Republican Party in this county to run for George Gekas' seat, who had gone on to Congress, one of the very first persons—in fact, I think within a week—who came out to help me publicly was John Heinz. As a matter of fact, he flew into Harrisburg to take pictures and make tapes. He was a very unusual man, as Melissa said, to have a United States Senator take time out of his schedule for a first-time candidate for office and a member of his party.

As we mourn the tragic passing of Senator Heinz, we recall a man whose deep sense of caring and compassion redefined how all of us should think of public service. When people look back on the mark that John Heinz left on this state and this nation, they will undoubtedly remember his tireless efforts on behalf of the elderly. Senior citizens need champions, and in John Heinz they had a bright and articulate spokesman who kept the interest of older Pennsylvanians and all older Americans high on the nation's agenda. Indeed his passionate defense of the elderly has set an example that all of us in public life should emulate. Offering a helping hand to older Americans is only one part of the Senator's fine record of public service. A true son of western Pennsylvania, he spoke out for the steel industry in a effort to protect the jobs of working men and women.

His compassion and concern for people was shown in recent months during the Persian Gulf War when he introduced legislation to prevent both parents in a family from being placed on active duty and sent from home, placing both a mother and father in harms way. Senator Heinz saw the potential human tragedy in that policy and worked long and hard to see it altered. John Heinz represented the best traditions of public service. Despite being a man of wealth, he devoted the final years of his life, virtually seven days a week, twenty-four hours a day, to the demanding task of serving not only the people of Pennsylvania, but all of the people of our nation. Senator Heinz will be sorely missed, but the contributions he made on behalf of the elderly, working men and women, and families represent a legacy that the people of Pennsylvania, indeed of this nation, will value for years to come. It is with pride and with sadness that I second the resolution.

Senator LOEPER. Mr. President, many times it is said that the efforts and contributions of public officials seem to be appreciated many times only after their passing or they are gone. However, that certainly was not the case with Senator John Heinz. I think it was really an example of his enormous popularity and the recognition of his continuing work to protect various groups at harm—the elderly. He was a champion to save jobs for Pennsylvania and to bring jobs to Pennsylvania and to give our disabled a higher quality of life. Senator Heinz, I think, was strongly identified as a western Pennsylvanian, but he fought hard not only for that region,

but for Pennsylvania as a whole. He was noted for his leadership on issues and projects that affected our urban, suburban and rural areas throughout the state, and I think that certainly has been demonstrated by the remarks of the previous speakers here today. If we were to reflect upon those remarks for just a moment, we would realize the impact that Senator Heinz has had on our urban areas, our suburban areas and rural areas. I think he excelled in keeping in touch with his people, as the schedule that he was maintaining last week certainly demonstrated once again, meetings with groups to update them on the debate in Washington, or whether it was to plot strategy for a particular program or interest or hearing citizens' concerns at the town meetings. In fact, as was mentioned earlier, Senator Heinz was scheduled to be in Delaware County with Senator Bell and myself last Thursday evening for a public hearing, a town meeting. We were to be there with him to listen to the concerns of the people of the county—he held these town meetings on a regular basis—and his schedule had called for the next morning to be in Philadelphia once again to chair a hearing on the aging, a particular special interest that John Heinz developed and became an advocate and spokesperson for those elderly not only in Pennsylvania but throughout our nation. He was an advocate for all the people, a defender, and above all a believer in action. At a time when many in Washington are identified with global interests and aspirations for some other office other than the office they already hold, John Heinz was noted for his attention to domestic issues that were vital not only to Pennsylvania but to the country as a whole. It is not always the kind of thing that headlines and banners are made of, but the policies and programs he felt should be working better for the people of this country. He was one of the rare individuals who earned the respect of even those who did not agree with his positions all the time. I think we all realize that it is certainly a terrible tragedy and an enormous loss, but Pennsylvania is a better place because of two decades of public service that John Heinz provided to the people of Pennsylvania. He was a competitor and a champion. He achieved countless victories for individuals and communities, and that is public service at its best, Mr. President, and our state and our nation are sorely going to miss the efforts and contributions of Senator John Heinz.

Mr. President, I am very pleased also to second the resolution and, for the information of the Members, I would simply note that the resolution is available at the desk for any additional sponsors who may wish to sign on.

Senator HOPPER. Mr. President, last week's mid-air collision above Lower Merion Township which claimed the life of John Heinz stunned and saddened all of us. Our deepest sympathies go out to the Heinz family as well as the families of the other victims. Senator John Heinz, as we all know, was a truly sincere man, a man who could very easily have lived his life as a multimillionaire, but John Heinz answered a higher calling, as others have mentioned, that of public service, and I too want to stress the word "public." John Heinz was a champion for those whose lifestyles varied most from his—the



poor, the unemployed, the other low profile populations in our state—and John Heinz made sure that Congress did not ignore these humble voices. In working with Senator Heinz on many regional issues, as well as issues involving the aging, I can say without a doubt John Heinz cared. He knew the issues. He put his knowledge to work. Anyone who worked with John Heinz will surely agree that he was a real pro. He led the effort to use federal prisons after the riots in Camp Hill, of which we are all aware. On April 4th we lost a friend but Pennsylvania lost a leader, a spokesman and a true gentleman. Accidents like this are harsh reminders of our own mortality. None of us has forever to accomplish what we must accomplish as public servants. Learn from this tragedy which cut a good man's life so short. Learn from John Heinz. He set a fine example. Take advantage of every day. John Heinz did.

I, too, would like to second this resolution.

Senator REIBMAN. Mr. President, I first got to know Senator Heinz in 1976 when he was a candidate for United States Senator. In that Primary Election I was a candidate on the Democratic side in 1976. I lost. He won. What I wanted to bring out was the fact that everyone knew and extolled his virtues as a decent public servant, but I got to know him as, one, a man who was humane above and beyond the description of a public servant.

In 1977 my husband and I were honored by the State of Israel for our part in helping to raise over three-quarters of a million dollars in Israel bonds. A dinner was to be held in Allentown. John Heinz was invited. He was not to be the main speaker. The Ambassador to the United Nations was to be the main speaker, but John Heinz came and lent his presence, sat at the head table to my right, showed his interest and compassion for the economic development of one of the only democracies in the Middle East and this was back in 1977. I will never forget that and I brought the album with me that shows pictures of this very vital person, so interested, so concerned, so decent, so humane, so much a part of the entire community, aside from the politicians. There were no politicians really at that dinner except me, I suppose, if I can be called one and I suppose I can, but that indicated to me that here was a man of uncommon qualities, really the kind of a person who God had in mind when he created. And it is said in the Bible, a good name will live beyond. He was a decent, honest human being, and I would like to extend my condolences to Teresa and to the children as well, whom we got to know.

Senator WENGER. Mr. President, in the tragic and untimely death of John Heinz, we have lost an outstanding Pennsylvanian. He was the senior Senator from Pennsylvania. He had won not only our respect, but he also had won national respect by his service not only to us but also to mankind in general. In spite of that national attention that he had received, he always continued his concern for those people who were less fortunate. He was a man of integrity. He was a man of vision which could be seen in the legislation that he sponsored and supported and he understood what made a great state like Pennsylvania go, and he knew the importance

of encouraging all the people of Pennsylvania to put forth their best effort and to build for the future. He was a man of great leadership ability, again not only at the state level but the national level as well. His financial resources were such that John Heinz could have done just about anything he wanted to do, and that is exactly what he did. He wanted to serve and he did that admirably. He was a man of compassion and he will be missed. He will be remembered by all of us who had the opportunity to work with him, and I had that opportunity from time to time as many of us did here in this Chamber. He was known as the Senator from western Pennsylvania, but his interests in all parts of the Commonwealth were always evident, were always noticed. He was very visible in my part of Pennsylvania, southeastern Pennsylvania, and was always welcome whenever he came into the small towns and the villages across our great Commonwealth. He was truly a man of the people.

To his widow, to his children and other family members and friends go our condolences, and it is indeed appropriate that we take this time to remember and to mourn the passing of a great Pennsylvanian and a great American.

And the question recurring,  
Will the Senate adopt the resolution?

The PRESIDENT. Would the Members of the Senate in support of this resolution please rise in a moment of silence for the memory of Senator H. John Heinz, III.

(Whereupon, the Senate en banc stood in a moment of silence in solemn respect to the memory of Senator H. JOHN HEINZ, III.)

The PRESIDENT. The resolution is unanimously adopted. The Chair thanks all the Members of the Senate and guests, all of the speakers. The Chair would also point out that the resolution will remain with the Secretary of the Senate for the next day or so for those who wish to add their names as cosponsors.

Senator LOEPER. Mr. President, I would move that the proceedings that just concluded be separately transcribed and appropriately bound for presentation to the Heinz family.

The motion was agreed to.

## UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Gregory B. Bengston by Senator Baker.

Congratulations of the Senate were extended to John W. Taylor, Jr. by Senators Bell and Loeper.

Congratulations of the Senate were extended to the Glen Mills Schools Boys Basketball Team by Senators Bell and Salvatore.

Congratulations of the Senate were extended to Becky Mummert and to Boy Scout Troop 37 of York by Senator Bortner.

Congratulations of the Senate have been extended to Colonel Luke L. Shade by Senators Brightbill, Shumaker and Bell.

Congratulations of the Senate were extended to Mr. and Mrs. John Bell by Senator Corman.

Congratulations of the Senate were extended to the Large Volunteer Fire Department of Jefferson Borough by Senator Fisher.

Congratulations of the Senate were extended to Dr. Daniel D. Yun by Senator Greenleaf.

Congratulations of the Senate were extended to Benjamin F. Naska by Senator Greenwood.

Congratulations of the Senate were extended to Phil Lockcuff, Dave Persing, Jeffrey W. Walter and to the Mount Carmel Area High School Boys Basketball Team by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Charles C. Hollenbaugh, John Edward Ludwig and to New Cumberland Public Library by Senator Hopper.

Congratulations of the Senate were extended to Angelena Burton Williams Smith by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Harry R. Zimmerman, Mr. and Mrs. Earl Snyder, Mr. and Mrs. Galen Whetstone, Mr. and Mrs. Cletus F. Shriver, Mr. and Mrs. Art Harrison and to Mr. and Mrs. Walter Rapsky by Senator Jubelirer.

Congratulations of the Senate were extended to Chad Michael Urso, Albert A. Forlenza III, Ethel V. Bartlow, Sophia Bodzio, Hilda Linderman Toms and to William Griglock, Sr. by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Warne Rankin, Michael J. Bryan and to Brian Edward Siska by Senator Lincoln.

Congratulations of the Senate were extended to Richard W. Wood, Michael P. Maiore, Allison Beddoe, Stacy Bishop, Marijo Canova, Kelly Crocker, Stacy Davis, Tammy Decker, Rebecca DeSanto, Tammy Lynn Dieterich, Phileshia Dombroski, Heather Proch, Colleen Scanlon, Julie Shook, Carolyn Smith, Christa Smith, Nicole Van Nortwick, Lauren Wetmore and Lesley Yeselavage by Senator Mellow.

Congratulations of the Senate were extended to the Armagh and East Wheatfield Volunteer Fire Department by Senator Porterfield.

Congratulations of the Senate were extended to the citizens of the City of Bethlehem and to Harmony Grange No. 1692 of Northampton by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Alex Gunas by Senator Scanlon.

Congratulations of the Senate were extended to Mr. and Mrs. Wernet M. Baker, Mr. and Mrs. Charles E. Mills, Mr. and Mrs. Richard Plaisted, Salvatore Russo, Jack L. Manuel, Richard C. Hartung, David Lindsey McKinnis, Lee F. Snyder, Richard J. Minto, Kathy M. Linsman-Wood and to the family of the late George Waddell on his induction into the Butler Area Hall of Fame by Senator Shaffer.

Congratulations of the Senate were extended to Shirley Ellen Kreidler Allison by Senator Shumaker.

Congratulations of the Senate were extended to Darrell Shick by Senator Stapleton.

Congratulations of the Senate were extended to LaVerne Vines Collins by Senator Wenger.

### ANNOUNCEMENT BY CHAIR

The PRESIDENT. Would the Members of the recessed meeting of the Committee on Judiciary please convene in the Rules room at the rear of the Senate Chamber. All Members of the Committee on Judiciary please retire to the Rules room for the continuation of the recessed meeting immediately.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, April 15, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 12:45 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, APRIL 15, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 21

### SENATE

MONDAY, April 15, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (D. Michael Fisher) in the Chair.

### PRAYER

The Chaplain, Reverend Dr. MERLIN CONRAD, Pastor of Calvary Reformed Church, Reading, offered the following prayer:

Let us pray.

Eternal God and Father of us all, we would not weary You this day with our constant beggings, being as children who want grades without study or workmen who desire wages without work but, rather, we would come with thanksgiving that You have provided us with lessons to learn and work to do. Most especially, we would ask that You would bless our work in terms of liberty, liberty that is too precious a thing to be buried in books and too costly a thing to be hoarded, and then come very near to these Your servants, the Members of this Body, that they may have the assurance to do that which is right with their labors, allowing them the privilege of good conscience. For these and Your many other blessings, we offer these our prayers. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Conrad who is the guest this day of Senator O'Pake.

### JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 9, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows,

and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony P. Emmi, 1015 West Linden Street, Scranton 18504, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene W. Charles, Lancaster, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James H. Cawley, 7 East Gate Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Joseph F. Welch, Wyomissing, resigned.

ROBERT P. CASEY.

#### JUDGE, TRAFFIC COURT

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph A. Diorio, 928 Magee Avenue, Philadelphia 19111, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1992, vice The Honorable Dominic N. Cermele, resigned.

ROBERT P. CASEY.

#### DISTRICT JUSTICE

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James M. Plath, 1480 Breezeview Drive, York 17404, York County, Thirty-first Senatorial District, for appointment as District Justice in and for the County of York, Magisterial District 19-2-04, to serve until the first Monday of January, 1992, vice Donald G. Rode, deceased.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Roy Josephson, R. D. 1, Box 505, Avondale 19311, Chester County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-3-04, to serve until the first Monday of January, 1992, vice Eugene DiFilippo, Jr., resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brydon H. Lidle, Jr., 234 Armstrong Street, P. O. Box 428, Halifax 17032, Dauphin County, Fifteenth Senatorial District, for appointment as District Justice in and for the County of Dauphin, Magisterial District 12-3-02, to serve until the first Monday of January, 1994, vice Lawrence E. Alvord, resigned.

ROBERT P. CASEY.

#### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

DISTRICT JUSTICE

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 7, 1991 for the appointment of Antonia Deraco, 830 North Seventh Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, as District Justice in and for the County of Lebanon, Magisterial District 52-2-01, to serve until the first Monday of January, 1992, vice Catherine M. Coyle, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 13, 1990 for the appointment of William H. Reed, Jr. (Public Member), 8017 Thon Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, as a member of the State Board of Landscape Architects, to serve until April 11, 1991, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Judith C. Lieberman, Allentown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### HOUSE MESSAGE

##### HOUSE INSISTS UPON ITS NONCONCURRENCE IN SENATE AMENDMENTS TO HB 244 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 244**, and has appointed Messrs. BELFANTI, COY and CORNELL as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

#### BILLS INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

April 9, 1991

Senators AFFLERBACH, BORTNER, BAKER, O'PAKE, MUSTO, REIBMAN and SCANLON presented to the Chair **SB 867**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for unlawful acts of licensees.

Which was committed to the Committee on LAW AND JUSTICE, April 9, 1991.

Senators LEMMOND, SHUMAKER, MUSTO, BELL, LAVALLE, STAPLETON, HELFRICK, BELAN, LYNCH, BORTNER, AFFLERBACH, PECORA, SALVATORE, CORMAN, RHOADES and HOPPER presented to the Chair **SB 868**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for a paralyzed veteran's pension.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, April 9, 1991.

Senators CORMAN and HART presented to the Chair **SB 869**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for identification markers.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN and STOUT presented to the Chair **SB 870**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle widths and weights and for operation of chemical and fertilizer vehicles.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, STOUT, HART, SHAFFER, LEMMOND and FISHER presented to the Chair **SB 871**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual signals on authorized vehicles.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, HOLL, BAKER, SHAFFER, SHUMAKER, HOPPER and FISHER presented to the Chair **SB 872**, entitled:

An Act establishing the Public Transportation Consumer Protection Act; and requiring public transportation companies to seek competitive proposals from private transportation companies to operate at least 10% of their lines.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, BELAN, SHUMAKER, AFFLERBACH, HOPPER and FISHER presented to the Chair **SB 873**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring instruction on school bus safety.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, SHAFFER, SHUMAKER and JUBELIRER presented to the Chair **SB 874**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain penalties relating to inspection certificates.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, BAKER, DAWIDA, LAVALLE, SHAFFER, SHUMAKER, HOPPER, WENGER and RHOADES presented to the Chair **SB 875**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of farm truck plates.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senator CORMAN and RHOADES presented to the Chair **SB 876**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from registration fees.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, STOUT, BELAN, HART, LAVALLE, HOPPER and FISHER presented to the Chair **SB 877**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing handicapped and disabled veteran plates for motorcycles.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN and LAVALLE presented to the Chair **SB 878**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for regulation of traffic on the Pennsylvania Turnpike.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, HART, WENGER and RHOADES presented to the Chair **SB 879**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for interference with traffic-control devices or signals.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN and LAVALLE presented to the Chair **SB 880**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties for exceeding maximum weights.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, STOUT, BAKER, HART, DAWIDA, LAVALLE, AFFLERBACH, SHUMAKER, WENGER and RHOADES presented to the Chair **SB 881**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "motor vehicle" to exclude electrical mobility devices used to transport the physically handicapped.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, SHAFFER and RHOADES presented to the Chair **SB 882**, entitled:

An Act amending the act of December 15, 1971 (P. L. 596, No. 160), entitled "Outdoor Advertising Control Act of 1971," establishing a three-year permit and fees for directional signs and directional information signs.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, STOUT, HART, SHUMAKER and JUBELIRER presented to the Chair **SB 883**, entitled:

An Act amending the act of July 23, 1968 (P. L. 686, No. 226), entitled "An act equalizing trade practices in public works procurement;....," providing for an exemption in the case of Federal-aid projects.

Which was committed to the Committee on TRANSPORTATION, April 9, 1991.

Senators CORMAN, PETERSON, FISHER, STAPLETON, ROBBINS, PECORA, BELL, STEWART, PORTERFIELD, SHAFFER, HART, RHOADES, ANDREZESKI, REIBMAN and LAVALLE presented to the Chair **SB 884**, entitled:

An Act relating to certain payments by the Commonwealth.

Which was committed to the Committee on FINANCE, April 9, 1991.

Senators CORMAN, RHOADES, PETERSON, FISHER, STAPLETON, SHAFFER, ANDREZESKI and ROBBINS presented to the Chair **SB 885**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for Commonwealth liability for damages resulting from the disposal of municipal waste in certain cases; and making a repeal.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 9, 1991.

Senators CORMAN, HART and REIBMAN presented to the Chair **SB 886**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reducing the number of jury commissioners in certain counties.

Which was committed to the Committee on LOCAL GOVERNMENT, April 9, 1991.

Senators CORMAN, HART and REIBMAN presented to the Chair **SB 887**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing for election of one jury commissioner.

Which was committed to the Committee on LOCAL GOVERNMENT, April 9, 1991.

Senators CORMAN, STAPLETON, FISHER, AFFLERBACH, RHOADES, HART, O'PAKE and ROBBINS presented to the Chair **SB 888**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring agencies to advertise in daily newspapers within municipalities when a lease of a building or use of a building located in the municipality is to be terminated or not renewed.

Which was committed to the Committee on STATE GOVERNMENT, April 9, 1991.

Senators CORMAN, RHOADES, ARMSTRONG, MUSTO, JUBELIRER, HOPPER, SHUMAKER, STOUT, DAWIDA, GREENWOOD, SCANLON, O'PAKE, STEWART, HOLL, PORTERFIELD, PECORA, REIBMAN, FISHER, STAPLETON, FATTAH, HART,

PUNT, BAKER, LAVALLE, SALVATORE, HELFRICK, ANDREZESKI, MADIGAN, LEMMOND, GREENLEAF and BELL presented to the Chair **SB 889**, entitled:

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," providing for higher education library grants; and making an appropriation.

Which was committed to the Committee on EDUCATION, April 9, 1991.

Senators CORMAN, PETERSON, BAKER, JUBELIRER, HOPPER, SHUMAKER, SCANLON, PORTERFIELD, PECORA, HART, RHOADES, HELFRICK, MADIGAN, LAVALLE, SALVATORE, BELAN and BRIGHTBILL presented to the Chair **SB 890**, entitled:

An Act providing for the establishment, operation and administration of the Enterprise Zone Program, Enterprise Planning Zones, Enterprise Development Zones and Enterprise Investment Zones; creating a Housing Assistance Recovery Fund; and imposing additional powers and duties on the Department of Community Affairs.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, April 9, 1991.

Senators HELFRICK, STAPLETON, SHAFFER and MADIGAN presented to the Chair **SB 891**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for fox hunting restrictions.

Which was committed to the Committee on GAME AND FISHERIES, April 9, 1991.

Senators HELFRICK, WENGER, BAKER, HOPPER, CORMAN, ARMSTRONG, PUNT and SHUMAKER presented to the Chair **SB 892**, entitled:

An Act providing that employment shall not be conditional upon membership or nonmembership in, nor upon the payment or nonpayment of money to, a labor organization; and providing remedies and penalties.

Which was committed to the Committee on LABOR AND INDUSTRY, April 9, 1991.

Senators GREENWOOD, PECORA, SHUMAKER, SHAFFER, CORMAN, STAPLETON, JUBELIRER, HART, ROBBINS, LEWIS and HELFRICK presented to the Chair **SB 893**, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the use of the Emergency Medical Services Operating Fund.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 9, 1991.

Senators GREENWOOD, SHUMAKER, SHAFFER, CORMAN, STAPLETON, JUBELIRER, MADIGAN, ROBBINS, LEWIS and HELFRICK presented to the Chair **SB 894**, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the use of mutual assistance agreements to satisfy certain licensure requirements.



Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 9, 1991.

Senators GREENWOOD, SHUMAKER, SHAFFER, CORMAN, STAPLETON, JUBELIRER, MADIGAN, ROBBINS, LEWIS and HELFRICK presented to the Chair **SB 895**, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the validity of certificates of accreditation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 9, 1991.

Senator ARMSTRONG presented to the Chair **SB 896**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, including enforcement officers and investigators in the Office of Attorney General within the definition of "enforcement officer" for retirement purposes.

Which was committed to the Committee on FINANCE, April 9, 1991.

Senators ARMSTRONG and HELFRICK presented to the Chair **SB 897**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," providing for local option concerning the establishment of off-track pari-mutuel wagering facilities within municipalities.

Which was committed to the Committee on STATE GOVERNMENT, April 9, 1991.

Senators ARMSTRONG, HELFRICK, HART, WENGER, LEMMOND, BELL and MADIGAN presented to the Chair **SB 898**, entitled:

An Act amending the act of December 14, 1988 (P. L. 1192, No. 147), entitled "Special Ad Hoc Municipal Police and Fire-fighter Postretirement Adjustment Act," extending the provisions of the act to include survivors of police officers and fire-fighters.

Which was committed to the Committee on FINANCE, April 9, 1991.

Senators ARMSTRONG, HELFRICK, HART, WENGER, LEMMOND, BELL, MADIGAN and SHUMAKER presented to the Chair **SB 899**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; and making technical changes.

Which was committed to the Committee on FINANCE, April 9, 1991.

Senators LEMMOND, SHUMAKER, MUSTO, BELL, WENGER, REIBMAN, LAVALLE, GREENWOOD, STAPLETON, HELFRICK, HART, LYNCH, BORTNER, AFFLERBACH, PORTERFIELD, SALVATORE, RHOADES and HOPPER presented to the Chair **SB 900**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the release of information contained in confidential reports involving child abuse.

Which was committed to the Committee on AGING AND YOUTH, April 9, 1991.

Senators LEMMOND, SHUMAKER, MUSTO, BELL, WENGER, REIBMAN, LAVALLE, GREENWOOD, STAPLETON, HELFRICK, HART, LYNCH, BORTNER, AFFLERBACH, PORTERFIELD, RHOADES and HOPPER presented to the Chair **SB 901**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for dissemination of criminal history record information.

Which was committed to the Committee on JUDICIARY, April 9, 1991.

Senators LEMMOND, BAKER, HOLL, MUSTO, REIBMAN, HELFRICK, AFFLERBACH, SALVATORE and RHOADES presented to the Chair **SB 902**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for aid to school districts due to extreme increases in student enrollment.

Which was committed to the Committee on EDUCATION, April 9, 1991.

Senators LEMMOND, BAKER, SCHWARTZ, REIBMAN, LAVALLE, HELFRICK, LYNCH and AFFLERBACH presented to the Chair **SB 903**, entitled:

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," further providing for expedited approval of rate relief.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 9, 1991.

Senators LEMMOND, BAKER, SCHWARTZ, REIBMAN, LAVALLE, HELFRICK, LYNCH, AFFLERBACH and SALVATORE presented to the Chair **SB 904**, entitled:

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, further providing for expedited approval of rate relief.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 9, 1991.

Senators SCANLON, LEWIS, DAWIDA, MELLOW, O'PAKE and BODACK presented to the Chair **SB 905**, entitled:

An Act amending the act of June 11, 1947 (P. L. 551, No. 247), entitled "The Fire, Marine and Inland Marine Rate Regulatory Act," further providing for rate filings.

Which was committed to the Committee on BANKING AND INSURANCE, April 9, 1991.

Senators SCANLON, LEWIS, DAWIDA, MELLOW, O'PAKE and BODACK presented to the Chair **SB 906**, entitled:

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), entitled "The Casualty and Surety Rate Regulatory Act," further providing for rate filings.

Which was committed to the Committee on BANKING AND INSURANCE, April 9, 1991.

Senators SCANLON, LEWIS, DAWIDA, MELLOW, O'PAKE and BODACK presented to the Chair **SB 907**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for group policies.

Which was committed to the Committee on BANKING AND INSURANCE, April 9, 1991.

Senators SCANLON, LEWIS, DAWIDA, MELLOW, O'PAKE and BODACK presented to the Chair **SB 908**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for group policies.

Which was committed to the Committee on BANKING AND INSURANCE, April 9, 1991.

Senators SCANLON, LEWIS, DAWIDA, MELLOW, O'PAKE and BODACK presented to the Chair **SB 909**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for group accident and sickness insurance.

Which was committed to the Committee on BANKING AND INSURANCE, April 9, 1991.

Senators SCANLON, LEWIS, DAWIDA, MELLOW, O'PAKE and BODACK presented to the Chair **SB 910**, entitled:

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), entitled "Group Life Insurance Policy Law," further providing for life insurance.

Which was committed to the Committee on BANKING AND INSURANCE, April 9, 1991.

Senators GREENWOOD, HOPPER, FISHER, HELFRICK, BELAN, AFFLERBACH and JONES presented to the Chair **SB 911**, entitled:

An Act providing for a County Children and Youth Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and are employed in county children and youth agencies in this Commonwealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 9, 1991.

Senators GREENWOOD, WENGER, HOPPER, MADIGAN, ROBBINS, SCANLON and RHOADES presented to the Chair **SB 912**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a certain election of tax relating to leased motor vehicles, trailers and semi-trailers.

Which was committed to the Committee on FINANCE, April 9, 1991.

Senators ANDREZESKI, SCANLON and AFFLERBACH presented to the Chair **SB 913**, entitled:

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further defining "performance audit."

Which was committed to the Committee on STATE GOVERNMENT, April 9, 1991.

Senators ANDREZESKI and SCANLON presented to the Chair **SB 914**, entitled:

An Act repealing the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act."

Which was committed to the Committee on STATE GOVERNMENT, April 9, 1991.

Senators HART, SHUMAKER, CORMAN, SALVATORE, HELFRICK and RHOADES presented to the Chair **SB 915**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the continuance of the budget of the preceding year in the event that a new budget is not adopted by July 1.

Which was committed to the Committee on FINANCE, April 9, 1991.

Senators HART, PECORA, REIBMAN, HELFRICK, MADIGAN and BAKER presented to the Chair **SB 916**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for manner of filling appointments.

Which was committed to the Committee on LOCAL GOVERNMENT, April 9, 1991.

Senators HART, LOEPER, BAKER, FISHER, LEMMOND, BELL, SHAFFER, SALVATORE, CORMAN, GREENLEAF and RHOADES presented to the Chair **SB 917**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State.

Which was committed to the Committee on FINANCE, April 9, 1991.

Senators DAWIDA, BELAN, LAVALLE, MUSTO and LEWIS presented to the Chair **SB 918**, entitled:

An Act establishing a cabinet-level State agency whose jurisdiction, powers and duties specifically concern the well-being of Pennsylvania's children; providing for funding, licensing the registration of child day-care facilities; establishing a caregiver training program; establishing a child-care resource and referral program; providing for the coordination of all State services related to child care; creating a board of review to monitor the functioning of the Department of Children; imposing a penalty for noncompliance with licensing and registration requirements; and making a repeal.

Which was committed to the Committee on AGING AND YOUTH, April 9, 1991.

Senators FISHER, MUSTO, CORMAN, BELL, SHAFFER, REIBMAN, HART, SCHWARTZ and RHOADES presented to the Chair **SB 919**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," deleting an unlawful act relating to the breaking of liquor containers in areas having recycling programs.

Which was committed to the Committee on LAW AND JUSTICE, April 9, 1991.

Senators FISHER, MUSTO, JUBELIRER, MELLOW, HART, REIBMAN, SHUMAKER, BELAN, JONES, SCANLON, LEWIS, HOPPER, HELFRICK, SALVATORE, AFFLERBACH and GREENWOOD presented to the Chair **SB 920**, entitled:

An Act providing for the labeling of recyclable products and plastic containers; mandating the use of environmentally acceptable packaging in restaurants; requiring the removal of toxics in packaging; and encouraging cooperation among the states to set uniform policies to reduce unnecessary packaging.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 9, 1991.

April 10, 1991

Senators BELAN, LAVALLE, STOUT, DAWIDA and HELFRICK presented to the Chair **SB 921**, entitled:

An Act establishing a loan forgiveness program for certain persons.

Which was committed to the Committee on EDUCATION, April 10, 1991.

Senators BELAN, LAVALLE, STOUT, DAWIDA, SCHWARTZ, PETERSON, REIBMAN, AFFLERBACH and HELFRICK presented to the Chair **SB 922**, entitled:

An Act establishing a pilot program for business and school cooperation in economically distressed regions; and making an appropriation.

Which was committed to the Committee on EDUCATION, April 10, 1991.

Senators BELAN, LAVALLE, STOUT, DAWIDA, SCHWARTZ, PETERSON, AFFLERBACH and HELFRICK presented to the Chair **SB 923**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing a tax credit to corporations that provide continuing education for their employees.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senator HOLL presented to the Chair **SB 924**, entitled:

An Act amending the act of July 13, 1988 (P. L. 530, No. 94), entitled "Environmental Hearing Board Act," further providing for the powers of the board.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 10, 1991.

Senators STEWART, BELAN, MELLOW, BORTNER, O'PAKE, DAWIDA, MUSTO, REIBMAN, HELFRICK, LEWIS, SCHWARTZ, PORTERFIELD, SCANLON, STAPLETON, LAVALLE, JONES, LYNCH, WILLIAMS, AFFLERBACH and HART presented to the Chair **SB 925**, entitled:

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), entitled "The First Class City Permanent Registration Act," providing for voter registration in first class cities in conjunction with motor vehicle driver's license registration.

Which was committed to the Committee on STATE GOVERNMENT, April 10, 1991.

Senators STEWART, BELAN, MELLOW, BORTNER, O'PAKE, DAWIDA, LEWIS, PORTERFIELD, SCHWARTZ, MUSTO, REIBMAN, SCANLON, STAPLETON, LAVALLE, HELFRICK, JONES, LYNCH, WILLIAMS, AFFLERBACH and HART presented to the Chair **SB 926**, entitled:

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled, as reenacted and amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," providing for voter registration in conjunction with motor vehicle driver's license registration.

Which was committed to the Committee on STATE GOVERNMENT, April 10, 1991.

Senators STEWART, MELLOW, BORTNER, O'PAKE, WILLIAMS, LYNCH, HELFRICK, JONES, LAVALLE, STAPLETON, SCANLON, SCHWARTZ, REIBMAN, MUSTO, DAWIDA and AFFLERBACH presented to the Chair **SB 927**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for absentee ballots.

Which was committed to the Committee on STATE GOVERNMENT, April 10, 1991.

Senators STEWART, MELLOW, BORTNER, LAVALLE, JONES, HELFRICK, LYNCH, O'PAKE, DAWIDA, REIBMAN, MUSTO, WILLIAMS, SCHWARTZ, SCANLON, STAPLETON and HART presented to the Chair **SB 928**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for voter registration forms to be given to high school graduates.

Which was committed to the Committee on STATE GOVERNMENT, April 10, 1991.

Senators STEWART, BELAN, MELLOW, JONES, LYNCH, WILLIAMS, STAPLETON, HELFRICK, SCANLON, O'PAKE, MUSTO, REIBMAN, DAWIDA, LAVALLE and PORTERFIELD presented to the Chair **SB 929**, entitled:

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), entitled "The First Class City Permanent Registration Act," further providing for mail verification of voting registers and for cancellation of registration.

Which was committed to the Committee on STATE GOVERNMENT, April 10, 1991.

Senators STEWART, BELAN, MELLOW, PORTERFIELD, WILLIAMS, LYNCH, STAPLETON, SCANLON, HELFRICK, JONES, LAVALLE, REIBMAN, MUSTO, O'PAKE, BORTNER and DAWIDA presented to the Chair **SB 930**, entitled:

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled, as reenacted and amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," further providing for checkup of registers.

Which was committed to the Committee on STATE GOVERNMENT, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, FISHER, BRIGHTBILL, HART and RHOADES presented to the Chair **SB 931**, entitled:

An Act authorizing the State Tax Equalization Board to provide financial assistance to counties for assessment reform; creating a revolving loan fund from a restricted account within the General Fund; providing for grants-in-aid and loans for assessment improvement, including countywide reassessment; providing for the powers and duties of the State Tax Equalization Board; and making an appropriation.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART and RHOADES presented to the Chair **SB 932**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), entitled, as amended, "State Tax Equalization Board Law," further providing for powers and duties of the State Tax Equalization Board; creating and empowering an advisory committee; establishing an assessment loan fund; making an appropriation; and making editorial changes.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 933**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," including third class counties within the scope of the act; further providing for assessment procedures; further providing for appeals of assessments; further providing for the powers and duties of county commissioners and of the governing body of home rule charter counties; making editorial changes; and making repeals.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 934**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), entitled, as amended, "State Tax Equalization Board Law," further providing for powers and duties of the State Tax Equalization Board; expanding use of the common level ratio to third class city assessments; imposing further duties on recorders of deeds; providing for the application of revised assessment rates; and making editorial changes.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 935**, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," limiting the act to second A class counties.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 936**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further defining "common level ratio"; further providing for board determinations in assessment appeals; providing for assessment errors and refunds; and further providing for court determinations in assessment appeals.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 937**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," limiting the act to counties of the first, second and second A classes; further providing for the powers of the county commissioners relating to assessments; expanding the powers of assessment boards in counties of the first, second and second A classes; providing for optional assessment revision and appeals procedures; and making repeals.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART and PUNT presented to the Chair **SB 938**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," providing for the periodic certification and review of tax-exempt properties.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, BRIGHTBILL, HART and PUNT presented to the Chair **SB 939**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," providing for the periodic certification and review of tax-exempt properties.

Which was committed to the Committee on FINANCE, April 10, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, AFFLERBACH, REIBMAN, SHAFFER, FISHER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 940**, entitled:

An Act requiring taxing districts to further disclose rates of real property tax, proposed changes in real property tax rates and reasons for the changes in the real property tax rate; and imposing additional duties on the State Tax Equalization Board.

Which was committed to the Committee on FINANCE, April 10, 1991.

April 11, 1991

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, SHAFFER, FISHER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 941**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," authorizing political subdivisions to increase the rate of the earned income and net profits tax subject to approval in a voter referendum; and authorizing counties to impose a limited earned income tax subject to approval in a voter referendum.

Which was committed to the Committee on LOCAL GOVERNMENT, April 11, 1991.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, REIBMAN, SHAFFER, FISHER, BRIGHTBILL, HART, PUNT and RHOADES presented to the Chair **SB 942**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing an exclusion from taxation of a portion of the market value of homestead property; and authorizing an exclusion from taxation of a portion of the market value of all real property.

Which was committed to the Committee on FINANCE, April 11, 1991.

Senators AFFLERBACH, BELL, HELFRICK, LEWIS and RHOADES presented to the Chair **SB 943**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for record information related to restriction of operating privileges.

Which was committed to the Committee on TRANSPORTATION, April 11, 1991.

Senators AFFLERBACH, JONES and CORMAN presented to the Chair **SB 944**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for earned income taxes.

Which was committed to the Committee on LOCAL GOVERNMENT, April 11, 1991.

Senators FUMO, WILLIAMS, SCANLON, BORTNER, AFFLERBACH, BELAN, MUSTO, MELLOW, O'PAKE, REIBMAN, JONES, LAVALLE, LYNCH, PECORA, SCHWARTZ, HELFRICK, SALVATORE and LEWIS presented to the Chair **SB 945**, entitled:

An Act amending the act of December 14, 1988 (P. L. 1192, No. 147), entitled "Special Ad Hoc Municipal Police and Fire-fighter Postretirement Adjustment Act," extending the provisions of the act to include survivors of police officers and fire-fighters.

Which was committed to the Committee on FINANCE, April 11, 1991.

Senators SHAFFER, FISHER, RHOADES, HOPPER, BRIGHTBILL, HART, CORMAN, BAKER and HELFRICK presented to the Chair **SB 946**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," setting forth public policy relating to strikes; and providing for assessments.

Which was committed to the Committee on EDUCATION, April 11, 1991.

Senator GREENLEAF presented to the Chair **SB 947**, entitled:

An Act providing for a program known as the Silver-Haired Legislature Program to be established by the Pennsylvania Council on Aging in cooperation with the Department of Aging and other groups; and making an appropriation.

Which was committed to the Committee on AGING AND YOUTH, April 11, 1991.

Senators MADIGAN, LOEPER, SCANLON, SALVATORE and LYNCH presented to the Chair **SB 948**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for charges for emission inspection.

Which was committed to the Committee on TRANSPORTATION, April 11, 1991.

Senators FISHER, WENGER, SALVATORE, MADIGAN, PUNT, PORTERFIELD and RHOADES presented to the Chair **SB 949**, entitled:

An Act designating English as the official language of the Commonwealth of Pennsylvania; and providing for a right of action.

Which was committed to the Committee on STATE GOVERNMENT, April 11, 1991.

Senators LOEPER, BAKER and SCANLON presented to the Chair **SB 950**, entitled:

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; further providing for acquisitions of the stock of a savings association; revising proxy rules; further providing for number and qualification of directors; and making repeals.

Which was committed to the Committee on BANKING AND INSURANCE, April 11, 1991.

Senators SCHWARTZ, JONES, HART, ANDREZESKI, REIBMAN, LYNCH, AFFLERBACH, SCANLON, WILLIAMS, O'PAKE, BODACK, MUSTO and LEWIS presented to the Chair **SB 951**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the establishment and maintenance of kindergartens.

Which was committed to the Committee on EDUCATION, April 11, 1991.

Senators FUMO, SALVATORE, WILLIAMS, JONES, LYNCH and SCHWARTZ presented to the Chair **SB 952**, entitled:

An Act providing for the registration of street vendors in cities of the first class; further providing for the regulation of street vendors in cities of the first class; and conferring powers and duties on cities of the first class, the Department of Revenue, the Appropriations Committee of the Senate, and the Appropriations Committee of the House of Representatives.

Which was committed to the Committee on FINANCE, April 11, 1991.

Senators PECORA, BELL, PUNT, REIBMAN, CORMAN, HART, FISHER, HELFRICK, SALVATORE and ROBBINS presented to the Chair **SB 953**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring interest to be paid on certain late subsidy payments to school districts.

Which was committed to the Committee on EDUCATION, April 11, 1991.

Senators PECORA, HELFRICK and MUSTO presented to the Chair **SB 954**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for purchase of nonteacher professional services.

Which was committed to the Committee on EDUCATION, April 11, 1991.

Senators LAVALLE, MUSTO, MELLOW, JONES, BELAN, STAPLETON, SCHWARTZ and STOUT presented to the Chair **SB 955**, entitled:

An Act relating to a moratorium on spent carbon storage and process; requiring notification; and providing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 11, 1991.

Senators LAVALLE, MUSTO, MELLOW, JONES, BELAN, STAPLETON, SCHWARTZ and STOUT presented to the Chair **SB 956**, entitled:

An Act relating to spent carbon recycling facilities; establishing restrictions for permits and licensing; limiting process rates; and providing for powers and duties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 11, 1991.

Senators LAVALLE, MUSTO, MELLOW, JONES, BELAN, STAPLETON, SCHWARTZ and STOUT presented to the Chair **SB 957**, entitled:

An Act relating to spent carbon recycling facilities; requiring additional permits from the Department of Environmental Resources; requiring notification by the Department of Environmental Resources; and providing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 11, 1991.

Senators HART and CORMAN presented to the Chair **SB 958**, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), entitled "Dog Law," further providing for dangerous dogs.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, April 11, 1991.

Senators HART, AFFLERBACH and HELFRICK presented to the Chair **SB 959**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for the terms of elected officials.

Which was committed to the Committee on LOCAL GOVERNMENT, April 11, 1991.

Senators HART, O'PAKE, JUBELIRER, WILLIAMS, BELAN, REIBMAN, JONES, MADIGAN, ANDREZESKI, HELFRICK and RHOADES presented to the Chair **SB 960**, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folk programs and the Folk Advisory Council.

Which was committed to the Committee on STATE GOVERNMENT, April 11, 1991.

#### April 12, 1991

Senators JONES, PETERSON, JUBELIRER, AFFLERBACH, BELAN, DAWIDA, HART, REIBMAN, SCHWARTZ, SALVATORE, SHAFFER, SHUMAKER, WILLIAMS, RHOADES, O'PAKE, MUSTO, MELLOW, ANDREZESKI, ARMSTRONG, STAPLETON, LYNCH, MADIGAN, PECORA, STEWART, STOUT, BAKER, GREENWOOD, LEWIS, BODACK, FATTAH, BRIGHTBILL, PUNT, LINCOLN, GREENLEAF, BORTNER, HELFRICK, PORTERFIELD, LAVALLE, ROBBINS and HOPPER presented to the Chair **SB 961**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; and providing for certain training programs.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 12, 1991.

Senators GREENWOOD, JONES, HART, LAVALLE, HELFRICK and REIBMAN presented to the Chair **SB 962**, entitled:

An Act authorizing certain counties to increase the recording fees of deeds and mortgages to support or enhance local affordable housing efforts.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, April 12, 1991.

Senators STEWART, SHUMAKER, BAKER, AFFLERBACH, BELL, MELLOW, FISHER, MUSTO, GREENWOOD, GREENLEAF, BELAN, PECORA, HOLL, HART, ARMSTRONG, REIBMAN and LEWIS presented to the Chair **SB 963**, entitled:



An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the licensure of professional geologists; appropriating funds collected; and making repeals.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 12, 1991.

Senators PUNT, REIBMAN, HART, LAVALLE, SALVATORE, AFFLERBACH and MADIGAN presented to the Chair **SB 964**, entitled:

An Act requiring certain insurance information to be supplied by certain applicants for municipal building permits; and providing for certain waivers and for insurance cancellation.

Which was committed to the Committee on LOCAL GOVERNMENT, April 12, 1991.

Senators SHAFFER, CORMAN, HART, HELFRICK and AFFLERBACH presented to the Chair **SB 965**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for product liability limitations for nonmanufacturing suppliers.

Which was committed to the Committee on JUDICIARY, April 12, 1991.

Senator PETERSON presented to the Chair **SB 966**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for dealer registration plates and certificates of title.

Which was committed to the Committee on TRANSPORTATION, April 12, 1991.

Senators AFFLERBACH, WILLIAMS, MUSTO, REIBMAN, SCHWARTZ, STOUT, HELFRICK, SALVATORE and DAWIDA presented to the Chair **SB 967**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing for trusts and similar arrangements for spouses; and providing for forgiveness of inheritance tax for surviving spouses.

Which was committed to the Committee on FINANCE, April 12, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

April 12, 1991

### URGING THE GOVERNOR TO ESTABLISH A LONG-TERM CARE UNIT, COMPARABLE TO WOODVILLE STATE HOSPITAL'S, FOR MENTAL HEALTH CONSUMERS AT THE MAYVIEW STATE HOSPITAL

Senator DAWIDA offered the following resolution (**Senate Resolution No. 46**), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, April 12, 1991.

#### A RESOLUTION

Urging the Governor to establish a Long-Term Care Unit, comparable to Woodville State Hospital's, for mental health consumers at the Mayview State Hospital.

WHEREAS, Seventy-two percent of this Commonwealth's mental health dollars go to the State hospitals which care for fewer than 10% of those with mental illness; and

WHEREAS, Downsizing our expensive State hospital system and placing as many mental health consumers as possible in a less restrictive setting has been this Commonwealth's goal for many years; and

WHEREAS, The nursing homes in the community have already rejected the long-term care patients from Woodville State Hospital; and

WHEREAS, Mayview State Hospital does not have a long-term care unit comparable to that of Woodville; and

WHEREAS, The transfer of Woodville patients to South Mountain Restoration Center, which is 250 miles away from the Allegheny County area, would cause undo hardship on family members; therefore be it

RESOLVED, That the Senate request the development of a State plan which would assure that Woodville State Hospital patients and other area mental health consumers are able to obtain the best and most appropriate care in the most appropriate setting; and be it further

RESOLVED, That the Senate assure adequate financial and program supports for the community mental health system, which will be caring for many of the patients of Woodville State Hospital; and be it further

RESOLVED, That the Senate encourage this Commonwealth to reflect upon the recent debacle surrounding the closing of Philadelphia State Hospital and encourage the active involvement of all parties concerned, including mental health consumers, family members, advocates, community mental health providers and county officials, in a well-planned closing of Woodville State Hospital; and be it further

RESOLVED, That the Senate not divert savings from the Woodville State Hospital closing to programs outside of the mental health system as this money is desperately needed in the mental health system, a system that has been chronically and consistently underfunded for many years; and be it further

RESOLVED, That the Senate recognize that people needing mental health services must not be forgotten; and be it further

RESOLVED, That the Senate urge the Governor to establish a long-term care unit comparable to Woodville's long-term care unit, at Mayview State Hospital.

### DESIGNATING THE WEEK OF APRIL 21 THROUGH 27, 1991, AS "NURSING HOME RESIDENTS WEEK" IN PENNSYLVANIA

Senators JONES, LaVALLE, MUSTO, SHAFFER, BORTNER, BODACK, BELAN, SALVATORE, JUBELIRER, HART, MELLOW, O'PAKE, FUMO, AFFLERBACH, WENGER and SCHWARTZ offered the following resolution (**Senate Resolution No. 47**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, April 12, 1991.

#### A RESOLUTION

Designating the week of April 21 through 27, 1991, as "Nursing Home Residents Week" in Pennsylvania.



WHEREAS, More than 80,000 of our fellow Pennsylvanians live in nursing homes; and

WHEREAS, Nursing home residents have played an integral role in the development of our Commonwealth; and

WHEREAS, Nursing home residents reflect the rich and diverse ethnic and cultural backgrounds of all Pennsylvanians; and

WHEREAS, Nursing home residents represent a vital link between our history and our future; and

WHEREAS, "Nursing Home Residents Week," which is being celebrated on the national and State levels, is a time to thank nursing home residents for the many contributions they have made and continue to make to our communities; and

WHEREAS, "Nursing Home Residents Week" is a time for us all to reflect upon and fight against the myths about aging and the elderly, and about disabilities and the physically challenged; and

WHEREAS, Pennsylvania is committed to assisting nursing home residents to achieve the highest quality of life; and

WHEREAS, All Pennsylvanians will be enriched by becoming involved with nursing home residents and by sharing the rich experiences nursing home residents have to offer; therefore be it

RESOLVED, That the Senate designate the week of April 21 through 27, 1991, as "Nursing Home Residents Week" in Pennsylvania.

**RESCINDING THE REQUEST TO THE  
CONGRESS OF THE UNITED STATES  
THAT IT CALL A CONSTITUTIONAL  
CONVENTION TO PROPOSE AN  
AMENDMENT TO THE CONSTITUTION  
TO BALANCE THE PUBLIC DEBT**

Senators PECORA, SHUMAKER, AFFLERBACH, HOLL and FUMO offered the following resolution (*Senate Concurrent Resolution No. 48*), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, April 12, 1991.

**A CONCURRENT RESOLUTION**

Rescinding the request to the Congress of the United States that it call a Constitutional Convention to propose an amendment to the Constitution to balance the public debt.

WHEREAS, Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a Constitutional Convention for the purpose of proposing amendments; and

WHEREAS, By House Resolution No. 236, adopted by the House of Representatives on June 30, 1976, and adopted by the Senate on November 9, 1976, the General Assembly of the Commonwealth of Pennsylvania requested the Congress of the United States to prepare and submit to the several states an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all Federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year, or alternatively, the General Assembly made application and requested the Congress of the United States to call a Constitutional Convention for the purpose of proposing such an amendment to the Federal Constitution; and

WHEREAS, Numerous bills have been introduced in Congress calling for an amendment to the Constitution requiring a balanced budget, but none of these bills has been favorably acted upon; and

WHEREAS, Less than the required number of 34 states have, through their Legislatures, made application to the Congress for the calling of a Constitutional Convention to propose an amendment to the Constitution; and

WHEREAS, There has been no such Constitutional Convention since the Founding Fathers met to draft the Constitution nearly 200 years ago, all amendments added since then having originated in Congress and then having been ratified by the states; and

WHEREAS, One reason for the failure of the "state application for a convention" option is the ambiguity of Article V of the Constitution, in that it does not speak to how the "application" process occurs, nor does it specify the processes to be followed at the convention for proposing amendments, such as the method for selection of delegates, the voting procedures and the number of votes needed to propose a specific amendment, nor does Article V indicate whether the convention must limit itself to matters mentioned in the states' applications, or whether a "runaway convention" could seek to remake the Constitution anew after being called to consider only a single subject; and

WHEREAS, While the need for an amendment to the Constitution of the United States mandating a balanced budget continues, the state application process should not be pursued, in that a review of the 30-odd applications from states calling for a convention shows no uniformity, and discloses an array of contingencies, inconsistencies and conditional clauses on their face, and questions have been raised as to whether proper legislative procedure was followed in their adoption; and foremost, the question remains as to how far-reaching any such convention might be; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania rescind its application and request to the Congress of the United States to call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring, in the absence of a national emergency, that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

RESOLVED, That the General Assembly continue and renew its request to Congress to prepare and submit to the several states such an amendment to the Constitution of the United States in the same manner as all existing amendments have originated; and be it further

RESOLVED, That copies of this resolution be sent to each member of Congress from Pennsylvania, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C., with the request that this action by the General Assembly of the Commonwealth of Pennsylvania be promptly published in the Congressional Record.

**REPORTS FROM COMMITTEE**

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 112 (Pr. No. 112)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated assault.

**SB 306 (Pr. No. 316)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

**SB 431 (Pr. No. 1042) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for visitation rights and partial custody.

**HB 25 (Pr. No. 15)**

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for penalties to conform with Federal requirements.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The leadership has given permission for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Resolution No. 47 and certain nominations.

**LEGISLATIVE LEAVES**

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Jones and Senator Stout.

The PRESIDING OFFICER. Senator Mellow requests temporary Capitol leaves for Senator Andrezeski, Senator Jones and Senator Stout. Are there any objections to those leaves? The Chair hears none. The leaves will be granted.

**LEAVES OF ABSENCE**

Senator MELLOW asked and obtained leaves of absence for Senator LYNCH and Senator MUSTO, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION****WEEKLY ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, April 15, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 22, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, April 22, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—48**

Afflerbach	Fisher	Lewis	Robbins
Andrezski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDING OFFICER. The Chair recognizes the presence of Senator Stout on the floor and his temporary Capitol leave will be cancelled.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the Majority caucus room on the first floor, with an expectation of returning to the floor at approximately 4:00 p.m.

Senator LINCOLN. Mr. President, I would ask the Members of the Democrat caucus to report to the caucus room immediately upon the recess.

The PRESIDING OFFICER. For purposes of Republican and Democratic caucuses, the Senate will stand in recess.

**AFTER RECESS**

**The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**CALENDAR****FINAL PASSAGE CALENDAR**

**BILL OVER IN ORDER  
ON THIRD CONSIDERATION**

**SB 444 (Pr. No. 715)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," classifying the State System of Higher Education, the State Employees' Retirement System and the Public School Employees' Retirement System as independent agencies entitled to appoint and fix the compensation of legal counsel.

On the question,  
Shall the bill pass finally?

#### RECONSIDERATION OF SB 444

Senator LOEPER. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

On the question,  
Will the Senate agree to the bill on third consideration?

#### MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator LOEPER. Mr. President, I would move that the Senate do revert to prior Printer's No. 471 on Senate Bill No. 444.

The PRESIDENT. Senator Loeper moves that Senate Bill No. 444 revert to prior Printer's No. 471.

The motion was agreed to.

The PRESIDENT. The Senate has before it Senate Bill No. 444, Printer's No. 471.

On the question,  
Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I move that Senate Bill No. 444, Printer's No. 471, go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 444, Printer's No. 471, will go over in its order on third consideration.

#### LEGISLATIVE LEAVES

Senator BODACK. Mr. President, I would ask for temporary Capitol leaves for Senator Mellow, Senator Dawida and Senator Lincoln.

Senator LOEPER. Mr. President, Senator Fisher has been called from the floor to his office and I would request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Bodack asks for temporary Capitol leaves for Senator Mellow, Senator Dawida and Senator Lincoln. Senator Loeper requests temporary Capitol leave for Senator Fisher. The Chair hears no objection. The leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Andrezeski. His temporary Capitol leave will be cancelled.

#### LEGISLATIVE LEAVE

Senator BODACK. Mr. President, I would request a legislative leave for Senator Williams.

The PRESIDENT. Senator Bodack requests legislative leave for Senator Williams. The Chair hears no objection. That leave will be granted.

#### CONSIDERATION OF CALENDAR RESUMED

##### THIRD CONSIDERATION CALENDAR

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 28 (Pr. No. 904)** — The Senate proceeded to consideration of the bill, entitled:

An Act imposing duties on kennels and pet shops licensed by the Pennsylvania Department of Agriculture or the United States Department of Agriculture; providing for misrepresentation of pedigree and health of dogs bred for sale; providing for enforcement by the Attorney General; and imposing penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

##### YEAS—46

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	O'Pake	Shaffer
Bodack	Holl	Pecora	Shumaker
Bortner	Hopper	Peterson	Stapleton
Brightbill	Jones	Porterfield	Stewart
Corman	Jubelirer	Punt	Stout
Dawida	LaValle	Reibman	Tilghman
Fattah	Lemmond	Rhoades	Williams
Fisher	Lewis		

##### NAYS—2

Armstrong      Wenger

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones. Her temporary Capitol leave will be cancelled.

## THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 113 (Pr. No. 933)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 390 (Pr. No. 830)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the rights of crime victims.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart

Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 432 (Pr. No. 906)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Persian Gulf War Veterans' Compensation Fund; providing for powers and duties of the Governor, the Auditor General, the State Treasurer and the Board of Finance and Revenue; providing for the payment of interest on and the redemption and refunding of the bonds.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STEWART. Mr. President, I have prepared an amendment to Senate Bill No. 432, but because it has to do with some fiscal information that I am not quite sure of, I would like to ask the prime sponsor of Senate Bill No. 432 if he would stand for interrogation.

The PRESIDENT. Will the gentleman from Delaware, Senator Bell, permit himself to be interrogated?

Senator BELL. I will, Mr. President.

Senator STEWART. Mr. President, in order to come up with a number on what the total bond issue amount is going to be necessary to fund this program, could the gentleman explain who is eligible for the Persian Gulf bonus under the provisions of his bill?

Senator BELL. Mr. President, that is under Senate Bill No. 433. If we can discuss both bills, I will answer that.

The PRESIDENT. The Chair understands the question might be better addressed to Senate Bill No. 433, but in order to expedite the colloquy, could the gentleman respond to the gentleman's question in that light?

Senator BELL. Mr. President, the persons to receive payment under the proposed bonus would be in two categories. One, if they are part of the regular forces of the United States, that is Army, Navy, Air Force, Coast Guard, Marines, they would have to serve in the Persian Gulf during the period starting August 2, 1990 until the termination of hostilities which was when, to my understanding, the United Nations had approved a cease-fire order last week. If they are civilian components—and the civilian components are composed of the National Guard, the Reserves, a new branch, the retired people who are involuntarily or voluntarily recalled—the bonus would be payable wherever they served.

Senator STEWART. Mr. President, I am reading on page 2 of Senate Bill No. 433. Line 7 begins the definition of a "Member of the civilian component," and line 16 begins the

definition of a "Veteran." Both paragraphs beginning with line 7 for civilian components and line 16 for Veterans read identically except for the definition of a "Member of the civilian component—that is Guard, Air National Guard, retirees—that says they had to serve from August 2nd to the date when hostilities ended. In the definition of "Veteran," it says they shall only have had to serve during the period from August 2nd to the end of hostilities. It seems to me that we have two different definitions. My first question is why is it different?

Senator BELL. Mr. President, I do not see the difference. Serving from August 2, 1990 to the date upon which hostilities ended, that is in both paragraphs.

Senator STEWART. Mr. President, the civilian component definition says that they shall have served from August 2nd, which says to me that they had to be there August 2nd, not August 3rd or August 5th or January 15th, but from August 2nd to the date on which hostilities ended. However, the veterans definition allows them to be there serving during the period from August 2nd to the end which leads me to believe they could have gone over after August 2nd and be eligible, except a member of the civilian component had to be there from August 2nd, and that is my question. Why the different definitions between the veterans and the civilian components?

Senator BELL. Mr. President, I do not see the fine line of difference. The intent of this legislation is serving during the period commencing August 2nd and terminating on the date the hostilities terminated.

Senator STEWART. Mr. President, it may be the intent but that is not the way I read it. The total cost of this is going to be dependent on who is actually covered under the definitions of the bill. But let me move on and ask another question. Again, in both definitions, civilian component and veteran, it defines those individuals as those who served in or in support of. My question is, what does the legislation mean by "in support of?"

Senator BELL. Mr. President, I would take the meaning from this that members of the Armed Forces who were in support of those in the Persian Gulf theater of operations and, specifically, so that we can get this into the record as to legislative intent, the personnel serving in the Red Sea on the carrier forces—there were three carriers in the Red Sea and three in the Persian Gulf—and that would be "in support." The words would have the same meaning to me as direct support.

Senator STEWART. Mr. President, for the record, is someone who was activated in Johnstown and went, because of the Gulf War, to Indiantown Gap to replace some Indiantown Gap Company that went to the Persian Gulf, would they be considered "in support of?"

Senator BELL. Mr. President, they would fall under line 10, people who were ordered to serve on active duty in or in support of Armed Services serving in the Persian Gulf.

Senator STEWART. Mr. President, that is my question. Does "in support of" mean someone who did not actually go to the Persian Gulf or to the theater of operations, but simply

moved into a military base in place of someone who did go to the Persian Gulf?

Senator BELL. Mr. President, I did not know if that was a question.

Senator STEWART. Mr. President, that is my question.

Senator BELL. Mr. President, the legislative intent is that civilian components who are called up, wherever they served, would be entitled to the bonus. Active duty personnel would have to be in the Persian Gulf theater of operations or in support thereof. If you ask me whether a recruiter in Pittsburgh is in support of the Persian Gulf field of operations, I do not think any reasonable person would say that.

Senator STEWART. Mr. President, again, I will ask the question for the record. If a guard or reserve unit was activated and called from their home armory in Pennsylvania to move from there to Indiantown Gap and they spent 30 days at Indiantown Gap and then were sent back to their respective armories, is the intent of your legislation to include them in the Persian Gulf bonus package?

Senator BELL. Mr. President, they would be included because they are called up in support of the Persian Gulf date of operations.

Senator STEWART. Mr. President, is there some reason the gentleman's legislation is creating a different standard or new standard than what was created for the Vietnam veteran's bonus? The Vietnam veteran's bonus was paid only to those who were in the country, actually in Vietnam. Is there some reason the gentleman is extending that or making it different than what was given to the Vietnam veterans?

Senator BELL. Yes, Mr. President. First of all, in World War II you did not have to serve in combat to get the World War II bonus. I am not familiar with the Korean bonus. But in the Vietnam bonus, there were very few people in the Armed Forces on active duty who did not serve in the five years that we were involved in the Vietnam field of operations. This war that we have just gone through is completely different from any war that I have known because this was a war where only a chosen few of the entire armed services were called on to fight the war on behalf of the United States, and there were reserves called up for this war from our various communities. They suffered death and other casualties, whereas in the Vietnam War there were very few civilian components called up. In fact, I believe the only unit from Pennsylvania was an air wing from Pittsburgh and most of those served in the Vietnam crisis in Vietnam. I also want to point out the difference between this war and the Vietnam War because that is the gentleman's next question—why do we give a fair and reasonable bonus this time when we were very—

Senator STEWART. Mr. President, I did not ask a question.

Senator BELL. I thought the question was very broad, Mr. President. In fact, we are on the wrong bill.

The PRESIDENT. The Chair would remind the gentlemen that we are talking about both bills and asking questions in a general sense. Senator Stewart, do you have further questions?

Senator BELL. Mr. President, are you ruling me out of order?

The PRESIDENT. The Chair is just interested in moving along with the procedure.

Senator BELL. I know, Mr. President. I am trying to move along, too, because we will just get into it in the next bill.

The PRESIDENT. Well then, if the gentleman would allow the gentleman from Cambria to ask the question, perhaps he can answer that—

Senator BELL. Mr. President, I was trying to answer the question, but he just was not able to put his words in my mouth.

Senator STEWART. Mr. President, the last question I asked—and I think the record will show it—is, why are we setting a different standard for what is considered active duty between what we considered Vietnam veterans to be on active duty and what we are considering Persian Gulf veterans to be on active duty? I did not talk about amounts or ask the gentleman about amounts. I asked the definition of what is active duty, whether you were stateside or in country.

Senator BELL. Mr. President, and the answer to that is the difference between the Vietnam crisis and the Persian Gulf War was there were a number of civilian components called up from Pennsylvania. There were deaths incurred by some of those who were called up as civilian components, and this did not happen in the Vietnam War except for an air group from Pittsburgh. None of the National Guard was called up other than that. To my knowledge, none of the reserve components were called up.

Senator STEWART. Mr. President, let us skip back over Vietnam. Were they called up in Korea and why a different standard for Korea?

Senator BELL. Mr. President, I did not know there was a different standard for Korea.

Senator STEWART. Mr. President, I believe there was, but let me go on. Again, I am trying to get to what this total cost is going to be, and before we can even get to that we have to know who is eligible. My question now is when did the hostilities end for purposes of this bonus program?

Senator BELL. Mr. President, the bill does not say any time or date, but a reasonable interpretation of the bill would be that the hostilities ended when the formal cease-fire agreement was entered into by the United Nations and the Country of Iraq.

Senator STEWART. Mr. President, what is that date?

Senator BELL. Mr. President, I do not know when it was. I think it was last week, but I will take Senator Stewart's statement because he knows what date it was.

Senator STEWART. Mr. President, I do not know the date, and that is my point. We are extending a bonus for veterans of the Persian Gulf and trying to determine how much the bond issue is going to cost and we do not have anything in the legislation that says when the hostilities were over. We are talking about the Senator saying it is reasonable to assume. I do not think someone in one of the engineering detachments that is still over there cleaning out a mine field thinks the hos-

tilities ended. I mean, when did they end? Where does it say in the bill when they ended? That is my question.

Senator BELL. Mr. President, in answer to the gentleman, I did not say assume. I think I said it is a reasonable interpretation of the words "hostilities ended" when the United Nations and the Nation of Iraq executed the formal cease-fire agreement, and I only know what I read in the newspapers. I am certain the United Nations can furnish the gentleman a copy of the resolution of the formal cease-fire with the date and time.

Senator STEWART. Mr. President, would it not behoove this Body to have that stated in the bill as an amendment?

Senator BELL. Mr. President, that is a matter of opinion.

Senator STEWART. Mr. President, another question. Again, on page 2 of Senate Bill No. 433, the bill provides for the compensation to be computed on the basis of a monthly figure or major fraction thereof. Mr. President, a major fraction of a month, at least in my interpretation, would be 15 or 16 days or more. Now there are people who were involved in the SCUD attack who were not there 15 days or more, were not there a major fraction of a month thereof. Does your legislation say that those individuals who were there for less than 15 days do not qualify?

Senator BELL. Mr. President, if the gentleman reads page 2, lines 9 and 10, he will find that the reserve component time runs from the time they are called to active duty until the end of the hostilities or until they are released from active duty. I would like to point to the last three words of line 10, page 2 "...serve on active duty in or in support of...."

Senator STEWART. Mr. President, now we are back to my first question, "or in support of" and what exactly that means. But it seems to me if someone was on active duty in the Persian Gulf for less than 15 days, the way the bill is written, they would not qualify.

Senator BELL. Mr. President, in answer to that, it seems to me that they would qualify.

Senator STEWART. Mr. President, okay, we are up to about six "seems to me's" now. Could the gentleman tell me where in the bill he addressed the whole question of prisoners of war that was addressed in the Vietnam Veterans Compensation Act?

Senator BELL. Mr. President, I do not know that it is covered in the bill since all the prisoners of war were otherwise covered and they were released before the termination of hostilities.

Senator STEWART. Mr. President, I cannot find it anywhere. I have found it in the language that previous Legislatures passed for Vietnam prisoners of war. I cannot find it anywhere in this particular legislation and I think it was probably an oversight. But, again, it is something like the first four or five things that I have questioned that are either oversights or matters of opinion or reasonable expectations or someone's understanding. Mr. President, I just think that—and I can go on. I have some more things I would like to discuss but, Mr. President—



Senator BELL. Mr. President, before we go away from that, was that a question to me or not?

The PRESIDENT. Would the gentleman please yield. Senator Stewart has the floor. Senator, have you completed your interrogation?

Senator STEWART. Yes, Mr. President, I have.

The PRESIDENT. The gentleman is recognized for further comments.

Senator STEWART. Mr. President, repeating, there are other things—and I did not go past page 2 of the bill—in the legislation that I am sure were not intended to be vague, were not intended to be left out, or whatever. I know a lot of us, in the emotion and anxiety and the wish and desire to do something as a Commonwealth for these brave men and women, introduced a lot of legislation, and I think this legislation should become law. I also think it should become law in a clear and concise manner so that there is no question down the line who is eligible, who is not eligible, who served where, for how long, when.

#### MOTION TO RECOMMIT SB 432 AND 433

Senator STEWART. I would move, Mr. President, based on that, that we recommit Senate Bill No. 432 to the Committee on Appropriations because, again, the whole issue of how much the bond issue is going to cost will depend on all of these clear and concise definitions that are not in the bill, of how many people we are going to be trying to serve with the bonus. I think it is a good piece of legislation, along with Senate Bill No. 433. It should be cleaned up, and I think the Committee on Appropriations, because of the dollar amounts involved, is the appropriate place to do that. I would move that we recommit Senate Bill No. 432 to the Committee on Appropriations.

The PRESIDENT. Is it the Senator's intention to recommit Senate Bill No. 433, as well?

Senator STEWART. Mr. President, if that would be parliamentarily correct, I would, since they are a package.

The PRESIDENT. The gentleman may proceed in that fashion.

Senator Stewart moves that Senate Bill No. 432 and Senate Bill No. 433 be recommitted to the Committee on Appropriations.

On the motion to recommit,

Will the Senate agree to the motion to recommit SB 432 and SB 433?

Senator BELL. Mr. President, I think a lot of the smoke and mirrors that Senator Stewart is complaining of were created by himself. He raised the question of prisoners of war. I am certain if he knows of any prisoner of war held by the Iraqis, General Schwarzkopf would be glad to find out the identity of the prisoners of war.

The PRESIDENT. The Chair would remind all participants that we are debating the motion to recommit and would appreciate limiting comments to that particular aspect.

Senator SHAFFER. Mr. President, I rise to oppose the motion of the gentleman from Cambria County. I realize that this legislation, like really any legislation we pass here, is

subject to the vagaries of interpretation, and if we want to find supposed loopholes, if we want to find so-called problems, we can do it, but I think on balance, Mr. President, this would be sending an entirely wrong message to the thousands of Pennsylvanians who stood tall and who volunteered for service in the Desert Storm Operation. You know, I was interested that the gentleman from Cambria was dissecting the cost of this very closely. I just wish that some of us would have taken as much time to dissect the costs of the recent pay raises that the Governor gave his subcabinet people.

The PRESIDENT. The Chair would remind the gentleman that he is supposed to be talking about the motion to recommit. The Chair would thank the gentleman to restrict comments in that regard.

Senator SHAFFER. You know, Mr. President, the one reason I hope this motion fails, and I hope it goes forth, and indeed if there are problems and if the gentleman may be correct on some of the technical points, there is plenty of opportunity to correct these problems if, indeed, they are problems, in the House of Representatives. But I would remind my colleagues that Pennsylvanians paid an enormous price in this conflict. Indeed the data that I have shows that Pennsylvania along with Texas had equally the highest number of killed in action—twenty-six individuals from this state, Mr. President, some of whom I am told were only in Saudi Arabia a very few days, but they died, and whether or not they were there one hour or one minute or one month or one year, I darn sure think that they or their loved ones are worth \$250 a month. I have the names of the individuals who gave their last full measure of devotion, Mr. President. I was going to read them off, but I am not going to. Just let the record show that the families include at least one individual from Armstrong County, several from Cambria County, the families of two young women who died from Indiana County, two individuals from Washington County, one from Clarion County, four soldiers who gave the last full measure of their devotion from Westmoreland County. I think that we lend a certain amount of disrespect to that today, after this bill has gone through the committee system, if we are to pull back on this legislation today for ostensibly looking at fine tuning. I think the families of the veterans of the Desert Storm Operation are going to think very poorly of us and that somehow we are engaging in conduct which devalues their service. Nothing has been mentioned here today, Mr. President, but I have heard off this floor numerous comments from numerous Senators to the effect that the Vietnam veterans do not like this. The Vietnam veterans are complaining. How dare anyone in this Chamber use the Vietnam veterans as a foil for what they really want to do which is gut this legislation if, indeed, that is the case. I strongly protest. I ask that each and every Member consider closely what I have said, and I ask for a negative vote on the gentleman's motion.

Senator FUMO. Mr. President, I recognize the temptation of many people to wrap themselves in the flag today and put yellow ribbons all over them. The truth be damned. Let us stand up and sound like real courageous, conservative patriots



of our nation and our state. But there are some realities here that have to be addressed and maybe the courageous ones on this side of the aisle will do it, but let us stop the rhetoric. Mr. President, this bill is poorly drafted. It stinks. We all know that, but nobody wants to admit it, because to admit that might mean we are unpatriotic, or to admit that might mean that we will not have a shot to take at Democrats for being unpatriotic. This bill is an abomination. It is filled with vagaries, conflicting statements, and I am shocked that the gentleman from Delaware, Senator Bell—a man whose legal expertise I admire; I have watched him debate on this floor minor technicalities to the nth degree—says there is no difference between the language that appears in the definition of “Member of civilian component” and “Veteran.” There is distinct difference, and when you ask him, why is there difference, he said, there is not. Just like Alice in Wonderland.

Mr. President, I resent the remarks of the gentleman from Butler, Senator Shaffer. I have a letter before me from the Philadelphia Veterans Multi-Service Center signed by Edward J. Lowery, the Executive Director, a leader in our area in the fight to help veterans and, yes, many of them are Vietnam veterans. It is wrong to slap them in the face. Granted, the Gulf War got a lot more TV coverage, and it was over a lot faster than Vietnam and we did not have to look at body bags, but that does not mean those people who gave their lives in Vietnam are any less valuable than those people who gave their lives in the Gulf. He asked a simple question. Why do the people in the Gulf get a thousand times more than what we allocated to the people in Vietnam? What is the reason for that? The simple fact of the matter is because the gentleman from Delaware, Senator Bell, got a vision that night and decided to put \$250 instead of \$25 or \$100, and then it steam-rolled through here. In fact, the only deliberate amendment to this when we say we deliberated this through the committee process—who is kidding who, it was railroaded out—was an attempt to stick it to the administration to make the cost of the bond issue be paid for by the Department of Military Affairs rather than from the bond issue, the only time ever I have seen such an action taken. Who is using the deaths of those people in the Gulf? You are, and you know damned right well you are. You do not even want to send this bill back to committee to come up with a meaningful bill that is fair to all Americans and Pennsylvanians. No, you would rather have the flag to wrap yourselves in. That may be very nice and maybe there are some petty editorial writers in some hick town who might agree with you, but I hope to God that the vast majority of newspaper reporters can see through this charade and this nonsense. Yes, it does take courage to stand up here and speak the truth, especially on an emotional issue like this, but, dammit, we took an oath to do that. No one wants to listen to that any more. Mr. Lowery goes on to say that there is an even more important issue that has to be addressed concerning veterans, and that is to help them acclimate themselves back into society. They need funding for employment and training programs that the federal government cut but we put back in. Why not put together a fund to

help train some of these people? I heard in our caucus about people whose businesses were closed because they were sole proprietorships and had to close and they folded their business. What are we going to tell them? Take a couple of thousand of dollars, even if you are entitled to that much under this gracious bill, and go away? What does it do for them? Nothing. It makes it sound good with a press statement. You can go home and say I helped veterans. They may be living on the streets of Philadelphia, and you do not give a damn about them because they served in the dirty war of Vietnam. It was not sexy to serve in Vietnam. It was not nice at all. In fact, we specifically tried to make sure we did not get into another Vietnam situation here because the media was all over our backs and, to that end, we have millions of people on the Iraqi-Turkey border dying every day because we do not want to get into a Vietnam. We pulled all of our soldiers out. To hell with humanity. Our proud President walks away as children and babies are dying because we are over. God forbid we should get into a Vietnam-type conflict. To hell with the Kurds. To hell with that humanity. We got our PR shot. We can wrap ourselves in the flag. Let us go home.

#### POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, is not the only issue before the Membership whether to return the bills to committee or not, not necessarily a debate on international policy?

The PRESIDENT. The gentleman is correct. The motion before the Senate is whether to recommit the two bills to the Committee on Appropriations. The Chair would also point out that he has given a wide degree of latitude to both the previous speakers and suggests to the Body that it is time to reel this debate in.

Senator FUMO. Mr. President, I recognized when I struck a nerve so, God forbid, I would continue to say bad things about the President when he is riding so high. Mr. President, this bill belongs back in committee so that we can clean up the language.

#### POINT OF ORDER

Senator BELL. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, will you take control of this Chamber?

The PRESIDENT. The Chair will do his job if the Senator will do his job.

Senator BELL. Mr. President, I call your attention to the fact that you lost control with the shouting and the cursing and the lack of factual statements.

The PRESIDENT. Would the gentleman state his point. What is your point of order?

Senator BELL. Mr. President, my point of order is that you lost control of this Chamber.

The PRESIDENT. The Chair thanks the gentleman for his admonition. Senator Fumo will continue.

Senator FUMO. Mr. President, this bill belongs back in committee, not to hurt the people we want to help, but to clean up the language in a fair and deliberate way and to make sure there are equities here for the men and women who served in Korea, in World War II, in Vietnam. You know this bill even says in its current form that if I am a career soldier and I happen to live in Pennsylvania and I am in the Pentagon somewhere, I am in for 20 years, and for a couple of months of that there was this conflict in the Gulf, I get \$250 per month. I was not there. I did not do anything. I would still be in the military no matter what had happened, and I get a bonus because I was in support of the troops. Come on. Who are we kidding? In an effort to try to help the world, we have hurt a lot of people, and I say it is time for courage to stand up, send this bill back to committee. Let us clean it up and bounce it right out today. We can move mountains when we want to. If this were a pay raise bill and we were all on line, we would have it out in 30 seconds. In fact, MacNett would probably have it drafted by now and a supplemental Calendar to go with it. Let us try to do it, Mr. President, and get it done.

#### POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Once again, Mr. President, I would simply raise my former point of order.

The PRESIDENT. It appears to the Chair that the gentleman has completed his remarks on the motion to recommit. Is that correct?

Senator FUMO. I guess so, Mr. President. If the other side cannot take the heat in the kitchen, they ought to get out.

Senator SHAFFER. Mr. President, I certainly am delighted at the belated support of the Vietnam veteran from the gentleman from Philadelphia. I have been here ten years, going on eleven years, and I cannot recall the record showing where Senator Fumo had any particular interest in Vietnam veterans. He certainly has never said anything to me personally. I would be most curious at some time in the not too distant future if the gentleman could—

#### POINT OF ORDER

Senator FUMO. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, if the gentleman wants to talk about committing the bill, he should. He should not say that I do not care about veterans. If he wants to see my record on the Vietnam veterans, I will gladly put it before him. I will tell him I am the one, when Thornburgh's Administration cut out the money for the multi-service center, I got it back. This is just one little thing. I do not know where he was or what he was doing either, but we do not have to get into this—

The PRESIDENT. The Chair thanks the gentleman, and the Chair would remind Senator Shaffer and all of the

Members that we are restricted in this debate to the substance of the motion to recommit.

Senator SHAFFER. Mr. President, the one or two facts that have not been brought up, at least if they were brought up I could not catch them was the fact that the situation today vis-a-vis the treatment of veterans in this country is indeed quite different than it was in the late 1960s and the early 1970s, during the so-called Vietnam era. Back then there was a very active, a very respectable G.I. Bill which gave numerous benefits to veterans. That bill is virtually gutted today. Desert Storm troopers returning home and, yes, I am sure just maybe somebody might slip through. Golly gee, would that not be terrible if somebody got—somebody who was over there or almost went over there—\$250 that they might not deserve. Would that not be terrible? Would not the Capitol crack, Mr. President? The G.I. Bill is a farce in 1991. The V.A. Hospitals which the veterans have depended upon historically for the last 55 years are not what they were before. The veterans do not have the services today and are not entitled to the benefits in the medical care field that they had during the Vietnam era. Trust me when I tell you, Mr. President, that Vietnam veterans are all for \$250 per Desert Storm trooper, and if you want to raise it, they will be for even more. I ask for a negative vote on the motion.

Senator PORTERFIELD. Mr. President, I have sat back there and I have listened to both sides of the aisle speak of something that is very important to over approximately 25,000 individuals who served from Pennsylvania, as I understand. If you multiply that times the family and the anguish, any number of appropriations that we would put into a bond issue could not compromise the suffering that these families and individuals have gone through. It grieves me when I have the 14th Quartermaster Unit in Westmoreland County not farther than a mile from my office, personal friends, and I see both sides of the aisle bickering over something, if we pass Senate Bill No. 432, that creates a bond issue to go to referendum. And when will it go to referendum? The next municipal election? When could it go on the ballot? My understanding would be in the fall. If there are gray areas, and I see there evidently are significant gray areas, why should we not send this back to the Committee on Appropriations? Clean these bills up. Why should we pass them here and say, send them to the House and let the House clean them up? Are we not capable of cleaning up our own house and putting our own house in order? I find this very strange. I do not stand at this mike and I do not speak often to a subject, and I think my fellow Senators are well aware of that. I think it is time we consider the individuals and we consider what we are doing here. There is no reason that we need to push this particular piece of legislation through today just to wave glory and wave the flag. I am very concerned about this legislation. What it is attempting to do is very important to those families. We should not take that lightly. How many times have I heard many Senators who have spent 20 and 25 years here say to me, we passed good legislation and what has happened to it? It is interpreted completely different than what we wanted it to be.

If we have gray areas as the gentleman from Cambria, Senator Stewart, has mentioned in these two particular pieces of legislation, why not clean them up here, Mr. President? Do it right here in our own house where we have the expertise and we have the knowledge and the ability. We have many people on both sides of the aisle who served in the service, both in the active service and the Reserves and the Guards. Mr. President, I say clean this up. Send it back to the Committee on Appropriations where it can be amended properly, and we can put out a piece of legislation and the press and the people of Pennsylvania are going to be happy that we have taken care of our armed forces.

Senator AFFLERBACH. Mr. President, I am a veteran, my father was a veteran and my brother was a veteran of Vietnam. I meet with veterans regularly from that war and from other wars, and I have come to understand that veterans as a whole, regardless of which war they may have served in, or which branch of the armed services they may have served in, male and female alike, are not looking for government handouts, and they are certainly not looking for political expediency and political posturing over what can be termed a generous handout. What they are looking for is legislation that provides fairness, legislation that provides equity, legislation that provides uniformity of application. As presently written, the gentleman from Cambria, Senator Stewart, has made a very strong case that this bill fails all three of those tests or, at the very best, places serious question about whether those tests can be met. For that reason I too support recommitment to the Committee on Appropriations. We clearly have within our power the ability to structure within the next 24 hours an amended piece of legislation that will meet all of those tests that will address the issues raised by Senator Stewart and others, and for us to be derelict in our duty in not doing that tells me the Majority of this Body, if they insist on pushing this bill today, is interested only in political expediency, not in fairness, not in uniformity and certainly not in equity.

#### GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO SENATE

Senator ROBBINS. Mr. President, I would like to introduce from Grove City College Lisa Tubbs, Valarie Fowler, Susan Reefer and Christopher Greer. They are members of the Grove City College Republicans. If they would stand up, please.

The PRESIDENT. Would the guests of Senator Robbins please rise so we can welcome you to the somewhat acrimonious debate today in the Senate of Pennsylvania.

(Applause.)

And the question recurring,

Will the Senate agree to the motion to recommit Senate Bill No. 432 and Senate Bill No. 433 to the Committee on Appropriations?

Senator STEWART. Mr. President, very briefly, I just cannot let the record stand with the remarks of one of the previous speakers that somehow my motion to recommit this bill

to the Committee on Appropriations to clarify the language somehow implies a disservice to those individuals who served us and, in particular, those individuals who lost their lives, who are from Cambria County. I think it is a disservice to hold out to those individuals legislation that may be tied up in courts in regulations and arguments and fights and a whole series of questions for God knows how long. I think it does them a great service. We can give them something clean, neat, concise and precise that they can rely on for their service in recognition of what they have done for us.

Senator BODACK. Mr. President, I would remind our Members on this side of the aisle that we did discuss the inconsistencies or the ambiguities in this bill in caucus, and I would remind them and ask them for a vote for recommitment. I would like to further caution the Members on the other side of the aisle that they do not stand alone in trying to help our comrades in arms who served in the Persian Gulf. I would also remind them that they have the full power of this Body to take a bill into committee or not take a bill into committee, to pull a bill out of committee, to vote on a bill in committee so that if we do recommit this bill, they have the full power to get it out posthaste so that we could vote on it and get it to the other Chamber.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the negative.

Senator LOEPER. Mr. President, we would ask for a slow roll call on the vote, please.

The PRESIDENT. The Chair is somewhat taken aback by that since you won.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator FUMO. Mr. President, I would like to ask the Majority Leader why he needs a roll call vote?

Senator LOEPER. Mr. President, as the Majority Leader, I have had a request from my caucus for a roll call vote.

Senator FUMO. Is that the only answer he can provide me with, Mr. President?

The PRESIDENT. That is the answer he has given the Chair.

Senator FUMO. Mr. President, am I allowed to speak on that?

The PRESIDENT. There is nothing before the Body other than the vote itself. In the opinion of the Chair, the "nays" have it, that the motion to recommit has failed. Senator Loeper has requested a roll call vote on the motion. It is the prerogative of any Senator to do so. Therefore, the Clerk will record the vote.

#### LEGISLATIVE LEAVE

Senator BODACK. Mr. President, I would ask for temporary Capitol leave, if I may, for Senator Belan who has been called from the floor.

The PRESIDENT. Senator Bodack asks for temporary Capitol leave for Senator Belan. The Chair hears no objection. That leave will be granted.

And the question recurring,

Will the Senate agree to the motion to recommit Senate Bill No. 432 and Senate Bill No. 433 to the Committee on Appropriations?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—22

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	O'Pake	Stapleton
Belan	Jones	Porterfield	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lewis	Scanlon	Williams
Dawida	Lincoln		

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### GUESTS OF SENATOR ROY C.

#### AFFLERBACH PRESENTED TO SENATE

Senator AFFLERBACH. Mr. President, ensconced in the darker part of the upper balcony are two visitors from the 16th Senatorial District. They are Joan Chipkar and her daughter, Judy Wagner. The thing that makes it very interesting about these two ladies coming to Harrisburg today to witness this discussion and work at the Senate is that both of them paid to do so. Now, perhaps, I should explain that just a bit. I offered to a charitable organization the opportunity to come to Harrisburg to the highest bidder who would want to spend the day shadowing me. These two ladies were the high bidders. I did not ask them how much they bid for fear that if it were not enough, I would feel disappointed, and if it were too much, I would have a swelled head. Suffice it to say that they did, however, make a very sizable charitable contribution for the opportunity of being here today to observe us in Session, and I would appreciate the Senate giving them its usual warm welcome.

The PRESIDENT. Would the guests of Senator Afflerbach please rise so we could welcome you and thank you for attending.

(Applause.)

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator FUMO. Mr. President, prior to the roll call vote, I asked the Majority Leader why he needed a roll call vote and he did not respond except to say that some Members of his caucus requested it. Mr. President, I am particularly happy that he did, in fact, do that maneuver because it clearly points out the motivation of the Majority in this instance. They did not just want to sit down and try to do the bill. What now?

#### POINT OF ORDER

Senator BELL. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, are we not discussing a bill, not why the Majority Leader asked for a roll call?

The PRESIDENT. The gentleman is technically correct. The motivations of a Senator, in whatever action—

Senator BELL. Mr. President, can we not hold it to the bill?

The PRESIDENT. The gentleman has made his point. Senator Fumo may continue under those circumstances.

Senator FUMO. Mr. President, on the bill, it is obvious what occurred and it is obvious that the Majority Party in this Chamber is more interested in wrapping themselves in the flag and attempting to embarrass people on this side of the aisle. I commend my caucus for having the courage to stand up and do what was right, but I will not subject them to further political shenanigans. Mr. President, I will ask my entire caucus to vote for this bill as is and the next bill as is and, hopefully, in the House there will be some reason. Obviously, the Majority has decided to abdicate its responsibility to the House. Certainly that was done in debate. That was one of the positions taken, so we will join them in this activity, having stood up for what was right once.

Senator BELL. Mr. President, may we have a fast roll call?

The PRESIDENT. According to the Rules, the final passage must involve a roll call vote.

Senator LOEPER. Mr. President, for the last several weeks I have stood here on the floor and listened to the tirades of the gentleman from Philadelphia as far as the tax and spend and one and one equals two and where are we going to get the money, and this is nothing but a charade.

#### POINT OF ORDER

Senator FUMO. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, number one, I sincerely regret that the Majority Leader does not understand good debate and, rather, he puts it in the term of tirades. Number two, what does the budget have to do with this except that it just costs more money? I do not understand what he is talking about. If he wants to talk about the bill, let him do it.

The PRESIDENT. The gentleman's point is equally well taken. We are dealing with Senate Bill No. 432, and if we can confine ourselves to that topic, maybe we can get through this Calendar today.

Senator LOEPER. Mr. President, I would just finally point out that it seems to me the gentleman's debate is incongruous on this bill, and if he wishes to stand up and be counted as he has on every other one, maybe he should also do it on this one.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—46

Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	O'Pake	Shaffer
Bell	Holl	Pecora	Shumaker
Bodack	Hopper	Peterson	Stapleton
Bortner	Jones	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stout
Corman	LaValle	Reibman	Tilghman
Dawida	Lemmond	Rhoades	Wenger
Fisher	Lewis	Robbins	Williams
Fumo	Lincoln		

## NAYS—2

Afflerbach Fattah

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 433 (Pr. No. 907)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing compensation to certain persons who served in the armed forces of the United States during the Persian Gulf War; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—46

Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	O'Pake	Shaffer
Bell	Holl	Pecora	Shumaker
Bodack	Hopper	Peterson	Stapleton
Bortner	Jones	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stout
Corman	LaValle	Reibman	Tilghman
Dawida	Lemmond	Rhoades	Wenger
Fisher	Lewis	Robbins	Williams

Fumo Lincoln

## NAYS—2

Afflerbach Fattah

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 850 (Pr. No. 910)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for the selling of liquor or malt or brewed beverages at certain boxing and wrestling events, bowling tournaments and bowling contests; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SHUMAKER, by unanimous consent, offered the following amendment No. A0406:

Amend Sec. 1 (Sec. 478), page 2, lines 2 and 3, by striking out: "or wrestling contest or exhibition conducted pursuant to applicable law." and inserting: contest or exhibition conducted pursuant to the act of July 1, 1989 (P.L.136, No.28), known as the "Athletic Code," or a wrestling contest or exhibition conducted pursuant to the act of July 1, 1989 (P.L.160, No.29), known as the "Professional Wrestling Act."

Amend Sec. 1 (Sec. 478), page 2, line 5, by inserting after "beverages": only

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator SHUMAKER.

## SECOND CONSIDERATION CALENDAR

## BILL ON SECOND CONSIDERATION

**HB 29 (Pr. No. 19)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," providing for temporary licenses.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 40** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**SB 118 (Pr. No. 118)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting certain persons and corporations from bidding on municipal contracts.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 266 (Pr. No. 275)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for health care expenses in support matters.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 275 (Pr. No. 284)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects; and providing for a referendum to incur indebtedness for such projects and the issuance of notes and bonds if authorized by the referendum.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 278** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 335 (Pr. No. 345)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a sinkhole damage assistance program; providing for grants and loans; and making an appropriation.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BRIGHTBILL offered the following amendment No. A0422:

Amend Sec. 5, page 5, line 24, by inserting after "ordinance": similar in intent and function to the ordinance

Amend Sec. 5, page 5, line 27, by striking out "county or other"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

Senator BODACK, on behalf of Senator MELLOW, offered the following amendment No. A0494 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 3, page 3, line 5, by inserting after "rock.": The term shall not include a sinkhole caused by mine subsidence.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 345 and 347** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 391 (Pr. No. 932)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," extending the act to leases of automobiles.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 401 and 405** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 820 (Pr. No. 929)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for resident State troopers; providing for underwater search teams; making an appropriation; and making a repeal.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### RECESS

Senator LOEPER. Mr. President, I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to convene at the rear of the Senate Chamber, the Senate will stand in brief recess.

#### AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.



**UNFINISHED BUSINESS****REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE INDUSTRIAL BOARD**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Peter Babnis, 280 Concord Road, Hermitage 16148, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF DENTISTRY**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul C. Dunkelberger (Public Member), 1510 Miller Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

March 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis Roy Fredericks (District 2), 119 Fawn Valley Drive, McMurray 15317, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years, vice C. Dana Chalfant, Gibsonia, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
LIQUOR CONTROL BOARD**

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Goodman, 201 West Pine Street, Mahanoy City 17948, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 1995.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF AUCTIONEER EXAMINERS**

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret H. Hamilton (Public Member), 1036 Liberty Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA**

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David L. Johnson, 3000 Hermosa Lane, Havertown 19083, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William M. Kern, Esquire, 347 Main Street, Clarion 16214, Clarion County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Richard C. Snebold, Jr., Wexford, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn C. Marboe, 705 West Hamilton Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Jane B. Troup, Lewisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. O'Donnell, 1505 Madison Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE HARNESS  
RACING COMMISSION

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rod L. Piatt, 530 Pike Street, P. O. Box 618, Meadow Lands 15347, Washington County, Forty-sixth Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Shane, 440 School Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Charles J. Potter, Ph.D., Indiana, deceased.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lewis G. Steinberg, Esquire, R. D. 1, Crestmont, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald L. Stroup, 110 North Fourth Avenue, Clarion 16214, Clarion County, Sixth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gealy W. Wallwork, 102 Country Club Lane, Kittanning 16201, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice John B. McCue, Esquire, Kittanning, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

December 27, 1990.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Albert, 417 Culbertson Avenue, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-2-10, to serve until the first Monday of January, 1992, vice Michael S. Moschetti, mandatory retirement.

ROBERT P. CASEY.

DISTRICT JUSTICE

February 6, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Delores Gail Cole Bristol, 523 Water Street, Ulysses 16948-0078, Potter County, Twenty-fifth Senatorial District, for appointment as District Justice in and for the County of Potter, Magisterial District 55-3-02, to serve until the first Monday of January, 1994, vice Jeanne M. Cole, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Isaac H. Stoltzfus, 312 Queen Road, Gordonville 17529, Lancaster County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 2-3-05, to serve until the first Monday of January, 1992, vice Gilbert R. Book, resigned.

ROBERT P. CASEY.  
NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

#### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

DISTRICT JUSTICE

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 7, 1991 for the appointment of Antonia Deraco, 830 North Seventh Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, as District Justice in and for the County of Lebanon, Magisterial District 52-2-01, to serve until the first Monday of January, 1992, vice Catherine M. Coyle, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nomination will be returned to the Governor.

#### RESOLUTION REPORTED FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolution:

SR 47 (Pr. No. 1040)

A Resolution designating the week of April 21 through 27, 1991, as "Nursing Home Residents Week" in Pennsylvania.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to United Veterans of Wars of the United States by Senator Afflerbach.

Congratulations of the Senate were extended to Mabel A. Martin and to Mary Lawton by Senator Armstrong.

Congratulations of the Senate were extended to UAW Local No. 1069 by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Fred Sherwood, Mr. and Mrs. Warren Jones and to Cameron Royer by Senator Corman.

Congratulations of the Senate were extended to Louis M. Mosurak and to Saint Louise de Marillac Girls Basketball Team of Upper St. Clair by Senator Fisher.

Congratulations of the Senate were extended to Jason Looby and to Sacred Heart School by Senator Fumo.

Congratulations of the Senate were extended to Matthew Curtin and to Craig Allen Overpeck by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. William Davidson and to Roy L. Reifsnyder, Jr. by Senator Holl.

Congratulations of the Senate were extended to Amos Baughman and to Dorothy J. Harbaugh by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Harry F. Kennedy and to Mr. and Mrs. W. Wallace Miller by Senator Jubelirer.

Congratulations of the Senate were extended to James J. Svonavec by Senator Lincoln.

Congratulations of the Senate were extended to Domenico Angelini by Senator Loeper.

Congratulations of the Senate were extended to General Dynamics Land Systems Division, Scranton Management Chapter by Senator Mellow.

Congratulations of the Senate were extended to Wilbur T. Fry by Senator Porterfield.

Congratulations of the Senate were extended to Minerva B. Solt and to Saint George Church of Shenandoah by Senator Rhoades.

Congratulations of the Senate were extended to Jason A. Brown by Senator Salvatore.

Congratulations of the Senate were extended to Cadet Rhonda Norling, Julie Wojtowicz, Cadet Second Lieutenant Jason J. Walter and to Cadet Captain Marsha L. McCandless by Senator Shaffer.

Congratulations of the Senate were extended to Sylvia Bell Saufley Cassel, Marie Bachman Rhine and to Millersburg Area Girls Basketball Team by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Gene Semones by Senators Shumaker and Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Klophonse Gladysiewski, Mr. and Mrs. Karl S. Swigart, Mr. and Mrs. David S. Fetterman and to Theta Xi Fraternity by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Lewellen, Mr. and Mrs. Joseph Smith, Sr., Mr. and Mrs. Wilbert L. Seaman and to Mr. and Mrs. Joseph Gudaitis by Senator Stout.

Congratulations of the Senate were extended to Charles Lewis Broadbelt by Senator Wenger.

Congratulations of the Senate were extended to Douglas K. Hughes and to Thomas L. Trego, Jr. by Senators Wenger and Baker.

### BILLS ON FIRST CONSIDERATION

Senator WENGER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 112, 306, 431 and HB 25.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### SENATE RESOLUTIONS

#### DESIGNATING APRIL 23, 1991, AS "PENNSYLVANIA YOUTH SERVICE DAY" IN THIS COMMONWEALTH

Senator WENGER, O'PAKE, JUBELIRER, MELLOW, HOPPER, SHAFFER, MUSTO, BORTNER, CORMAN, ROBBINS, SHUMAKER, STAPLETON, SALVATORE, MADIGAN, BELAN, STOUT, AFFLERBACH, LYNCH, BRIGHTBILL, HART, REIBMAN, PECORA, FUMO, BODACK, HELFRICK, SCHWARTZ and FISHER offered the following resolution, (Senate Resolution No. 51), which was read as follows:

In the Senate, April 15, 1991.

#### A RESOLUTION

Designating April 23, 1991, as "Pennsylvania Youth Service Day" in this Commonwealth.

WHEREAS, Young people in big cities and small towns throughout the country are working to alleviate some of society's

most pressing needs, such as assisting the homeless, feeding the hungry, visiting the homebound elderly, restoring parks, forests and city streets and tutoring at-risk children; and

WHEREAS, Young people in service programs such as the Literacy Corps, State and local Conservation Corps, summer Youth Service Corps and Urban Corps which encompass a variety of economic backgrounds, religious affiliations and cultural ties; and

WHEREAS, Due to the efforts of PennSERVE and the Pennsylvania Citizen Service Project, since 1988, in Philadelphia alone, over 2,700 students in 42 schools work at 180 community service sites; and

WHEREAS, In 1990, 13% of all school districts surveyed offered academic credit for community service work as a required or elective course, more than twice as much as in 1989; and

WHEREAS, The Congress of the United States passed the National and Community Service Act of 1990 (Public Law 101-610), which was signed into law by President Bush, providing a \$63 million appropriation in fiscal year 1991 for projects in all fields of community service; and

WHEREAS, Since 1984, the Pennsylvania Conservation Corps (PCC), the second largest statewide program in the country, has had 9,000 PCC members undertake some 450 conservation, recreation and historical projects in rural, suburban and urban areas throughout this Commonwealth; and

WHEREAS, Community service is an effective means of raising self-esteem, reducing dropout rates and aiding in the difficult transition from school to work by giving youth direct career and citizenship experience; and

WHEREAS, Youth Service America, the Jefferson Awards, the Points of Light Foundation and the United States Conference of Mayors have announced a nationwide effort to demonstrate the value of youth service and encourage community agencies and leaders to support local youth service programs; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania designate April 23, 1991, as "Pennsylvania Youth Service Day" in this Commonwealth.

Senator WENGER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 51, ADOPTED**

Senator WENGER. Mr. President, I move that the Senate do adopt Senate Resolution No. 51.

On the question,

Will the Senate agree to the motion?

Senator WENGER. Mr. President, I offer this resolution on behalf of myself and the gentleman from Berks, Senator O'Pake. This is a resolution that is honoring especially young people who have done volunteer work in various capacities across the Commonwealth and pays tribute to their efforts and designates April 23 as Pennsylvania Youth Service Day. The bill has approximately 25 or 26 sponsors from both sides of the aisle and, if there are additional persons who would like to be added as sponsors, the resolution is on the desk and can be cosponsored by additional Members if they wish.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

**DESIGNATING APRIL 22, 1991, AS  
"EARTH DAY 1991" IN PENNSYLVANIA**

Senators BRIGHTBILL, MUSTO, JONES, STOUT, SALVATORE, HOPPER, SHUMAKER, MELLOW, BELL, JUBELIRER, ROBBINS, LYNCH, BELAN, LEWIS, HART, REIBMAN, PECORA, AFFLERBACH, FISHER, SCHWARTZ and O'PAKE offered the following resolution (**Senate Resolution No. 52**), which was read, considered and adopted:

In the Senate, April 15, 1991.

**A RESOLUTION**

Designating April 22, 1991, as "Earth Day 1991" in Pennsylvania.

WHEREAS, 1991 marks the 20th Anniversary of the adoption of the Environmental Bill of Rights in Section 27 of Article I of the Constitution of Pennsylvania and the 20th Anniversary of the formation of the Department of Environmental Resources, the Citizens Advisory Council, the Environmental Hearing Board and the Environmental Quality Board, which form the basic foundation of modern environmental programs in Pennsylvania; and

WHEREAS, For 21 years Americans, and now people from around the world, have joined together on "Earth Day" in a demonstration of collective concern for the environment, creating an informed public whose efforts have resulted in the passage of new laws and influenced all sectors of society to protect our air, water and land; and

WHEREAS, Despite environmental improvements, in the 21 years since the first "Earth Day," new problems threaten our fragile planet, including global climate change, ozone depletion, tropical deforestation, ocean pollution, toxic wastes and radioactive wastes, requiring action by all sectors of society; and

WHEREAS, "Earth Day" is a national and international call-to-action for all citizens to join in a global effort to save the planet, and this day should be recognized every year; and

WHEREAS, "Earth Day" activities and events will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using efficient transportation and adopting more ecologically sound lifestyles; and

WHEREAS, "Earth Day" activities and events will educate all citizens on the importance of buying and using only those products least harmful to the environment; and

WHEREAS, "Earth Day" activities and events will educate all citizens on the importance of doing business in ways that are environmentally sensitive and responsible; and

WHEREAS, "Earth Day" activities and events will educate all citizens on the importance of supporting the passage of legislation that will help protect the environment; therefore be it

RESOLVED, That the Senate of Pennsylvania designate April 22, 1991, as "Earth Day 1991" in Pennsylvania and that the day shall be set aside for appropriate public activities celebrating Pennsylvania's environmental heritage.

**PETITIONS AND REMONSTRANCES**

Senator BRIGHTBILL. Mr. President, I am sure many of the Members found on their desks this morning a note. Mine was from Lisa Cochack and it is a note saying, "I thank you for the use of your desk for my Youth in Government weekend. It was an especially enjoyable weekend filled with heated and enlightening debate."

Mr. President, I spent my weekend—Friday, Saturday and Sunday—here. My wife and I became faculty advisors for the Palmyra Area High School Youth in Government club, and we brought 20 members of our club up here for participation in the YMCA Youth in Government program. I found it to be very exciting and very enlightening, and I sat here in the Senate Chamber and watched the debate. I spent most of my time in the House and I watched the young people in committee. It really was a terrific experience for the young people. I can say this, and I am saying this on behalf of the Youth in Government program to all of the Members of the Senate and the House of Representatives, they very much thank us for the use of these facilities, because these facilities really do make the program. They were thrilled to be here. They had news-people. They had lobbyists. They had a news show that was presented nightly at 12:30 a.m. on TV at the Sheraton, and they had very exciting debates.

I would just like to relate one incident that occurred, and I am sure that what I am going to relate is just one of many such incidents. Our club came up with two bills. One of the bills was presented in the Business and Commerce Committee and the young lady, a student representative, was going to present the bill. As we talked, she was very concerned about another representative from another area, and she was afraid that this young lady was going to debate down and put down her bill. As the bill was called on the agenda for committee, the chairman turned the chair of the committee over to this one girl who our young lady feared. At first you could see the relief because she really did not want to debate this young lady, and then the young lady turned the chair over to another member of the committee so she could debate the bill. The two of them went head-to-head and I am happy to say, in my humble judgment, the young lady from Palmyra did quite well. Of course, I felt a little bit like a coach. I was walking on the sidelines. I was pacing and was a little bit engaged in the excitement plan, as some people like to say.

At any rate, what was important and what I tried to explain to the young people was not whether their bill passed or failed, but what was really important was the process. There were many young people who got to participate in the process and got to have a sense of the process. As the Palmyra Area High School watched the clock tick away on Saturday night as it got closer and closer to 9:00 o'clock, we were increasingly anxious because our bill was just not coming up on the calendar. We went back to the hotel Saturday night with our bill not being presented on Saturday, but we knew that we had an hour and a half on Sunday to get our bill passed. We came back Sunday, and finally, with 20 minutes to go, the bill came up and it turned out that someone had made a mistake and distributed the wrong copies of the bill and the bill was tabled. We were blown out for the session. I watched these kids and it was a great thing to watch. There were many adults, people who work for the YMCA, people who work within the administration, some lobbyists, all who participated to make this a great program. I think if this Chamber could talk, it would say to us today that Pennsylvania has a bright future.

Senator BORTNER. Mr. President, I introduced legislation today which would give the residents of a township some say on whether a portion of their community can be carved up for the creation of a new municipality, in this case a new borough. This issue has raised its head in York County, but I believe has some statewide implications as well and deals specifically with the question of under what circumstances a new borough can be created out of an existing township. I have introduced this legislation at the urging of township officials across York County who made it their number one resolution at their annual meeting this year. It is in direct response to some developer's plans for the creation of a new borough in York County, referred to as Chilton Borough, which would consist of essentially an 18-hole golf course and some new housing developments which at this time do not have any real or bona fide residents. Essentially, the legislation would do two things. First, it would empower the courts to reject the establishment of a new borough if its creation is motivated, in whole or in part, as an attempt to undermine the local government's existing land use regulations. Secondly, it would require a majority of the voters from that township who would be affected by the creation of a new borough to approve of that through a ballot referendum. As many Senators may know, existing law already requires that in the case of annexing an additional or a new municipality, we require a majority of the voters in both municipalities to approve. It seems to me when you are carving out or creating a new municipality from an existing one, we should follow the same procedure.

I believe this legislation is extremely important if we are to allow municipalities to plan for their future and plan for their growth. We cannot allow certain interests or special interests to make up their own rules if they do not like the existing rules that the township has established to meet their own zoning needs. I am hopeful that this will get serious consideration in my own Committee on Local Government and I am hoping that we can move this issue along so that it gets full consideration by the Senate.

## UNFINISHED BUSINESS

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William H. Reed, Jr. (Public Member), 8017 Thon Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Judith C. Lieberman, Allentown, resigned.

#### ROBERT P. CASEY. MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis A. Orlando, 2207 Wilmington Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

#### ROBERT P. CASEY. MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marilyn Painter, 549 Allenby Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

#### ROBERT P. CASEY. MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrea Quigley (Public Member), 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

#### ROBERT P. CASEY. MEMBER OF THE STATE CIVIL SERVICE COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Lou Harris, 245 Greenlane Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Therese Lemelle Mitchell, Harrisburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF CLARKS SUMMIT STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Malloy, 1532 Quincy Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Janet Brown, Scranton, deceased.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Weatherbee, Mechanicsburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Thomas, 207 Olympia Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Diane Zilinskas, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph C. Toland, M.D., 1271 Mill Road, Meadowbrook 19046, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick W. Taylor, 48 Smithfield Village, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elizabeth Rowe, 365 Futurity Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry M. Byrne, Jr., 116 Ellis Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Patricia Jenkins, Esquire, Media, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael B. Faucher, 316 South Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Reverend Thomas Logan, Sr., Yeadon, resigned.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. Roth, 565 West Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice David Schaffer, Havertown, resigned.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Aubra Gaston, 1420 Locust Street, Academy House 9K, Philadelphia 19102, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1996, or until her successor is appointed and qualified.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank W. Daly, Esquire, 207 West Street, Media 19063, Delaware County, Ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Howard F. Reed, Jr., mandatory retirement.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary S. Glazer, 7813 Winston Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Theodore S. Gutowicz, mandatory retirement.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne E. Lazarus, 3902 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable I. R. Kremer, mandatory retirement.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Murray Lynn, 3200 School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Albert F. Sabo, mandatory retirement.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF MEDICINE

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. West, Jr. (Public Member), R. D. 2, Box 2208, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara K. Shore, Ph.D., Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA MINORITY  
BUSINESS DEVELOPMENT AUTHORITY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Luis Columba, 1089 Debbie Lane, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1993, and until his successor is appointed and qualified, vice Julio Tio, Harrisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James R. Oesterling, R. D. 2, Box 2014, Reading 19605, Berks County, Eleventh Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1993 and until his successor is appointed and qualified, vice Terry L. Rarick, Blandon, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert S. Boova, M.D., 841 Briarwood Road, Newtown Square 19073, Delaware County, Ninth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Diane D. Welsh, King of Prussia, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael D. Marino, 1093 Anders Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Rose Hunsicker, Norristown, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony J. Swanick, 126 Nottoway Drive, Penllyn 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Edgar C. LeBlanc, Jr., Oreland, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
NURSING HOME ADMINISTRATORS

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward Refice, 202 Mary Street, Apartment 23, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet Goodson (Public Member), 1825 Watkins Street, D-4, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve until June 20, 1992 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene A. Hudak, Nanticoke, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Hunziker (Public Member), 142 East Pine Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond G. Herr, Willow Street, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George E. Kern (Public Member), 2234 Mack Boulevard, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel J. West, Jr., Moscow, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Madeline Leth (Public Member), 221 East First Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ted Yanchuleff, 4911 Follins Court, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Susan Morey, Mohnton, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PODIATRY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable John Chronister, 2181 Blenheim Court, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice The Honorable John C. Dowling, Harrisburg, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Vincent Cirillo, 825 Bryn Mawr Avenue, Penn Valley 19072, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Edward R. Melodini, 318 Point View Road, Pittsburgh 15227-3136, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Jay R. Bair, Wrightsville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Pysher, Jr., 84 Roosevelt Street, Wind Gap 18091, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice William H. Parsonage, Ph.D., State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Adam Besch (Public Member), 209 Willow Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph M. Benish, 1521 Meadowlark Way, Harrisburg 17110-2957, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice Louise P. Ross, Philadelphia, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jonathan Bigley, 24 Aqueduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice John Scotzin, deceased.

ROBERT P. CASEY.

RECORDER OF DEEDS, CUMBERLAND COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert P. Ziegler, 9 Edgewood Drive, Mechanicsburg, 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Recorder of Deeds, in and for the County of Cumberland, to serve until the first Monday of January, 1992, vice Patricia Vance, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis P. McManus, (Public Member), 428 Sunnyland Avenue, Pittsburgh 15227, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Betty Hoffman Shultz, Lebanon, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara Garvey, 110 Overlook Drive, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Gallagher, 709 Elgin Road, Newtown Heights 19073, Delaware County, Ninth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified, vice Eugene C. Fish, Jenkintown, resigned.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Dombrowski, 321 Hawthorne Road, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Alice Goldberg, Monongahela, resigned.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
WOODVILLE STATE HOSPITAL**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Love, R. D. 1, Box 91, Oakdale 15071, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Trustees of Woodville State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Margaret B. Wolak, Pittsburgh, resigned.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ray J. Burow, P. O. Box 125, Mike's Road, Scenery Hill 15380, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

ROBERT P. CASEY.

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Eugene H. Clarke, Jr., mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

**TUESDAY, APRIL 16, 1991**

10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 12, 53, 158, 206, 274, 451, 487, 570, 661, 771, 870 and 873)	Room 8E-B Hearing Room East Wing
10:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 517 and 592 and Regulation #14-386)	Room 461 4th Floor North Wing
11:00 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider a Senate Resolution concerning The Pennsylvania Industrial Development Authority)	Room 460 4th Floor North Wing
11:30 A.M.	INTERGOVERNMENTAL AFFAIRS (to consider Senate Resolution No. 19 and Senate Concurrent Resolution No. 28)	Room 461 4th Floor North Wing
12:45 P.M.	JUDICIARY (to consider nomination of R. Barry McAndrews, Esq. for Court of Common Pleas, Bucks County)	Room 461 4th Floor North Wing

**WEDNESDAY, APRIL 17, 1991**

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 323, 466, 515 and House Bill No.	Room 8E-B Hearing Room East Wing
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157, Regulations #16A-  
216, #16A-230, #16A-262,  
#16A-282 and #16A-289)

10:00 A.M. MILITARY AND VETERANS AFFAIRS Room 8E-A  
Hearing Room  
(to consider reappointment East Wing  
of Major General Gerald T.  
Sajer, Adjutant General  
of the PA National Guard)

2:00 P.M. EDUCATION (Public Franklin County  
Hearing - on Education Courthouse  
Improvement Concepts) Chambersburg, PA

THURSDAY, APRIL 18, 1991

9:30 A.M. EDUCATION (Public Penn State  
Hearing - on Education Schuylkill  
Improvement Concepts) Schuylkill  
Haven, PA

FRIDAY, APRIL 19, 1991

9:00 A.M. EDUCATION (Public Mercer Museum  
Hearing - on Education Doylestown, PA  
Improvements Concepts)

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, April 16, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:40 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 16, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 22

### SENATE

TUESDAY, April 16, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend Dr. MERLIN CONRAD, Pastor of Calvary Reformed Church, Reading, offered the following prayer:

Let us pray.

God of all power and mercy, hear these our prayers of thanksgiving for the land we love beyond all other lands, its heritage in righteousness and justice, its ancestry in truth and freedom, its opportunity and hope.

But, Father, we confess as well the fear that breeds prejudice and the prejudice that fosters hate, the might that makes some callous and the peace that leaves us blind, the liberty that has been turned to license and affluence that has turned into arrogance.

So, Father, come very near to these Your servants that You may use them as instruments to match Your need of them. Establish them within the fellowship that knows no exiles, for You have made of us one blood. Then grant us all the grace and power to be fellow workers with them. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 15, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

April 16, 1991

**HB 274** — Committee on Appropriations.

**HB 334, 390 and 520** — Committee on Local Government.

### RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

April 15, 1991

#### ESTABLISHING A TASK FORCE TO INVESTIGATE THE OPERATIONS OF COUNTY DOMESTIC RELATIONS OFFICES AND THEIR OPERATIONS STATEWIDE

Senator HOLL offered the following resolution (**Senate Resolution No. 49**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, April 15, 1991.

#### A RESOLUTION

Establishing a task force to investigate the operations of county domestic relations offices and their operations Statewide.

WHEREAS, County domestic relations offices play important and often critical roles in the welfare and public safety of Commonwealth citizens; and

WHEREAS, It is in the interest of all Pennsylvania communities that domestic relations offices are funded, operated and administered properly; therefore be it

RESOLVED, That the Majority Leader of the Senate appoint five members and the Minority Leader of the Senate appoint four members to a task force to investigate the funding, operations and administration of county domestic relations offices and their operations Statewide; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee make a report of its findings and recommendations to the Senate as soon as possible.



**URGING REJECTION OF THE GOVERNOR'S  
PROPOSAL TO USE THE BORROWING  
CAPACITY OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY  
TO GENERATE REVENUES FOR THE  
COMMONWEALTH'S GENERAL FUND**

Senators SHAFFER, LOEPER, TILGHMAN, HOLL, HOPPER, GREENLEAF, MADIGAN, JUBELIRER, ROBBINS, SHUMAKER, CORMAN, ARMSTRONG, HELFRICK, PECORA, HART, SALVATORE, WENGER and PUNT offered the following resolution (**Senate Resolution No. 50**), which was read and referred to the Committee on Community and Economic Development:

In the Senate, April 15, 1991.

**A RESOLUTION**

Urging rejection of the Governor's proposal to use the borrowing capacity of the Pennsylvania Industrial Development Authority to generate revenues for the Commonwealth's General Fund.

WHEREAS, The Pennsylvania Industrial Development Authority (PIDA) makes low-interest loans to finance economic development projects in communities throughout Pennsylvania; and

WHEREAS, The projects financed through PIDA's loans assist in attracting new business and expanding existing businesses, thereby providing jobs for many Pennsylvanians; and

WHEREAS, PIDA finances many of these low-interest loans through bonds; and

WHEREAS, The Governor has requested that the Board of PIDA refinance PIDA's outstanding bonds, issue unprecedented amounts of new debt and transfer \$180 million from the Industrial Development Fund to the General Fund prior to the end of the current fiscal year to reduce the projected General Fund deficit; and

WHEREAS, While the statute which creates PIDA directs that the Board transfer moneys in excess of the amount needed by the Authority to carry out the purpose of the act to the General Fund, the financial statement of PIDA, as of January 31, 1991, reports that PIDA has no net funds available for commitment and, in fact, has insufficient funds available to meet outstanding commitments; and

WHEREAS, The Governor has indicated that it is his proposal to seek appropriations from the General Fund for PIDA at extraordinary levels during the next four fiscal years; and

WHEREAS, There is no guarantee that, if the Board of PIDA issues bonds and transfers from those bonds \$180 million to the General Fund, the appropriations from the General Fund contemplated in the Governor's plan will be realized; and

WHEREAS, Approval of the request by the Board of PIDA seriously jeopardizes the PIDA program; and

WHEREAS, During this time of economic recession, Pennsylvania must maintain an aggressive and successful economic development program; and

WHEREAS, In order for Pennsylvania to have an aggressive and successful economic development program, it is essential that it have a financially healthy PIDA with funds available for both economic development and job creation; and

WHEREAS, PIDA has been the centerpiece of economic development activities in this Commonwealth for over 30 years; and

WHEREAS, A review of the refinancing of existing debt by the Board of PIDA is appropriate during a period in which interest rates are significantly lower than those being paid; and

WHEREAS, The Governor's request attempts to circumvent constitutional prohibitions against issuance of long-term debt for current operating expenses of the Commonwealth; and

WHEREAS, The Board of PIDA should, given their fiduciary responsibility for the prudent management of the affairs of PIDA, reject any proposal or facet thereof which circumvents constitutional requirements and imperils the operation of Pennsylvania's flagship economic development program; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Governor to withdraw his proposal; and be it further

RESOLVED, That it is the sense of the Senate that the General Fund appropriation levels proposed by the Governor for future years may be so unrealistically high as to go unfulfilled; and be it further

RESOLVED, That the Senate of Pennsylvania urge the Board of the Pennsylvania Industrial Development Authority to reject the proposed transfer of moneys generated from new or existing bond sales since no excess funds, as contemplated in the statute, exist and because such transfers, if approved, undermine the viability of the PIDA program; and be it further

RESOLVED, That copies of this resolution be forwarded to the Governor and to the Chairman and members of the Board of the Pennsylvania Industrial Development Authority; and be it further

RESOLVED, That, should the Board of PIDA approve the request and undertake massive new borrowings so that it might transfer moneys to the General Fund, it include copies of this resolution in the offering memorandum and other papers relating to the issuance of the debt.

**APPOINTMENT BY  
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Mr. Charles Rogovin as a member of the Pennsylvania Crime Commission.

**SENATE COMMITTEE MEMBER  
APPOINTED PURSUANT TO SENATE  
RESOLUTION NO. 178 OF 1990**

The PRESIDENT. The Chair wishes to announce the President pro tempore has appointed the following Senator to serve as a member of the Task Force to study ways in which the Commonwealth can enhance service efficiency at minimal economic public cost:

The gentleman from Venango, Senator John E. Peterson.

**REPORTS FROM COMMITTEES**

Senator CORMAN, from the Committee on Transportation, reported the following bills:

**SB 12 (Pr. No. 12)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for times when lighted head lamps must be displayed.

**SB 53 (Pr. No. 1051) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on interstate highways; and providing for the use of speed timing devices.

**SB 158 (Pr. No. 158)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

**SB 206 (Pr. No. 215)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a permit for the operation of chemical and fertilizer vehicles.

**SB 274 (Pr. No. 283)**

An Act designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge.

**SB 570 (Pr. No. 599)**

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled "Borough State Highway Law," changing a State route.

**SB 771 (Pr. No. 816)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for installation cost of certain traffic-control signals.

**SB 870 (Pr. No. 939)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle widths and weights and for operation of chemical and fertilizer vehicles.

**SB 873 (Pr. No. 942)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring instruction on school bus safety.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

**SB 517 (Pr. No. 1050) (Amended)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following resolution:

**SR 50 (Pr. No. 1047)**

A Resolution urging rejection of the Governor's proposal to use the borrowing capacity of the Pennsylvania Industrial Development Authority to generate revenues for the Commonwealth's General Fund.

The PRESIDENT. The resolution will be placed on the Calendar.

**LEGISLATIVE LEAVE**

Senator STAPLETON. Mr. President, I request legislative leave for Senator Lewis for today.

The PRESIDENT. Senator Stapleton requests legislative leave for Senator Lewis. The Chair hears no objection. The leave will be granted.

**LEAVES OF ABSENCE**

Senator STAPLETON asked and obtained leaves of absence for Senator LYNCH and Senator MUSTO, for today's Session, for personal reasons.

**CALENDAR**

**SENATE RESOLUTION NO. 47,  
CALLED UP OUT OF ORDER**

Senator LOEPER, without objection, called up out of order from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 47**, entitled:

A Resolution designating the week of April 21 through 27, 1991, as "Nursing Home Residents Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 47, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 47.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—48**

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz

Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

### **SPECIAL ORDER OF BUSINESS**

#### **GUESTS OF SENATOR JOHN D. HOPPER PRESENTED TO SENATE**

Senator HOPPER. Mr. President, today we have a visitor in the gallery who comes all the way from Southeast India. He is Cedric Rodericks, a Rotary International exchange student, who is attending Carlisle High School. Cedric is sponsored by the Rotary Club of Carlisle and Rotary District 739. As many of you know, the Rotary program offers high school juniors and seniors throughout the world the opportunity to study for a year in another country and to gain a broader understanding of different cultures. Cedric has expressed an interest in government and politics, as well as commerce and business. Since his arrival in the United States last August, he has lived with three different host families. His current host parents are Colonel and Mrs. Ronald Roberge of Carlisle, who are also here today. It would please me very much if the Senate would extend its usual warm welcome to these folks.

The PRESIDENT. Would the guests of Senator Hopper please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

#### **GUESTS OF SENATOR FRANK A. SALVATORE, SENATOR F. JOSEPH LOEPER AND SENATOR CLARENCE D. BELL PRESENTED TO SENATE**

Senator SALVATORE. Mr. President, it is not often that I have the privilege of introducing a group of young people who are as special as those I am about to introduce to you. They are special, Mr. President, for many reasons. They are here because they are a championship basketball team since 1984. They have won a host of titles and honors—the PIAA Title, the AAA Championship and the AAAA Championship. For that they can be proud and I am proud of them. That is not the only reason they are so special. It is what they have done not just as a team, but as individuals. Each of these young men has accomplished a great deal off the basketball court. It was only because of their individual achievements that they were able to become members of a championship team. Not only do they represent a great team, Mr. President, but a great team from a truly unique school. It was founded in 1826 and

has become an outstanding example of what can be done by people who really care about young people and boys who believe that they have no hope and no future. Mr. President, I have been privileged today by the two Senators from Delaware County, Senator Bell, whose district Glen Mills is in, and Senator Loeper, who comes from Delaware County, to allow me to introduce these young boys. I feel that I am part of Glen Mills because of a friendship that I have established with two people, Sonny and Mitzi Hepps, who I thank very much for having given me the opportunity to go to Glen Mills and see what can be done with young boys like those who are up there. There are 100 boys that everybody had given up on up there, and their staff, and see what happens when everybody really cares about young boys. That is the future America up there. They are the future of this great country of ours. That school only receives whatever the courts give them and they operate that school at \$17 million less than the state school that is run by the State of Pennsylvania. Those kids get four meals a day and never go to bed hungry. When you go to Glen Mills you will think you are on the finest campus in the world. I guarantee that you will not see a crumb on the floor and you will not see a scratch on the table; not because somebody is telling them what to do, it is because they have earned it and they respect each other.

I cannot say enough about Glen Mills. I could stand here for hours and talk to you about Glen Mills, and I am sorry that I am taking a lot of time today, but this is special to me. Glen Mills is something that each and every one of you Senators at some point in your life should visit because you are going to come away with the same feeling that I have, that there is hope. There is hope because there are people like Sam Ferrainola, the Executive Director of the school, who is up there today. There is hope because there are distinguished members on the Board of Directors who serve without pay. The coaches and administrators of Glen Mills probably could earn a lot more in life, but they dedicate themselves to Glen Mills. That is the championship basketball team. Two years in a row they have won this. They have to win it one more time for them to have the privilege of sitting out front here. They could not sit here today because they have not won it three times, but they are going to come back here next year and they are going to sit right up front because they are going to win it three times.

(Applause.)

Last, but not least, their schoolmates. There are about 100 of them. That school has 700 boys there from other states in this country and from Pittsburgh, from Philadelphia and the inner cities of Washington and Baltimore, kids that everybody gave up on. But Glen Mills did not give up on them and, boy, I am proud of them.

I would respectfully ask, Mr. President, that we give them a tremendous applause and thank them for the pleasure of letting us appreciate what they do for us.

The PRESIDENT. Would all of the guests of Senator Salvatore, Senator Bell, and Senator Loeper please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

The PRESIDENT pro tempore. Mr. President, the gentleman from Blair County, for you in the gallery, is also a native and resident of the City of Altoona. That might mean something to those distinguished gallery visitors. Mr. President, although I was not able to be there personally, I watched with great fan enthusiasm as Altoona Area High School took on what I think was one of the toughest teams I have ever seen play basketball, and that was Glen Mills. And I must tell you they acquitted themselves as the true champions that they are. They deserved to win because they played very hard and they played fair and they were just outstanding champions. But I have to tell you, Mr. President, as well, that I am just as proud of a school that rallied, and I think there was at least some thought that Altoona might get blown out in that game. You might remember the names of Fortson, Taneyhill and Rehm, because they played as hard as could be and lost by five points in the AAAA finals in one of the greatest high school basketball games I have ever seen. I applaud you for all that you have done and all that you do on and off the basketball court. But I have to tell you, you are going to have to work awfully hard to get on this floor next year because Fortson and Taneyhill are going to be back and I challenge you to do that because Altoona is going to be back too.

Senator FATTAH. Mr. President, I just want to offer my congratulations to the Glen Mills basketball team and to recognize the accomplishments and achievements of the school but, moreover, to say something about one of our colleagues. You know a lot of times we have a lot of speeches made on the floor of the Senate, but I can attest to the fact that the gentleman from Philadelphia, Senator Salvatore, has on so many occasions beaten my ears in about Glen Mills and about getting out to the school. I think it is just something that we should all recognize, that here is one of our colleagues who has been deeply concerned and involved over the years in making sure this school is the success that it is and that it has the kind of support it needs. I just think we should take a minute and recognize Senator Salvatore's contribution also.

(Applause.)

Senator MELLOW. Mr. President, I would like to rise for just a moment also to pay tribute to Glen Mills. You may wonder why would a Member of the Senate who comes from the City of Scranton, the other part of the state, want to pay tribute to a school that is nowhere near his Senatorial district. Well, I have had some firsthand experience with Glen Mills. I can see we probably have 100-plus individuals who either attend or in some way have an affiliation with Glen Mills school. As a high school football official, I have had the opportunity in the last three years to officiate each year at least one football game that Glen Mills has participated in. In fact, during this past high school football season I had the opportunity of being the referee in the Glen Mills-Berwick football game that was played in Berwick. Unfortunately, Glen Mills did not come out on top of that game. They did not win the ball game, but I can tell you how impressed I was, not only with the quality of athletes who participated on the foot-

ball field that day, but I think equally as important was the way each particular athlete handled himself with the utmost of courtesy and professionalism that you could expect from a high school athlete. But I think just to go ahead and to recognize the school based on accomplishments on a football field or on a basketball court would be shortsighted on our part because everything I have been told is that Glen Mills has been able to achieve outstanding academic accomplishments, not only for its athletes but also for the other students who matriculate there. So as an individual who comes from a distant place not near Glen Mills, but from a person who has had an opportunity to see the quality and the caliber of an individual and an athlete, not on the basketball court but on the football field, I salute you and I congratulate you, and I say, job well done.

(Applause.)

Senator LOEPER. Mr. President, I also would like to take the opportunity to offer my congratulations as a Delaware Countian to Glen Mills School and their outstanding athletic teams. I have had the opportunity over several years to speak at some of their sports banquets and also the occasion to be on campus for their anniversary last year. I think that Glen Mills really serves as a role model in our state as far as the students, faculty and the administration and the real values of life they are able to instill into the students of that school, and I would just like to take this opportunity again to offer personal congratulations to Glen Mills School, its Director, Sam Ferrainola, the entire staff and all the folks who have demonstrated in such a fine manner their outstanding abilities and wish them the best in the future.

(Applause.)

Senator WILLIAMS. Mr. President, I would also just like to very briefly add my recognition to the school and its personnel for the distinct way that they have represented themselves over the years. I would like to reenforce what Senator Fattah said about one of our Members, Senator Salvatore. It is not too often that we are able to bear witness to something successful, productive and really deep. I too have shared how Senator Salvatore over the years has dug in with Glen Mills and its young people and staff to help to produce what we always say is a challenge with young people, and I also just want to personally salute Senator Salvatore for his significant dedication and successful service on the celebration we are witnessing here today.

(Applause.)

Senator ARMSTRONG. Mr. President, I would also like to say that when this group of young men was coming into the gallery, I noticed they conducted themselves with dignity and they were very quiet. I do not know of a group that large that has come in there and conducted themselves the way they have, and I said at that time, this is a very special group. Someone is doing a very good job, so congratulations to them.

(Applause.)

### **PENNSYLVANIA YOUNG WOMAN OF THE YEAR PRESENTED TO SENATE**

Senator ARMSTRONG. It is my privilege, Mr. President, to introduce to the Senate a very special young lady, this year's Pennsylvania Young Woman of the Year. It used to be called America's Junior Miss Contest but it is now called the Pennsylvania Young Woman of the Year. It is a scholarship program which rewards excellence to the outstanding high school student. Although it is not a beauty contest, you would not know it by the young lady who is representing us in Pennsylvania today. Her name is Kimberly Yvonne Fisher. Kimberly is co-captain of the cross-country team. She is also involved in track. In fact, she has to leave today and run home and run again in three events. She was vice president of her student achievement. She was vice president of her junior class and she was president of her senior class. Please join me, along with her parents, grandfather and her local sponsor, in welcoming to the Senate this year's Pennsylvania Young Woman of the Year, Kimberly Yvonne Fisher.

(Applause.)

The PRESIDENT. The Chair welcomes Kimberly to the Senate of Pennsylvania. We would be delighted to hear from you. I cannot help but notice that the young men are not too anxious to leave.

Ms. FISHER. Good afternoon and thank you for allowing me the privilege of joining you today. In 1958 America's first Junior Miss was chosen, and since then thousands of talented young women have had the opportunity to participate in the program. Over the past 30 years the program has grown immensely and changes have occurred, including an overall structural change that occurred in 1990. America's Junior Miss Program was renamed America's Young Woman of the Year Program, and along with the change in name came a change in philosophy. The program seeks to recognize all-around excellence and focuses on five specific areas that are judged in the competition. They are panel evaluation, scholastic achievement, physical fitness, presence and composure and creative and performing arts. Through my involvement in the program, I have met many young women who, like myself, are concerned about making a positive difference in the world. These women in the program, however, are not the only individuals concerned about making a difference. Today I see many young people in my high school and in others who are involved in community service organizations, who participate in student government and who are taking a stand against the use of drugs and alcohol. Also, a growing number are involved in saving the environment. A lot of teenagers have jobs and they are learning about the importance of the responsibilities of having a job. Also, a growing number of people are interested in going to college. They are working very hard to make it possible to get a college degree. With all the media's attention on the problems that teenagers cause, I feel we should focus more on the accomplishments that teenagers are making today. I encourage you to get involved with young people who have goals and ideas. Encourage them and support programs such as Young Woman of the Year that

seek to recognize these positive activities. Unfortunately, it is the few troublemakers that blemish the opinion that adults have of teenagers. Of course, we have problems and we always will, but please don't lose hope in my generation because there are a growing number of us who are working very hard to improve our world. Thank you.

(Applause.)

### **GUESTS OF SENATOR LEONARD J. BODACK PRESENTED TO SENATE**

Senator BODACK. Mr. President, today I would like to introduce some special cheerleaders from the Shaler Area High School in Allegheny County, which is in my district. The 19 young women on this squad recently won the AAAA Division of the Pennsylvania State Cheerleading Championship in Johnstown. In addition to this honor, on March 21, 1991 they placed fourth in national competition in Florida. These young women have spent many long and hard hours perfecting their cheerleading routines and dances. The fact that they have emerged at the top of the AAAA cheerleading squad in the state and the fourth best in the nation is positive proof that hard work and dedication do pay off. Mr. President, this hardworking group's co-captains are seniors Mary Carter and Julie Puskar. They are accompanied today by their coach of 12 years, Mrs. Phyllis Schatz, and also Theresa Gordon who also coached the team last year. Mr. President, I would ask now that the Senate do extend to them its usual warm welcome.

The PRESIDENT. Would all of the guests of Senator Bodack please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

### **GUESTS OF SENATOR WILLIAM J. STEWART PRESENTED TO SENATE**

Senator STEWART. Mr. President, there are three cheerleading championship squads from my Senatorial district. We have with us in the gallery the Penn Cambria School District winners of the varsity AAA squad. Their assistant coach is Becky Patz and the captains are Heather Eckenrode and Nichele DeSantis. We also have from Penn Cambria High School the winners of the Junior High State Championship. From the Forest Hills School District we have the winners of the Class AA State Championship. Sandra Stombaugh is the head coach, Lori Wilson is the assistant coach and Kristi Moss is the captain. I would ask that we give them the usual Senate greeting.

The PRESIDENT. Would the guests of Senator Stewart please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

### GUESTS OF SENATOR PATRICK J. STAPLETON PRESENTED TO SENATE

Senator STAPLETON. Mr. President, also in the gallery we have a group of young ladies from Homer Center School District which is in Homer City, Pennsylvania, in Indiana County. They are the varsity cheerleaders who captured the State Class A Title at the Pennsylvania State Cheerleading Championship which was held in Johnstown on November 17th, as well as the junior varsity cheerleaders who also captured a state title. Their sponsors are with them today, Bernie Hilliard and Betty Ann Pavlick, and I would like to extend our warm welcome.

The PRESIDENT. Would the guests of Senator Stapleton please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

### GUESTS OF SENATOR J. BARRY STOUT PRESENTED TO SENATE

Senator STOUT. Mr. President, today visiting the Capitol is a group of fourth grade students from the Bentworth School District in Washington County, my home district. Ninety fourth grade students and 39 adults have come to Harrisburg today to view state government. This trip was organized by Star Smalley and Judy McCarty and the teachers who accompanied the group are Betty Cursi, Betty Greco, Joy Gazi, Tina Tarley, Carol Mucho, Joann Brock and the trip was organized by Janet Worgo. I would like the Senate to give its warm welcome to the fourth grade class and their advisers from Bentworth School District, Washington County.

The PRESIDENT. Would the guests of Senator Stout please rise so we can identify you and welcome you to the Senate of Pennsylvania. Let us welcome them, in absentia, anyway.

(Applause.)

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with the expectation of returning to the floor at approximately 3:00 o'clock.

Senator MELLOW. Mr. President, I would request an immediate caucus for the Democrat Members upon the conclusion of the Session now.

The PRESIDENT. For purposes of Democrat and Republican caucuses to begin immediately, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 29 (Pr. No. 19)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," providing for temporary licenses.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A0514:

Amend Sec. 1 (Sec. 13.1), page 1, line 18, by striking out "the time of" and inserting: results are available from

On the question,

Will the Senate agree to the amendment?

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, may we place Senator Dawida and Senator LaValle on temporary Capitol leaves prior to the roll.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Dawida and Senator LaValle. The Chair hears no objection. Those leaves are granted.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

Senator LOEPER. Mr. President, I move that House Bill No. 29 as amended go over in its order.

The motion was agreed to.

The PRESIDENT pro tempore. House Bill No. 29 as amended will go over in its order.

## SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

### SENATE RESOLUTION NO. 50, CALLED UP

Senator LOEPER, without objection, called up from page 1 of Supplemental Calendar No. 1, **Senate Resolution No. 50**, entitled:

A Resolution urging rejection of the Governor's proposal to use the borrowing capacity of the Pennsylvania Industrial Development Authority to generate revenues for the Commonwealth's General Fund.

On the question,

Will the Senate adopt the resolution?

### SENATE RESOLUTION NO. 50, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 50.

On the question,

Will the Senate agree to the motion?

Senator LINCOLN. Mr. President, when I look at Senate Resolution No. 50, once again I recall the debate between then President Carter and then candidate Ronald Reagan. In that debate I can remember very vividly candidate Reagan saying, "well, here we go again," and that is exactly what I see when I look at Senate Resolution No. 50—Well, here we go again, folks. Once again the Republican Party here in this Senate is saying to the Chief Executive Officer of this Commonwealth, well, we want you to solve the problem, but no matter what you propose to do, we are not going to support it, and not only are we not going to support it, we are not going to come forth with any ideas of our own, that you can continue to make honest and sincere efforts and we are just going to keep beating the devil out of you. I want to say as one person in this Senate, I could congratulate Governor Casey for recognizing the fact that we had a billion dollar problem in this year's budget and making some suggestions and some very difficult decisions on solving that. Then I look at Senate Resolution No. 50 and I say, well, here we go again, because I have read through the three pages of it and I see a lot of "Whereases," but I do not see a "Whereas" or a "Resolved" that says the sponsors of this, the Republican Senators who have put their names on this resolution, are whereas or resolved to suggesting anything in lieu of a very sound proposal put forth by the Chief Executive Officer in this Commonwealth, a person who has been given the responsibility, not by the 50 Members of this Senate, but by the 11.5 million people in this Commonwealth, to govern. He is also, by Constitution, supposed to come to us for help in resolving some of those difficulties. Now that we have disposed of what I believe is another round

of Bob Casey bashing in Senate Resolution No. 50, I would like to say congratulations to the Governor for standing forward and standing tall, in spite of the fact that he is being criticized from, basically, the Republican Party and, basically, from people in this Senate as to his inability to do certain things. I look at January of this year whenever the Governor acknowledged the fact that he had a \$1 billion hole in this year's budget, the 1991 budget, and he proposed to use \$130 million from the Rainy Day Fund. Medical assistance pooled reimbursements for the hospitals of \$110 million; legislative lapses for prior years for \$80 million; medical assistance pooled reimbursements for nursing homes for \$35 million; increased sales tax collections, \$30 million; additional State Store profits of \$16 million; county payments to state for forensic unit treatment for violent offenders of \$12 million; and payment of federal Title 4-E claims of \$4 million. Those were the revenue enhancements that he offered as part of the solution. At that time he also put into place these cost reduction measures: lapses in fiscal year 1991 appropriations of \$100 million; reductions in fiscal year 1991 grants and subsidies of \$72 million, which was a very painful decision, one that no one in this General Assembly, including Bill Lincoln, had the courage to propose; a 3.5 percent reduction in non-preferreds, SSHE; and 50 percent reduction in tuition challenge grants which amounted to \$48 million; elimination of hazardous waste transfers of \$27 million; a five-day deferral of compensation which totaled \$23 million; state work force reductions and general hospital closings and other furloughs, which we have seen argued here already, of another \$15 million; cost reductions in DPW of \$15 million; elimination of the transfer of PENNVEST monies of \$6 million and elimination of transfer monies in the PERF program of \$6 million. All this totaled \$730 million in increased revenue and cost reductions which brought that billion dollars that he stood forth and admitted was there in a budget year down to a deficit of \$315 million. He takes the next step of dealing with this by talking about the PIDA Board transferring another \$180 million, or whatever that dollar amount is, which brings this year's deficit problems down to the \$1 million neighborhood. All we hear from the other side of the aisle on all these efforts that have been made, instead of one Republican Senator standing up and saying that, under the worst of circumstances Bob Casey has stood up and faced the people in this Commonwealth; he said, here is the plan for solving this problem. Not one time have I heard a Republican Senator stand up and say, geez, at least I may not agree with him, but he is trying, and I want to work with him and I want to try to resolve this problem because my constituents, whether they be Democrat or Republican, are Pennsylvanians. The outcome of this budget fiasco is going to affect the lives of the people who we represent, either adversely or in a positive manner, and whether they are Democrats or Republicans or not registered to vote at all, you, the Republican Members of this Senate, have an obligation to try to resolve this problem. To be continually putting forth useless resolutions that mean nothing other than an opportunity for you to stand up and



continue to bash a person who is doing his damndest to try to resolve a very serious problem, what do I see? I see Resolution No. 50 and I see a bunch of spending bills, bills that are going to spend \$50 million on PENNVEST, \$1.5 million for this, \$20 million for that, \$40 million for that. I have never seen anything more hypocritical in my life than the approach that is being taken to this fiscal problem than I have seen in this Chamber. I know that is a very painful thing for me to have to witness because there are people in this process that I have a great deal of respect for. There are men and women in this Chamber whom I have dealt with in an adversarial manner and as allies on issues that had nothing to do with politics. I will tell you that pretty soon those good, solid, sound persons, those outstanding public officials who have served their constituencies as well as anybody I have seen on both sides of the aisle in this Chamber, some of the people I have served with in the other Chamber, I have witnessed them over the years doing the responsible thing. At some point in time the advantage that is attempted to be gained by the Republican Party in this Body has to become secondary to the real issue, and that is, are we or are we not going to face the challenge of solving a fiscal problem that is not unique? It is shared by a number of states throughout this great nation of ours, and it is shared because of a common problem, a recession on a national level which has added greatly to state problems. I want to tell you that the classiest thing I could see the Republican Party in Pennsylvania do, and particularly the Republicans representing that party here in the Senate, would be to withdraw this resolution today, not say another word about what is taking place and show some solution to the problem other than being critical continually with worthless, useless, three-page resolutions that do nothing whatsoever but compound the problem we are facing. I say that to you as calmly and as sincerely as I can. I am on record in my district, I am on record on this floor of being willing to solve the problem, but I cannot do that by myself and no one on this side of the aisle has the ability to do that by themselves. I want to tell you something. There is going to be a time when your constituents are going to start saying to you, why are you being so critical and why are you not being useful in solving a problem? Because you have constituents who depend on state government for health care. You have constituents who depend on state government for mental treatments, for child welfare services, for education, for transportation. I want to tell you something. If you allow the point in time to come and go without your being a positive part of the solution, you are going to end up being painted with the same brush as the Democrats and the Governor who you are so zealously trying to make look like the only reason there is a problem in Pennsylvania is because of Bob Casey and the Democrats in the House and Senate. If you are not smart enough politically to know that the people in this Commonwealth are going to get to a point where they do not care who is at fault, we are all going to be blamed. I was here during the 1977 budget problem, and come July 1st, no one cares whether you are a Democrat or a Republican. All they know is that the General Assembly in Pennsylvania has not

responded to their responsibilities of keeping state government operating. I say to you today it is time to stop this nonsense. It is time to stop being partisan and political 100 percent of the time. It is time to acknowledge that we have a Governor who is making a very honest, sincere, definite effort in coming forth. If I were him, I would just throw my hands up and say, I do not care. I have given you a budget. You solve the problem. But he continues to take the wrath that is handed out to him by coming up with different ways of solving the problem. We are not talking about next year's budget. We are talking about a budget that we are in right now, and that is what this is all about today. I would be the most pleased person you ever saw if you would take, for once, a second look at what you are doing and withdraw this resolution and let us go about the business of solving what is one of the most serious problems that I have ever seen in my life.

Senator PECORA. Mr. President, I speak in support of Senate Resolution No. 50 only because of the need of the PIDA funds to help the industries in Pennsylvania to create jobs. Presently, the \$180 million taken off of PIDA would force PIDA to issue more bonds. PIDA presently has a \$93 million deficit. Now you can cancel the issues of existing loans, which is \$148 million. When you cancel that, you will hurt the industries and businesses in Pennsylvania that need the monies to create jobs in Pennsylvania. Without jobs we do not have taxpayers in Pennsylvania. Without taxpayers the budget will go into a deeper debt. I am not here to discuss Governor Casey. I voted for his budget last year. I was under the impression we did not have a deficit, as he told us after the election that he has. But Governor Casey is not the issue today. The issue today is to have a solvent industry to present jobs in Pennsylvania to keep the economy flourishing. If we continue to force more bond issues, more debt, we are only passing the debt on to future generations, future elected officials, so we are not responsible to our constituents in Pennsylvania, Mr. President.

Senator FISHER. Mr. President, I have tried over the past couple of weeks to understand just what it is that the Governor is proposing for the PIDA Board to do, and I have looked at some of the materials, and I have read carefully some of the articles written on the Governor's proposal. I have examined editorials that have been written all across the state, most of them against the proposal. Even after all that, I am still not certain exactly what it is he is asking PIDA to do, but I think I understand why it is he is asking it.

I have tried to analogize this to a local government, and many of ours are in the same straits that the Commonwealth is in. Sometimes our local governments run out of bonding authority. They are at their cap. They cannot borrow any more money. But lo and behold, some of those local governments go out and they have created over the years that fiction known as authorities. We have a bunch of authorities all over this Commonwealth. The authorities go out and they float the bonds and they have intergovernmental transfers between the municipality and the municipal authorities. It has happened where many of those authorities, as well as the municipalities,

are now at the point of insolvency. They have all hit their cap, and I believe all of them are learning that you cannot anymore borrow yourself out of debt. You cannot keep borrowing to cover current operating expenses. I think this is exactly what we have here. The Governor has recognized—he recognized a lot later than all of us recognized—that we have a problem in the Commonwealth. That is one thing we now agree upon. It just was amazing to us that it took him not only last June, last July, last August, even when Auditor General Hafer said it on a TV debate everybody well remembers, that we had a problem, the Governor still did not realize there was a problem. But in November and December the Governor realized his problem and he realizes now that this problem is far bigger than what normal solutions will allow him to utilize. So he has scratched and he has clawed and he has gone to everything. Of course, he has ignored many of the ideas we have brought up. He has asked for new ideas but, yet, I have not even heard back from him about our idea of selling the State Store system to bring in some needed revenues. We have not heard back from him about some of the other issues we have raised. Now he has gone to this novel approach of going to one of his authorities, one of our state authorities, to say to them, look authority, look PIDA, we have a problem. PIDA knows we have a problem, because PIDA waits anxiously each year for the appropriations to come. What the Governor has said is, PIDA, we do not want to really go and borrow any more money ourselves, because when we go to Wall Street to borrow that money, if we go too much higher our rating is not going to be too good, but what we would like you to do, PIDA, is go out and refinance this portfolio you have there at a lower rate and the extra money you get, send it to us. Maybe someday, either when I am Governor during my last three years, the Governor has said, or maybe the next administration will pay that money back to you. But if they do not, you will be sort of like the SWIF fund. You just will not get the money back. But while you have done that, you have helped us solve our current problem. Yes, it will help solve the current problem. We cannot disagree with that. But I can certainly stand here with my colleagues on this side of the aisle to say that that kind of a solution to the current problem is an irresponsible solution. That is all this resolution addresses itself to. It says, “that it is the sense of the Senate...” of the Commonwealth of Pennsylvania being expressed to the PIDA board, an independently appointed board, a board that sits there, that we do not think this is the wise way to go. We hope through the adoption of this resolution that the PIDA board will think twice before they take the step that they are being asked to take, to go out and refinance their portfolio to lend that money to the General Fund to help get us out of debt because if, in fact, the PIDA board can go out and refinance that portfolio and get this additional money, I would like to see them put that additional money by way of additional appropriations from us or by way of additional programs to the businesses throughout this Commonwealth that have helped to create jobs and the businesses around this Commonwealth which are going to need all the help that they can get, if

the Governor's tax plan goes into effect, in creating new jobs. So I hope that we adopt this resolution. I hope that we will have bipartisan support on this resolution so we can say to the PIDA board when they meet on Thursday, PIDA board, this is the wrong way to go. Do not borrow that money to lend to us, but, basically, tell the Governor it is the wrong way to go and, hopefully, as Senator Lincoln has said, hopefully we will be able to sit down before the end of June or July or before the end of whatever month and resolve this problem that faces the Commonwealth's budgetary problems. I do not know that going out and trying to conjure up solutions like this that do nothing more than make people think that you are indulging in good budget-making is the way to go. This, Mr. President, and this, my friends on the other side of the aisle, is not going to solve the problem that we face. This is only going to further complicate it for the people of Pennsylvania this year and for the people of Pennsylvania in future years.

Senator SCHWARTZ. Mr. President, it seems there is some confusion on the other side of the aisle about this proposal of the Governor's. I would like to speak in opposition to the resolution and provide a little explanation, as I understand it, on the Governor's proposal.

First, I would like to make very clear of my own support for the work of PIDA and I think, my colleagues, as we have heard on both sides of the aisle, the importance of a strong and successful economic development program in this state. I certainly stand for PIDA continuing in a very positive role in economic development in creation of jobs in this state, and certainly the Democrats have a strong history of 30 years, since the 1956 beginning of PIDA, in supporting the Pennsylvania Industrial Development Authority. Let me say, Mr. President, the Governor's plan is a request to the board of PIDA to refinance and transfer excess funds to the General Fund and, if I may, just point out some of the specifics of the proposal:

PIDA will use approximately \$101 million to retire its outstanding bond debt.

PIDA will then issue \$256 million in new bonds.

Approximately \$200 million of the bond issue proceeds will be transferred to the General Fund prior to June 30, 1991 to assure adequate cash available to this Commonwealth for vital services to our citizens.

The Governor's budget requests will include adequate General Fund appropriations to PIDA to restore the program's long-term lending capacity. These appropriations requests will need to be in the amount of \$50 million in fiscal year 1991-92, and \$76 million for the three succeeding fiscal years.

In this resolution, Mr. President, there are several assertions. I would like to address each in turn.

One, the resolution asserts that there are no excess funds in PIDA. Yet, as the board will determine, when a cash flow analysis is done for this plan in its entirety, both the short-term and long-term integrity of PIDA is protected.

Second, the resolution also condemns the Governor's plan because it has PIDA incurring new debt. I would remind the

Senate of two points: In its long-term projections presented to the Legislature over a year ago, PIDA was clear that it intended to incur substantial new debt in fiscal years '92-93, '93-94, and '94-95. Also, the new PIDA bond issue will be issued at a significantly lower interest rate. Such refinancing to lower rates from approximately 12 percent to possibly as low as 7 percent is, in fact, sound fiscal practice.

Finally, this resolution points to the lack of a guarantee of future General Fund Appropriations to PIDA.

Let me take this opportunity to express my commitment by stating for the record that I will call, along with others, for future appropriations to be made to PIDA. I have no doubt that the Democratic caucus, which has long supported economic development, is collectively committed to insuring adequate appropriations. Given the concern of the 17 Republican sponsors of this resolution over the future viability of PIDA, I would say, Mr. President, that they should in turn stand up and make a similar public commitment to the future funding of PIDA.

Mr. President, I am opposed to this resolution. As we all know, the Commonwealth faces very difficult fiscal times. The difficulties we face meeting our cash needs between now and June 30th is not just a troubling accounting problem. If we do not come up with solutions to our budget deficit this year, real people, some of the most needy in our Commonwealth, will face elimination of services on which they depend. The Governor's proposal regarding the use of PIDA funds will help provide almost \$200 million in critically needed funds in this fiscal year. This proposal enables us to assure PIDA's future while assisting in this cash flow crisis.

This resolution does nothing more than to take pot shots at a legitimate deficit-cutting proposal put forth by the Governor of this Commonwealth. I do not challenge the Senate Majority's right to criticize the Governor's proposal. I do, however, question the Majority's commitment to finding resolutions to what is, as we all know, a very serious fiscal problem that has dire consequences for the constituents of all of our districts. This fiscal crisis requires our positive actions to create real solutions. I urge the Members of the Senate to stand with me in opposing this resolution.

Senator SHAFFER. Mr. President, I rise as a proponent and the prime sponsor of Senate Resolution No. 50. Before I begin I would like to make at least fleeting reference, if I can, to one of the remarks that the gentleman from Fayette, Senator Lincoln, made in his opening remarks. I recall that he did say to some extent that this proposal was kind of like a Republican cabal, that we were kind of alone out there in left or right field in making this proposal and that we were irresponsible for doing so. If that be the case, Mr. President, I would like to point out to him that we have enormous influence since the following newspapers appear to agree with the position of the Senate Majority. I note the one issue recently of the Tribune Democrat. "Casey's PIDA plan has sour implications" is the headline on that document. The Pottsville Republican, "Casey raid could shorten PIDA's life." That is an editorial. The Times Leader editorialized "PIDA board

should nix governor's transfer plan." My, Mr. President, our influence is far and wide. The Allentown Morning Call, who do we know that lives there? "PIDA plan another dud from Casey." The Sharon Herald, "Our View, Industrial loan funds best left as they are." The Beaver County Times, obviously another Republican stalwart, "Our Opinion, Bond issue is not the way to cut deficit, more shortsightedness on behalf of the Commonwealth." "Casey plan called disaster," the York Dispatch, The Express—wherever that is—"Casey's money fix short-sighted. Should seek tax hike to solve budget deficit." The Pittsburgh Post Gazette, "You're losing us, governor." Anybody here from Pittsburgh? The York Dispatch editorialized on April 5th, Mr. President, "Casey Shouldn't tap PIDA funds." I hope this is not boring anybody. The Tribune-Review, "PIDA and Pennsylvania," the last paragraph of the editorial says, "The Governor should abandon his plans to turn PIDA into a cash cow." Another editorial in the Tribune-Review dated Sunday, April 7, 1991, Mr. President, "A few answers, please," with the same conclusion. There are a number of other ones here, Mr. President, but somehow I think the point has been made that we in the Senate Majority did not just dream this up out of whole cloth. There are good and valid reasons why what the Governor is proposing is a terrible, terrible idea. The resolution says, for those who may be listening who are not familiar with it, in the third paragraph from the end, "Resolved, that the Senate of Pennsylvania urge the Board of the Pennsylvania Industrial Development Authority to reject the proposed transfer of monies generated from new or existing bond sales since no excess funds, as contemplated in the statute, exist and because such transfers, if approved, undermine the viability of the PIDA program." Mr. President, the PIDA program was established in 1956 to make long-term, low interest loans to firms which are engaged in manufacturing and industrial enterprises. I do not think there will be any disagreement in this Chamber today, Mr. President, that encouraging manufacturing and industrial enterprises is something we want to lessen in the Commonwealth of Pennsylvania in 1991. PIDA funds can be used for the purchase of land and buildings. Our current policy targets PIDA funds to small and advanced technology businesses and enterprise zones, many of which are in the districts of the Senate Minority. A qualified business may receive under current regulations up to \$2 million at interest rates ranging from three percent to nine percent, depending on the unemployment rate in the particular county where the project is located. PIDA is the economic development workhorse, the historic workhorse of economic development through the generations, through the last generation, through the decades. It is our workhorse, Mr. President, that the Governor wants to turn into a cash cow. The proposal recently made by the Governor to have PIDA refinance their existing debt, incur new debt and transfer much of that new debt to the General Fund is a fairly complicated matter. I will try to present the facts today in the most simplistic terms without overly complicating the situation. The current facts are as follows: PIDA's authorizing legislation

says that all excess funds should be transferred to the General Fund; that PIDA has cash and investments of approximately \$130 million today. I do not think there is any dispute on that matter. PIDA has current obligations as of today of approximately \$150 million. Therefore, Mr. President, PIDA has no excess funds. In fact, there is a deficit today by PIDA's own finance statement, by their own numbers of January 1991, of approximately \$20 million.

So how will the Governor transfer \$180 million or more from PIDA to the General Fund? Well, he proposes, guess what? That PIDA is to go out and borrow \$250 million on the bond market to create this phony excess. This new money, plus the existing cash and investments will then total \$380 million. A portion of this money, about \$101 million of the \$380 million, will be used to pay off the existing debt of somewhere between \$82 million and \$85 million, and a premium or a penalty of approximately \$20 million is necessary to do that. If I may back up here for a moment, because this is a point that I do not think has been very well emphasized and which every Member should understand before he or she casts his or her vote on this matter today, the proposal is to pay off between \$82 million and \$85 million worth of debt, and to do that will cost us an additional \$20 million in up-front fees and penalties. For every dollar of debt that we are financing, 20 cents is in overhead. Is that a good deal or not? It is up to the PIDA Board to determine, but it is not a free lunch. This will leave PIDA with \$279 million of which the Governor wants at least \$180 million—actually we understand now it is about \$205 million—to be transferred to the General Fund. After considering the issuance costs and capitalized interest, this will leave approximately \$50 million in the PIDA account to meet existing obligations of approximately \$150 million. When all is said and done, if this transfer comes about, PIDA will have on day one, \$50 million, or thereabout, and \$150 million in debts and obligations. Therefore, a \$250 million issue will leave PIDA in a deficit position of \$100 million with \$250 million in new debt. The loan repayments from the existing PIDA portfolio will be pledged to retire the new debt. This will have the effect, Mr. President, of severely limiting the ability of PIDA to undertake new loans unless appropriations of the magnitude never before seen in the legislative history are available. The Governor proposes \$50 million in fiscal 1991-92 General Fund appropriations, and then proposes \$76 million in fiscal year 1992-93 and an additional \$76 million in fiscal year 1993-94, and another \$76 million the year he is no longer in office, 1994-95.

Please note, Mr. President, that the average PIDA appropriation since 1955 has been less than \$10 million. The Governor will then be seeking appropriations from the Legislature that will equal the appropriations for the entire 30 years of the PIDA program. If the PIDA Board complies with the Governor's wishes, it will be necessary for us to completely refinance the PIDA authorization in four years, the same amount of money in four years that took us 33 years to expend to build the program.

This transaction is entirely predicated on future year appropriations from the Legislature to put the PIDA program back on a solid fiscal basis. We in the General Assembly will be put in the position of being "blackmailed" by this or the next Governor to either support these huge future year appropriations in amounts that we have never heretofore contemplated, or have our industrial development efforts come to a screeching halt. This proposal is nothing more than an effort to circumvent the constitutional prohibition against the issuance of long-term debt for current operating expenses. We cannot in good faith allow ourselves to pledge future appropriations to fulfill this ill-conceived, short-term proposal. None of us are in a position, certainly, Mr. President, to have a crystal ball to know what economic circumstances the Commonwealth may be in during each of the next four years. Indeed, if three years ago someone had made a proposal that we spend \$50 million or \$75 million on PIDA in 1991-92, I think they would be sorely disappointed. It is ludicrous to advocate that the PIDA board vote on this important issue without full knowledge that the appropriations necessary to keep PIDA viable may go unfulfilled.

That is the extent of my remarks, Mr. President. I would conclude, if I may, by saying the gentleman from Fayette, Senator Lincoln, made reference early in his remarks to the debate between, I guess it was President Carter and the then candidate Reagan, and I can harken back, not by personal memory, but I am sure I will jar the memory of some of my colleagues who were here in 1976 when PIDA made a \$40 million advance on behalf of the Volkswagen plant. Governor Shapp at that time promised—correct me if I am wrong—that we, the General Assembly, would give back to PIDA \$10 million a year for four years. We would reinvest in PIDA the enormous amount of money taken out for the Volkswagen plant. Guess what happened back then, Mr. President? The first year we gave them \$10 million, the second year, \$3 million, and the fourth year, I think, again \$3 million or \$4 million. When you consider history, Mr. President, when you consider the fact that this Governor in 1989-90 made a proposal for zero General Fund dollars for PIDA, and in 1990-91 he made a proposal that started out not too bad, \$12.5 million is what he recommended we do, and guess what? We did it and what did he do? He impounded one-half of it. Only \$6.2 million was given to PIDA by this General Assembly last year. Those two facts, taken with the proposal for this year, ensures that PIDA will be damaged irreparably, beyond repair. The funds of this Commonwealth dedicated for the past 35 years for economic development for the purchase of land and equipment for industrial jobs should not be tampered with. That is the purpose of this resolution, Mr. President.

Senator FATTAH. Mr. President, I was going to ask to briefly interrogate the maker of the resolution, but given the lateness of the hour, I guess I will just go on and make my statement. I am reminded of the first debates that I got a chance to hear on the floor of the House when Governor Thornburgh was the Governor then, and there were colleagues on my side of the aisle who were hollering about his

budgetary maneuvers relative to the Lottery Fund and other activities of that day. That is what comes to mind as I listened to the maker of the resolution offered before us. It would seem to me that if he felt so strongly about the public policy implications of the suggestion by the Governor that, perhaps, he might have asked some of his Senate colleagues on this side of the aisle to sponsor this resolution, but obviously it is not on the merits of this suggestion that we are here this afternoon. It is because we have a budget problem in our Commonwealth and something must be done. The reason why I reflect back on those debates on the floor of the House is that it is quite easy for those of us who are Members of legislative bodies to criticize and to attempt to obstruct the activities necessary to resolve these problems, but at some point we have to do more than just be critics. We have to put forward some direction as to how we might solve the problems in front of us. Our nation at the federal government level is operating with a national debt of trillions of dollars. There is a national deficit of over \$500 billion this year. We have some 30 states, including our own, that have more than their share of deficit problems—in New York, \$6 billion; in California, \$7 billion; in New Jersey, Minnesota, Virginia, and so forth and so on, and we have a serious problem. In fact, in a periodical just a few months ago, *Governing*, it said that this year some 41 of our 50 states would face deficit problems and would have to raise taxes or make cuts. Every major city in our country is facing a problem and we, I guess, can get some partisan joy out of a debate like this this afternoon, but at some point we will have to reckon with these problems. The Governor has laid off and furloughed state employees, has made other steps to try to address the problem, and at this point \$180 million is needed in order to complete this budget year. Obviously, PIDA was not designed or developed to serve this purpose, but it is an instrumentality of the Commonwealth. It is perfectly legal for this maneuver to be done so we can pay our bills and, absent some other suggestion as to how we can make sure that the people would be paid paychecks, the services that would be provided to our constituents in this Commonwealth can be provided, absent this \$180 million, I find it a necessity to vote in opposition to the resolution, but moreover to suggest to the Majority Party and to those on my side of the aisle that, as the weeks go on now and as we enter more and more into the heart of this debate on the budget, that we find some more responsible way for us to represent our party, represent our constituents, rather than to waste time in debates like this, absent some other suggestion as to how we should proceed.

Senator MELLOW. Mr. President, I have tried to the best of my ability to be able to listen to the debate this afternoon, first starting with the gentleman from Fayette, Senator Lincoln, and then following through with the other individuals who have spoken on the floor, and I find it very difficult to put into the proper type of terminology the things that we have witnessed on the floor of this State Senate basically over the past year. Mr. President, to say that the Majority Party in the Senate is acting like a bunch of purists I think would be a

statement that would not be accurate because I do not believe there is any purity whatsoever in the motivation that is being acted upon through this particular type of legislation. To say, Mr. President, that the Majority Party in this Senate is acting in good faith, I believe, Mr. President, would be an absolute total underestimation of really what is taking place. To say, Mr. President, that the Majority Party in this Senate is acting in the height of hypocrisy might be approaching what I really believe is taking place here. But I really believe if there is one category in which we could totally try to explain what is taking place in the State Senate here this afternoon it is that we, the Members of the Pennsylvania State Senate, and more, especially the 17 sponsors of Senate Resolution No. 50, and I think even more importantly those individuals who will vote in favor of Senate Resolution No. 50, are being intellectually dishonest with the people whom they represent. The record is very clear, Mr. President, as to what is taking place. I mean, we can repeat ourselves on the floor of this Body over and over and over, but the more we repeat ourselves, Mr. President, the more the truth comes out as to why we are having such a problem, and why, in fact, is the Majority Party in Pennsylvania today in the Senate at least not coming up with some kind of a proposal or some type of a program to go ahead and to try to aid in the problem, as opposed to going ahead and trying to establish obstructionism as to every suggestion that has been laid forth. Mr. President, we have heard some discussion here about how, in fact, the administration is not doing certain things to bring about a resolution to the problem. In the past year or so we have been asked on the floor of this Senate and have dealt with additional expenditures beyond anything dealing with the budget of an additional \$314 million. That, my dear friends, has been money that has been asked by the Republican Members of the Senate to spend during this particular fiscal year when they know full well that the money is not there to spend and, to me, Mr. President, which is even that much more hypocritical, is that when you take the 17 sponsors of the legislation and you go ahead and you add the types of proposals that have been introduced by those 17 sponsors, you find out that the deficit in Pennsylvania, if those bills were considered and passed and signed into law, would have been an additional \$205 million, starting right from the gentleman from Butler, Senator Shaffer, who is the sponsor of the proposal, going right through to the gentleman from Lancaster, Senator Wenger, who, to his credit in this legislative Session, has not introduced one piece of legislation of new money that had not been negotiated and discussed during the budgetary considerations in May and June of 1990.

Mr. President, where are we? What are we asking for? Do we want to be part of the solution to the problem, or do we want to maintain a position of absolute total obstructionism? Do we want to continue a position, Mr. President, of being extremely hypocritical as to what is taking place on the floor of this body? Do we want to go back into our districts and tell people, hey, folks, I had nothing to do with that tremendous deficit that is taking place in Harrisburg? What I want to do is



criticize the administration because it has been the Casey Administration, according to the Republican Members of the Senate, that is absolutely responsible for the deficit that we are feeling right here in Pennsylvania today. They know full well the same way I do that this budget was increased by 1.7 percent. The gentleman from Allegheny, Senator Fisher, if he wants to be realistic about it, knows also full well that during the budget negotiation there was nothing amazing about what has taken place about a deficit, unless he was not communicating with the Members of his leadership who represented him in the budgetary negotiations. We knew only full well late last spring and early last summer that potentially we would be faced with a tremendous downturn in the economy. Little did we know that that downturn in the economy would put us in a position of having to look for something somewhere in the vicinity of \$2 billion in new revenues to go ahead and to balance that particular budget. But we talk about all of that, and then what took place here on the floor when the gentleman from Butler, Senator Shaffer, was talking about editorials? It is quite obvious that he missed the editorial that appeared in the morning Patriot, the editorial that said, "Flat-rate bonus to honor troops," the editorial in this morning's Patriot that talked about the action that took place right here on the floor of this General Assembly last evening. The editorial said a more fitting plan would be to provide a flat bonus of \$250 for everyone who has served in the Gulf regardless of their length of stay, because the individuals who write editorials in Pennsylvania know full well the problem that we are having. They know full well the problem that is taking place in this great country of ours and they know full well that this is not a problem that has been brought about by the Casey Administration. In fact, if it were not for the frugal operation of the Casey Administration, our problem would not be \$1.7 to \$2 billion, it would be much greater than that. If we went ahead, Mr. President, and we implemented and the Casey Administration supported the tremendous amounts of money that the Republicans in the Senate wanted to spend, that deficit would be increased by Members of the Senate alone on the Republican side by some \$314 million and basically, Mr. President, if you take those who have signed on Senate Resolution No. 50, the sponsors of that resolution have introduced legislation never budgeted, never agreed to in any budget negotiation, that would spend an additional \$205 million. So if we go ahead and the Casey Administration is able to prevail on the PIDA board, and the \$180 million is transferred from the PIDA Fund over to the General Fund, and if the legislation that has been requested by the Republican Members of this Senate was totally implemented, we would still be \$25 million short money that was never budgeted to meet the wishes of the Republican Members of the Senate.

Mr. President, it is truly and simply this: They have to tell us what programs they want cut or what taxes they want raised, but they cannot come on in and they cannot on a daily basis give us new legislation for money they want spent and then on the other hand be very critical because there is not

enough money to go ahead and to balance a budget. Mr. President, just on the Calendar of the Senate alone today there are new expenditures, money that was never discussed, money that was never part of the budget negotiation, that calls for an additional expenditure of \$25,801,000 that is not part of a 1990-91 negotiated budget. So what are we saying here? How hypocritical can we be? If you want to go ahead and you want to put out the news releases that you have, if you want to continue to infiltrate with press releases, with various types of thinly veiled threats that have taken place, with speeches and with all kinds of legislation, then I suggest that you continue to do that. If you want to be realistic, if you want to go ahead and you want to resolve the problem, then a motion should be made to recommit Senate Resolution No. 50 to whatever committee it came from, to get on with the topic at hand and that is to establish a budget, to fund that budget appropriately, not to travel across this state being very critical of what is taking place here in Harrisburg when the individuals who are being very critical are basically those individuals, Mr. President, that have served as true obstructionists to trying to resolve the problem. Mr. President, I simply would ask for a negative vote on Senate Resolution No. 50.

Senator PETERSON. Mr. President, it has been interesting listening to the debate this afternoon on this issue. I was intrigued by the opening comments of the first speaker, when my friend from Fayette said it is time to stop being partisan. I would say to my friend from Fayette, lead us by example. If you can accomplish that, maybe I can. Then we heard, "Here we go again." Those are the thoughts that I had when I heard about this proposal a few short days ago. Not long ago we had a proposal from the Governor to borrow our way out of debt, or partially out of debt, with a bond issue. The Democrat House thought it was a bad idea and I think the Republican Senate thought it was a bad idea, because it was rejected, because you cannot borrow your way out of debt. You cannot pay for groceries and utility bills in your family life with borrowed money or you are going to end up in bankruptcy. This is not a bad idea, as I said in committee, it is an awful idea. There were those today who said that we are not here talking on the merits. I do not think that is true. I think this proposal is worth debating until hell freezes over. This is a terrible way to approach solving our budget, and if it takes all day and all night, we ought to fight it. It is not a waste of time as another speaker said, and I guess I am disappointed that some question the motives because we disagree on how to solve the problem. I am not here questioning anyone's motives and I will always try not to, and I wish they would not question mine.

Not long ago, just three years, we started robbing the SWIF fund, a State Workmen's Insurance Fund set up to fund insurance for small businesses. Just last year we had to change the law because they had taken so much, over \$400 million, out of that fund, to make it actuarially sound. We had to change the law because we had robbed so much, taken \$429 million from our small businesses who put that money in that trust for insurance, not to bail out state government.

There are those who said recently in their comments, it was one of the first speakers, who said to restore to fiscal soundness we will place back into the PIDA program \$50 million the first year and \$76 million two or three years thereafter. I challenge you. You do not have to restore it if you leave it alone. It is a sound fund. There are those who said we should make a public commitment for PIDA. I will make a public commitment. It is one of the best programs in the state and let us not destroy it. That is a public commitment. Last year we had an argument in this Body. It was the first year since I can remember that we did not fund PIDA with any new money. I believe this side of the aisle argued to fund PIDA and I believe the other side urged not to, to agree with the Governor. So now we are saying if we take this money out, in the next four years we will pay it back with big budgetary figures. We do not have to restore PIDA if we do not destroy it, because that is what we will do.

To just veer from the subject for a moment, the Minority Leader just recently again accused us of budget busting because we have proposals on the table that were not part of an agreement he made, not part of a budget he agreed to. I want to tell you, as a rank and file Member of this Body, I said it to you a couple of weeks ago and I am going to say it again, this is my way of telling what I am for, and I will propose proposals and I am sure other Members of both sides of the aisle will support proposals that they believe in. This government should not be run by eight Legislators in the House and the Senate. It should be run by the rank and file, and we should have the right to propose any bill we want to propose. If you want to ask me where to cut, I will show you where to cut. There are a lot of places you could cut. You may not agree with the cuts I will propose, but I think to impugn our integrity when we say what programs we are for, what programs are needed and what programs need to be expanded, is unfair.

Let us take a look back at the business issue. Let us take a look at what we have done in Pennsylvania just in the past short time. I would like to say with a statement first that the western Pennsylvania economy is struggling, at best. We have far too many companies in Chapter 11 and far too many companies that are preparing to go into Chapter 11, trying to stay alive. We have companies in Chapter 7 that are being dismantled. I have several letters in my file already saying, if you pass this budget as proposed—and that was before the PIDA proposal—we are going to expand somewhere in this country, but we will not look at Pennsylvania, and I am going to tell you why. We passed mandated leave, another item that is anti-business. This proposal this year increases the corporate tax. This year's budget increases and expands the capital stock and franchise tax, a tax which taxes ownership of a business, not profits. We are going to increase phone costs. We are going to increase fuel costs for business, and I want to tell you the one that has probably been the most damaging in the last four years, the tidal wave of new costly regulations to business. Regulations are that silent killer that we do not put a cost figure on in this Commonwealth when the departments

approve them and pass them, but they are very costly to business. If you look at this year's total budget proposal, there are awesome fee increases. I will give you just a few that hurt business. If you disturb the earth with a bulldozer, from a \$200 fee to \$1,000, that is a 500 percent increase. If you look at the fees in there for hazardous and residual waste and all kinds of landfilling and handling of any kind of waste, they are astronomical increases. Who pays those? Business pays those. For a small gravel pit, a \$250 permit goes to \$1,500. Those are all business costs. Any company that produces fluids and every oil producer that produces brine is going to have an MPDES permit, normally a \$500 cost, plus the engineering fees, now it is going to be \$4,200. A CON permit for our health care providers, \$500 to \$20,000. Before there was not a fee. There should be a fee, but that is pretty heavy.

Folks, in western Pennsylvania and northern Pennsylvania our economy is in trouble. We have to compete. We cannot just say stick it to business. Business is jobs. When you combine proposals like this PIDA proposal, which is one of the best job creators in the Commonwealth, along with the proposed tax increases on business, along with the fee increases on business, along with the regulations that have slammed business, you are making it very difficult to have successful business in Pennsylvania, and successful business is what creates jobs and jobs are what pays the taxes that makes this Commonwealth work, that gives us the funds we need to provide the social programs and the educational needs of our people. I cannot understand where these proposals are coming from or what kind of process is being used to generate them, but this idea to rob PIDA is probably one of the worst yet of a series of bad ideas. I hope we debate it, and I hope we convince the PIDA board to slam dunk it because that is exactly what ought to be done. We should not defend a bad idea because of who presented it. It should stand on its own merits and there is no merit. There is no good argument for doing this to the PIDA program that will sit there and help us provide jobs at very little cost to the taxpayers in the future in its present structure. It absolutely makes no sense and there is no viable argument otherwise. I urge my colleagues to urge every PIDA board member to throw this one in the garbage can.

Senator FUMO. Mr. President, I have listened to the gentleman from Venango, Senator Peterson, on a number of occasions complain about the budget process and the fact that he does not get any input. I, for one, would welcome him on this side of the aisle if he wants to come over. We will listen to him. We will give him input. I do not have any Members on this side complaining that they have been shut out of the budget process, so he ought to think about that and then maybe together we would reform this process. That offer is open any time he is not happy. We are more than happy to take some of his conservative views and the view here and maybe implement them.

Mr. President, this resolution is flawed greatly. In the resolution side, "RESOLVED," on page 3, line 15, it should read the Republicans of the Senate of Pennsylvania, not "the



Senate of Pennsylvania." Yes, this is a partisan issue, Mr. President, and I credit the Governor with some very good, very creative financing in order to keep this Commonwealth out of a deficit. We are not in it yet. We are very close, but we are still not in it, and every day the front office continues to try to keep us out of it so all of us in this Chamber who voted for that last budget will be vindicated. I might add that this side of the aisle could not have done it without the help of the other side of the aisle. So let us stop pointing the finger at each other, who did what, when, where and how. Last year we all knew what the truth was but nobody wanted to look at the truth because it meant maybe a tax vote or some cuts during an election year, and I was very candid in negotiations and I have said it publicly. I said up front he who finds it solves it. All of a sudden nobody could find the deficit. So let us stop the finger pointing and the partisanship.

Mr. President, I have not heard a plan yet from the other side of the aisle that speaks on how we are going to solve the budget crisis, and I will not go into the litany that the gentleman from Lackawanna, Senator Mellow, talked about, but you all know it is there. You are spending money here like there is no tomorrow.

Mr. President, I heard from the gentleman from Allegheny, Senator Fisher, who is going to save the day with the sale of the liquor stores. Well, by his own memo that he sent to me the other day, he will make \$325 million this year and maybe \$213 million, \$500 million this year, and then into the future \$32 million.

Mr. President, over the last ten years the LCB has generated \$35 million every year so we would be in a negative cash flow position from the first year out. Again, if he has the votes to pass the bill, I would be more than interested to see it happen. Mr. President, yes, this is new and creative financing but it is not going to hurt PIDA. It is not going to hurt the jobs development in the state. I heard Senator Peterson talk about all the companies in Chapter 11 and Chapter 7. I suggest he sit down right now and send a letter to former President Reagan and President Bush and let them know what is going on here in Pennsylvania when they took all the military jobs and shipped them out West, their good Republican friends. They killed the northeast because they did not vote for them. Let us talk about the national agenda because that is where the problem stems. Pennsylvania is in the bind it is in because of the recession caused by a Republican Administration in Washington. We do not want to say that, God forbid, I am going too far afield. We just want to deal with that today. What do we accomplish by adopting this resolution, even if it were binding in law, what do we accomplish? Is it our goal to shut down the Commonwealth of Pennsylvania so we could point the finger maybe at the Governor and say, look what you did? Remember in this Chamber Republicans cannot say that and they cannot point that finger because they were part of the process that got us to where we are today. Maybe in the House Matty Ryan can say it, but not here. So let us stop the nonsense. Let us sit down and deal with the real problems in Pennsylvania.

Mr. President, I will draw this Chamber's attention to the last page of the resolution, page 3. Why in the name of God do you ask that this resolution be included in copies of the offering memorandum and other papers relating to the issuance of debt? Why do you want to do that, because you want to help the very Commonwealth you took an oath to protect? You want to put this in an offering memorandum so, hopefully, somebody will not buy the bonds or maybe they will not buy them at a cheap rate. You do not like the fact that we may be able to change our 12 percent debt to 7 percent. You would like to see it at eight or nine percent. What good does that do for your constituents or anybody else's? This is petty nonsense, like a spoiled child. Na, na, na, na na, look what they did. You live here, all you guys, and like it or not, when there is final resolution of this in this Chamber, you will be part of that solution. Like it or not, you will be, and you may not like it but that is the responsibility of being in the Majority. You will vote for something to solve this problem and I fully predict it will be part of the biggest tax increase in the history of Pennsylvania or it will take us back to a budget cut that takes us back to the 18th Century, but you are going to do it. So you cannot stand here and point the fingers. The time has come for all of us to start to work together. Nobody is believing your nonsense. The Patriot today exposed the nonsense of yesterday when you all wrapped yourselves in the flag. The message is getting through, gentlemen, more and more, day after day. You cannot have it both ways. Simple arithmetic still works. One and one is two, and you cannot say I want to spend, spend, spend or I do not want to tax. It does not work. It worked last year because everybody decided to put their heads in the sand. It is not going to work this year because I am not putting my head in the sand and the Governor is not doing it in the front office either. Maybe this is the year you would like to be in the Minority. Maybe you will ship Senator Peterson over here with Senator Pecora to make us solve the problem, but that is not going to happen either. So, like it or not, plan for the future. You are going to be with us whether it be June 30th or December 15th. Whenever it happens you will be there with us so let us stop the nonsense and get on with the business of the Commonwealth.

Senator LOEPER. Mr. President, it has been interesting listening to the debate today on Senate Resolution No. 50, and I think that when I listen to many of the previous speakers on the other side of the aisle, that the gentleman from Philadelphia, Senator Fumo, must have printed a thesaurus which has been widely distributed over there, because I am certainly hearing the same kind of words again and again. When we want to talk about hypocrisy I think, Mr. President, as everyone in this Commonwealth realizes, we all are in the middle of a current year budget deficit of crisis proportions with at least a \$2.5 billion shortfall looming in the next budget year. We have heard from the other side about all these spending proposals coming from this side of the aisle, that those totals could be more than \$200 million of new proposals that have been put forth by this side so far in this Session. I think, Mr. President, what happens is the other side fails to look at its

own record. I think it is interesting, if you want to take a look, that just in the first three months of this Session, Members of the Democratic caucus who have repeatedly chastised this side of the aisle have seen fit to prime sponsor legislation which would cost the Commonwealth upward of one-third of a billion dollars in new funds. I think it is also interesting to note, Mr. President, that so far in the 1991-92 Session of the General Assembly, of the 24 Democratic Senators, 19 have prime sponsored bills that have a fiscal impact. Only two have not prime sponsored any bills, and there are three who have not prime sponsored any bills with a fiscal impact. I think if we were to examine those proposals, in fairness, we would see that the proposals range in costs from hundreds of thousands of dollars to more than \$100 million annually. I think if we were to analyze these individual proposals, we would see that they would increase the size of the state bureaucracy and would necessitate more state employees even though the current administration is furloughing dedicated employees at the current time. We have heard a lot about budget commitments, that we are not living up to our budget commitments of last year. Well, Mr. President, living up to budget commitments has to start in the front office. As soon as the front office starts to live up to some of its budget commitments, maybe there would be a sense of concern on this side of the aisle. I would respectfully request that my colleagues on both sides of the aisle, and particularly the other side of the aisle, refrain from any type of counterproductive exercises that are not particularly specific to helping the process move forth and advance a solution to the current fiscal crisis in Pennsylvania. I think what we have heard is a lot of rhetoric from the other side criticizing this side for their proposals but, yet once again, not advocating any particular solution. If they think that spending PIDA funds, financing current debt through bonds, is a fiscal practice that is in the best interest of this Commonwealth, I think we have a long way to go during this budget season. I respectfully suggest, Mr. President, that we try to work together to address the fiscal concerns of this Commonwealth, and because it is a poor fiscal practice, I would ask for the adoption of Senate Resolution No. 50.

Senator MELLOW. Mr. President, just a couple additional observations that I think are important to make.

First of all, I was kind of startled that the gentleman from Venango, Senator Peterson, did not talk about the funding for a rural agenda and a rural program. I was hoping that he would talk about that. Unfortunately, he did not mention that.

Secondly, Mr. President, it was mentioned about the robbery of SWIF and, of course, no robbery of SWIF has taken place. The only real robbery that has taken place with regard to budget negotiations over the last seven or eight years has been the robbery that took place in three successive years of the Lottery Commission. The Republicans in the Senate insisted on the expenditure of monies that exceeded \$300 million to go ahead and to balance the budget of then Governor Thornburgh. That was a true raid of a lottery system, and if you talk about a robbery, I guess Jesse James did it with a

gun, but the Republicans in the Senate, with regard to the lottery, did it by passing legislation.

Mr. President, you know, when you go ahead and you discuss things over and over and over and you continue to repeat the truth, it does not matter how many times you say that over and over. You can use many different types of words and phrases in discussing the topic, but the issue is the same. The truth will continue to come out exactly the way it is. Any way the Republicans want to cut it, they have spent in this particular budget cycle, through this General Assembly, right here in the State Senate, they have passed through this Body \$314 million worth of new expenditures.

When you want to talk about the Republicans in the Senate who are so far to the left of the Democrats in the Senate, it is absolutely incredible. The gentleman from Delaware, Senator Loeper, can go ahead and say that Members of this caucus have gone ahead and they have introduced bills that would spend millions of dollars. Unfortunately, none of those bills, with maybe the rare exception of one or two, have ever been able to see the light of day on the floor of this Senate, because unless a bill in the Senate, for the most part, is under Republican sponsorship for some reason it does not find its way on to the floor of the Senate. Also, Mr. President, I was very happy to hear the Majority Leader talk about the current administration and how they are furloughing dedicated employees. Mr. President, that opens up an entirely new topic because it was quite a while ago that I had the opportunity of introducing a bill which is currently on our Calendar, Senate Bill No. 405, which deals with the furloughing of employees. It is also quite enlightening, as far as I am concerned, that there were a number of my Republican colleagues that saw fit to go ahead and to support Senate Bill No. 405, and what has happened since then and since the bill has been introduced, all that is on the Calendar for consideration, Mr. President, but it has been so badly Christmastreed and turkeyed that you would think it was either Thanksgiving or that it was Christmas the way Senate Bill No. 405 is with the amendments that have been added to it. Furthermore, all we find with the action of the Republican Members of the Senate is that Senate Bill No. 405 has not been considered, but they continued to put it over and over as the days go by. So if there was a legitimate concern on the part of the Majority Party in the Senate about those so-called dedicated furloughed employees, they would have taken action on Senate Bill No. 405, Mr. President, and, in fact, Senate Bill No. 405 would have been passed. I think Senator Fumo was very specific in the way he pointed out exactly what we are dealing with here. We are not dealing with a proposal, Mr. President, that means one darn thing. It is not a binding proposal. It is a proposal that has meant nothing more than to try to take some political shots at individuals when it seems to be a lot easier to go ahead and, instead of addressing an issue up front, instead of having meaningful legislation on the floor of this Senate, yes, even here today on April 16th, we decide instead of doing that, to continue to issue press releases, to continue to have news conferences, to continue to bring to the floor of this Senate legislation that is

costing, in a year that we know full well there is not money to pay for it, and then we have to deal with Senate Resolution No. 50, which probably has the poorest timing of any resolution, especially when you talk about the last three lines of the resolution that Senator Fumo pointed out.

Mr. President, once again, I would firmly ask for a negative vote. There are only 17 Republicans that have sponsored this resolution. Therefore, Mr. President, there would appear that there are at least nine Members of that Republican caucus that basically must feel this is not a good, appropriate resolution. I would only like to try to appeal to those nine Members and not to the 17 sponsors who have introduced legislation that has passed this Body that would spend an additional \$205 million that was never budgeted, that if we can only appeal to the common sense of those individuals who did not sponsor this resolution on the Republican side to come over and to join the Democrats because we are well-meaning in our request to try to resolve the problem, not to go ahead with, as Senator Fumo said, this gobbledygook, and try to go ahead and consider something that is absolutely meaningless and will go nowhere except to take up a lot of time in debate on the floor of this Senate. Again, I would ask for a negative vote on the resolution.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Greenleaf has been called from the floor and I would request a temporary Capitol leave on his behalf.

Senator MELLOW. Mr. President, can we add Senator Jones to that list also.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Greenleaf. Senator Mellow wishes a temporary Capitol leave for Senator Jones. The Chair hears no objection. The leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator LaValle and his temporary Capitol leave will be cancelled.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

#### NAYS—22

Afflerbach	Fattah	Mellow	Schwartz
Andrezski	Fumo	O'Pake	Stapleton
Belan	Jones	Porterfield	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lewis	Scanlon	Williams
Dawida	Lincoln		

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 118 (Pr. No. 118)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting certain persons and corporations from bidding on municipal contracts.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 266** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 275 (Pr. No. 284)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects; and providing for a referendum to incur indebtedness for such projects and the issuance of notes and bonds if authorized by the referendum.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, once again we find ourselves in the exact same position that we have been in and that we have been articulating over and over. You know, basically, we have talked about when you continue to repeat the truth, regardless of what issue you are dealing with or how you want to express it, it still comes out the same way. As was stated earlier this afternoon, here we go again. Here is another proposal, Senate Bill No. 275, that is a referendum in dealing with an expansion of the PENNVEST program. It adds an additional \$50 million to the bond indebtedness. It adds an additional \$8 million per year to the bond indebtedness for the state to pay it off. We are going to go ahead, Mr. President, without proper discussion, without support of the department, without the proper support of the administration, and we are once again going ahead and we are trying to spend money.

Mr. President, this is a \$50 million bond issue for PENNVEST. It deals with storm water runoff. There are many, many ways that storm water runoff projects basically could be the responsibility of local government. There are many ways with storm water runoff that federal funds have been used in the past to go ahead and to have municipalities take care of their problems. Mr. President, today, because of the proper type of zoning ordinances that we have in communities, when a municipality has a development which they are going ahead and approving, you must make the proper type of provision within that development and within that approval for the handling of storm water runoff. But, it is obvious that this is another blatant attempt, as there is with several other bills on the Calendar today, to go ahead and to continue to spend money with little or no regard, Mr. President, for where that particular money is going to come from. When we talk about it once again, here we are with the expenditure of money with no proper authorization and, once again, only to cause problems in the future. When we have not taken care of our financial house, Mr. President, for this particular fiscal year and it is not in order, there is absolutely no way possible we could on this side of the aisle go ahead with putting an additional burden on that General Fund in the future, and I would have to ask for a negative vote on the bill.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

## NAYS—22

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	O'Pake	Stapleton
Belan	Jones	Porterfield	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lewis	Scanlon	Williams

Dawida

Lincoln

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 335 (Pr. No. 1045)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a sinkhole damage assistance program; providing for grants and loans; and making an appropriation.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, prior to the roll call, we have the exact same set of facts here as we have had with the last several proposals. This is an increase in expenditure in this particular year of \$1.1 million. It is something that was not negotiated during our budgetary discussions. It is meant only to go ahead and to further increase the deficit that we right now are potentially feeling in the state and to project that into the 1991-92 fiscal year. It is a proposal that when you talk about establishing grants and loans for sinkhole damage, it is something that on the surface we probably should be considering because I guess a lot of us are sinking at this point in time, but, Mr. President, it is just not part of our budgetary negotiations. It should be made part of that when we convene the committees to discuss it, and at this point in time I would have to ask for a negative vote, Mr. President. The money basically is not there. I do not know what tax the Republicans want to raise by passing this proposal or potentially what program they would like to cut because they have never shared that with us, and until they do, we must ask for a negative vote on the proposal.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

## NAYS—22

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	O'Pake	Stapleton
Belan	Jones	Porterfield	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lewis	Scanlon	Williams
Dawida	Lincoln		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 391 (Pr. No. 932)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," extending the act to leases of automobiles.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 444** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 820 (Pr. No. 929)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for resident State troopers; providing for underwater search teams; making an appropriation; and making a repeal.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator MELLOW. Mr. President, I certainly do not want to disappoint anybody in the Chamber and not talk about a bill that has an expenditure for this particular fiscal year, but I honestly believe that if there is any type of a resolution that is going to be arrived at, whether it be with our budgetary considerations or with reapportionment, or whatever, that you

have to act in good faith, and during our budgetary negotiations last year we had talked and we agreed as a group of individuals talking about the budget that this particular proposal should have been included as part of the budget package we had. We went ahead, Mr. President, and that bill was passed by the Senate. It was sent on to the House of Representatives. They upheld their part of the budgetary negotiations, and, unfortunately, the Governor vetoed the proposal, but we, the Members of the General Assembly, agreed to uphold our part of the negotiation. As was done late last summer when this was agreed upon, we will today also agree to uphold our part of the budget negotiation, although this is an additional expenditure of \$1.2 million that really is not part of what was signed back on June 30, 1990. We will agree to support Senate Bill No. 820 because we gave our word back during that negotiation that it should be part of it, and we feel very strongly that our integrity on this side of the aisle of upholding that agreement is of utmost importance.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—40

Afflerbach	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bodack	Holl	O'Pake	Stapleton
Brightbill	Hopper	Pecora	Stewart
Corman	Jones	Peterson	Stout
Dawida	Jubelirer	Porterfield	Tilghman
Fattah	Lemmond	Punt	Wenger
Fisher	Lewis	Reibman	Williams

#### NAYS—8

Andrezeski	Bortner	LaValle	Salvatore
Bell	Hart	Rhoades	Shumaker

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 850 (Pr. No. 1044)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," providing for the selling of liquor or malt or brewed beverages at certain boxing and wrestling events, bowling tournaments and bowling contests; and making a repeal.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—46

Afflerbach	Fisher	Lewis	Robbins
Andrezski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stewart
Bortner	Hopper	Peterson	Stout
Brightbill	Jones	Porterfield	Tilghman
Corman	Jubelirer	Reibman	Wenger
Dawida	LaValle	Rhoades	Williams
Fattah	Lemmond		

## NAYS—2

Punt                      Stapleton

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**HB 25, SB 40, 112, 278, 306, 345, 347 and 401** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 405 (Pr. No. 905)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive; providing for legal advisors to the respective boards; and further providing for special early retirement and for accrued liability.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 431** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## EXECUTIVE NOMINATIONS

## EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

## NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD  
OF AUCTIONEER EXAMINERS

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret H. Hamilton (Public Member), 1036 Liberty Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William M. Kern, Esquire, 347 Main Street, Clarion 16214, Clarion County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Richard C. Snebold, Jr., Wexford, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald L. Stroup, 110 North Fourth Avenue, Clarion 16214, Clarion County, Sixth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF DENTISTRY

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul C. Dunkelberger (Public Member), 1510 Miller Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lewis G. Steinberg, Esquire, R. D. 1, Crestmont, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE HARNESS  
RACING COMMISSION**

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rod L. Piatt, 530 Pike Street, P. O. Box 618, Meadow Lands 15347, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA**

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David L. Johnson, 3000 Hermosa Lane, Havertown 19083, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. O'Donnell, 1505 Madison Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Shane, 440 School Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Charles J. Potter, Ph.D., Indiana, deceased.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gealy W. Wallwork, 102 Country Club Lane, Kittanning 16201, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice John B. McCue, Esquire, Kittanning, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE INDUSTRIAL BOARD**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Peter Babnis, 280 Concord Road, Hermitage 16148, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn C. Marboe, 705 West Hamilton Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Jane B. Troup, Lewisburg, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Isaac H. Stoltzfus, 312 Queen Road, Gordonville 17529, Lancaster County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 2-3-05, to serve until the first Monday of January, 1992, vice Gilbert R. Book, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

February 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Delores Gail Cole Bristol, 523 Water Street, Ulysses 16948-0078, Potter County, Twenty-fifth Senatorial District, for appointment as District Justice in and for the County of Potter, Magisterial District 55-3-02, to serve until the first Monday of January, 1994, vice Jeanne M. Cole, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

December 27, 1990.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Albert, 417 Culbertson Avenue, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-2-10, to serve until the first Monday of January, 1992, vice Michael S. Moschetti, mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart

Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION

March 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis Roy Fredericks (District 2), 119 Fawn Valley Drive, McMurray 15317, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years, vice C. Dana Chalfant, Gibsonia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
LIQUOR CONTROL BOARD

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Goodman, 201 West Pine Street, Mahanoy City 17948, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 1995.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### UNFINISHED BUSINESS

##### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Johanna Miller by Senator Afflerbach.

Congratulations of the Senate were extended to Christopher Smith, David Pettine, Stephen Porter, Sean A. Lippert, Daniel Haley DeVelin and to the Political Science Club of West Chester University by Senator Baker.

Congratulations of the Senate were extended to Amy A. McCarthy by Senator Bell.

Congratulations of the Senate were extended to William H. Platt and to the South Heidelberg Township Board of Supervisors by Senator Brightbill.

Congratulations of the Senate were extended to Reverend Dr. Frank B. Mitchell, Jr. by Senator Fattah.

Congratulations of the Senate were extended to Miriam H. Oberdorf, W. Sherman Doeblen II and to Lori Hackenberg by Senator Helfrick.

Congratulations of the Senate were extended to Richard J. Peiffer by Senator Hopper.

Congratulations of the Senate were extended to The Honorable Leonard Ivanoski by Senator Jones.

Congratulations of the Senate were extended to Roy E. Deremer by Senator Jubelirer.

Congratulations of the Senate were extended to John J. Sauciunas, Harold Ely, Gertrude I. Coolbaugh and to South Montrose Community Church by Senator Lemmond.

Congratulations of the Senate were extended to Bryan Richard Feeser by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Philip Swetter, Hazel Harris, David L. Whitnack, Corporal Jacob A. Lantz and to the Wellsboro Business and Professional Women's Club by Senator Madigan.

Congratulations of the Senate were extended to Reverend Father Andrew B. Bocianski by Senator Mellow.

Congratulations of the Senate were extended to Ann Remchak by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Carulli and to Captain Kenneth Sechoka by Senator Pecora.

Congratulations of the Senate were extended to John J. Driscoll, Representative Herman Mihalich and to Charles Fausold by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Coniff, Mr. and Mrs. Thomas McNelis, Mr. and Mrs. Kenneth M. Scherer, Donald Stahl and to Kevin Lee Bensinger by Senator Rhoades.

Congratulations of the Senate were extended to Calvary Christian Academy Boys Basketball Team of Mercer by Senator Robbins.

Congratulations of the Senate were extended to Carrie Sottile Rice by Senator Salvatore.

Congratulations of the Senate were extended to First Lieutenant Paul Lombardi by Senators Shaffer and LaValle.

Congratulations of the Senate were extended to Maria Donatucci by Senator Williams.

#### CONDOLENCE RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Sethlow Reed by Senator Fattah.

Condolences of the Senate were extended to the family of the late Francis R. Anderson by Senator Hart.

#### BILLS ON FIRST CONSIDERATION

Senator HOLL. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 12, 53, 158, 206, 274, 517, 570, 771, 870 and 873.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

#### COMMUNICATION FROM THE GOVERNOR

##### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

April 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack A. Panella, 8 George Court, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January, 1994, vice The Honorable Alfred T. Williams, Jr., resigned.

ROBERT P. CASEY.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

WEDNESDAY, APRIL 17, 1991

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 323, 466, 515 and House Bill No. 157, Regulations #16A-216, #16A-230, #16A-262, #16A-282 and #16A-289)	Room 8E-B Hearing Room East Wing
10:00 A.M.	MILITARY AND VETERANS AFFAIRS (to consider reappointment of Major General Gerald T. Sajer, Adjutant General of the PA National Guard)	Room 8E-A Hearing Room East Wing
2:00 P.M.	EDUCATION (Public Hearing - on Education Improvement Concepts)	Franklin County Courthouse Chambersburg, PA

THURSDAY, APRIL 18, 1991

9:30 A.M.	EDUCATION (Public Hearing - on Education Improvement Concepts)	Penn State Schuylkill Schuylkill Haven, PA
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FRIDAY, APRIL 19, 1991

9:00 A.M.	EDUCATION (Public Hearing - on Education Improvements Concepts)	Mercer Museum Doylestown, PA
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### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, April 17, 1991, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:15 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 17, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 23

### SENATE

WEDNESDAY, April 17, 1991.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, we pray today for Your divine guidance for the Members, officers and staff of this Senate. In Your wisdom incline our hearts and minds toward that which will do the most and be the best for the Commonwealth and the millions of citizens beyond this room. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 16, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Permission has been given for the Committee on Appropriations to meet in the Rules room during today's Session to consider House Bill No. 702.

### REPORTS FROM COMMITTEE

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

#### SB 323 (Pr. No. 333)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to certain organizations.

#### SB 466 (Pr. No. 495)

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request; and providing penalties for noncompliance.

#### SB 515 (Pr. No. 544)

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," providing for the Amusement Ride Safety Advisory Board.

#### HB 157 (Pr. No. 397)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties.

### REGULATIONS REPORTED

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following final form regulations have been submitted to the Independent Regulatory Review Commission, without objection:

Regulations #16A-216, #16A-230, #16A-262, #16A-282 and #16A-289.

### BILLS IN PLACE

Senator STOUT presented to the Chair several bills.

Senator SALVATORE presented to the Chair a bill.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for the day for Senator Lemmond.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Fattah, Senator Fumo and Senator Lewis.

The PRESIDENT. Senator Fisher requests a legislative leave for Senator Lemmond. Senator Mellow requests legislative leaves for Senator Fattah, Senator Fumo and Senator Lewis. The Chair hears no objection to the leave requests and, therefore, those leaves will be granted.

### LEAVES OF ABSENCE

Senator MELLOW asked and obtained leaves of absence for Senator LYNCH and Senator MUSTO, for today's Session, for personal reasons.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 29 (Pr. No. 1321)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," providing for temporary licenses.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—48**

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR DAVID J.  
BRIGHTBILL PRESENTED TO SENATE**

Senator BRIGHTBILL. Mr. President, I am pleased to be able to inform the Senate that Pastor Robert Mayer of the Church of the Open Door as well as a number of his students from the Lebanon Christian Academy are with us today in the balcony. I would ask that Pastor Mayer and his students be recognized.

The PRESIDENT. Would the guests of Senator Brightbill please rise so we could welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

**THIRD CONSIDERATION CALENDAR RESUMED****BILLS OVER IN ORDER**

**SB 266, 405 and 444** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**SB 12 and HB 25** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 40 (Pr. No. 872)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices and for limitations on compulsory arbitration.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILLS OVER IN ORDER**

**SB 53, 112, 158, 206, 274 and 278** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 306 (Pr. No. 316)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILLS OVER IN ORDER**

**SB 345, 347 and 401** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 431 (Pr. No. 1042)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for visitation rights and partial custody.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILLS OVER IN ORDER**

**SB 517, 570, 771, 870 and 873** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## UNFINISHED BUSINESS

### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Joseph D. Borkosky by Senator Afflerbach.

Congratulations of the Senate were extended to Richard H. Souders by Senators Afflerbach and Brightbill.

Congratulations of the Senate were extended to Gregory Dewey Davis by Senator Baker.

Congratulations of the Senate were extended to John R. Carroll, Mr. and Mrs. Clyde M. Flounders, Polish-American residents of Pennsylvania and to ABATE of Pennsylvania by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence E. McKee and to The Honorable Robert Gallo by Senator Bodack.

Congratulations of the Senate were extended to Gregory L. Davidson by Senator Corman.

Congratulations of the Senate were extended to Concerned Black Men, Incorporated by Senator Fattah.

Congratulations of the Senate were extended to Sandra Van Horn by Senator Greenleaf.

Congratulations of the Senate were extended to William T. Klewien by Senator Hart.

Congratulations of the Senate were extended to Steven N. Foreman, Bryan Burns, Carl Barratt, Mr. and Mrs. W. Howard Hess and to Young Women's Christian Association of Shamokin by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Calvin Wilder by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Horner, Mr. and Mrs. Martin R. Piper, Penn-Mont Academy of Altoona, Bishop Guilfoyle High School Girls Basketball Team and to Altoona Area High School Boys Basketball Team by Senator Jubelirer.

Congratulations of the Senate were extended to Jennifer Lynne Burke and to Arthur Daellenbaugh by Senator LaValle.

Congratulations of the Senate were extended to Phyllis Ann Bowen Ridgeway by Senator Lemmond.

Congratulations of the Senate were extended to the Leadership Wilkes-Barre Program by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Gardner Barner by Senator Madigan.

Congratulations of the Senate were extended to the Carbondale Area High School Boys Varsity Basketball Team by Senator Mellow.

Congratulations of the Senate were extended to Coldbrook Elementary School of Chambersburg by Senator Punt.

Congratulations of the Senate were extended to Saint Nicholas Russian Orthodox Church of Bethlehem by Senator Reibman.

Congratulations of the Senate were extended to DeLano F. Neal and to Peter T. Carvella by Senator Shaffer.

Congratulations of the Senate were extended to Penn State-Harrisburg of Middletown by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Leroy Parks, Mr. and Mrs. Roy B. Wineberg, Mr. and Mrs. Robert Shirley and to Mr. and Mrs. Woodrow W. Yeane by Senator Stapleton.

Congratulations of the Senate were extended to Clay and Adele Dovey by Senator Stewart.

Congratulations of the Senate were extended to Bradley D. Hostetter by Senator Wenger.

## BILLS ON FIRST CONSIDERATION

Senator WILLIAMS. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 323, 466, 515 and HB 157.**

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

## RECESS

Senator LOEPER. Mr. President, I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held in the Rules room at the rear of the Senate Chamber, immediately, please.

The PRESIDENT. Senator Loeper requests a brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations. For that purpose and other items of business, the Senate will stand in brief recess.

## AFTER RECESS

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will come to order.

## REPORT FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

**HB 702 (Pr. No. 963)**

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," providing additional Federal appropriations.



**BILL ON FIRST CONSIDERATION  
AND RECOMMITTED**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**HB 702.**

And said bill having been considered and agreed to for the first time.

Senator LOEPER. Mr. President, I move that House Bill No. 702, be recommitted to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT pro tempore. Without objection, House Bill No. 702 will be recommitted to the Committee on Appropriations.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, April 22, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:35 a.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, APRIL 22, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 24

### SENATE

MONDAY, April 22, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend CHARLES FAIR, Pastor of Alsace Lutheran Church, Reading, offered the following prayer:

Let us pray.

"This is the day the Lord hath made: Let us rejoice and be glad in it."

We rejoice for a new day and a new week in the land of America and the Commonwealth of Pennsylvania. We thank You for the blessings and freedoms that are ours because we live in the government of the people, by the people and for the people.

We are grateful for an end to the war in the Persian Gulf and for the homecoming of our American service people.

Give guidance to the Members of our Pennsylvania Senate, the House of Representatives, and our Governor, as they deal with the challenges and concerns of the people of this great state.

Their task is not easy. They cannot please everyone. There are so many needs and hurts of the disadvantaged, so many groups crying out to be heard.

So give to the Members of this Senate, Almighty God,  
Sensitivity to human needs,

Awareness of the limited resources that are available,

Guidance to reach the right decisions,

Courage to stand up and be counted,

A desire to do their best,

and the Divine Blessing of our Creator King,

Lord of Lords, and King of Kings. Amen.

The PRESIDENT. The Chair thanks Reverend Fair who is the guest this week of Senator O'Pake.

### SPECIAL ORDER OF BUSINESS

#### GUEST OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

The PRESIDENT. The Chair would also like to take a moment to pass on to the Members of the Senate that Senator O'Pake informs me that Reverend Fair has just recently welcomed home his two sons who served with the United States Air Force in the Persian Gulf. They are Captain Daniel Fair and Lieutenant Jonathan Fair who have recently returned

home. Reverend Fair and his lovely wife, Louise, who is with us in the gallery, are just as pleased about that as anybody in the country. We are delighted to have you with us, as well, Louise.

Senator O'PAKE. Mr. President, I would ask that the Chair extend its usual warm welcome to Mrs. Fair who is in the gallery and share with my colleagues the fact that Pastor Fair is one of the most respected members of our clergy back home. Alsace Lutheran Church has a weekly radio service which is broadcast and listened to by many shut-ins. He is a tremendous preacher and, in addition to that, is a very compassionate and caring man who does an excellent job visiting hospitals and those members of his congregation who look to him for guidance.

We are grateful to the pastor and his wife for the excellent job they did in raising those two sons. At church recently, both sons were there and they both told of their six months experience in Saudi Arabia, and one of them brought home pieces of a SCUD missile that landed near Jonathan's base. So, Pastor Fair, we welcome you and we thank you for the presence that you are in our community. Would the Chair recognize Mrs. Louise Fair. She has a beautiful voice and she is observing all of this in the gallery.

The PRESIDENT. Would Louise Fair please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 17, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore T. Metzger, Jr. (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Andrea Quigley (Public Member), 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State

Board of Barber Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Weatherbee, Mechanicsburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Elizabeth Rowe, 365 Futurity Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the appointment of Edward J. Manley, 10 Lakeside Drive, Clarks Summit 18643, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
NURSING HOME ADMINISTRATORS**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Edward Refice, 202 Mary Street, Apartment 23, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomina-

tion dated April 15, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice John Scotzin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 10, 1991 for the appointment of Sydney Marie Avent, Esquire (Public Member), 6712 Anderson Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Barbara Garvey, 110 Overlook Drive, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Charles Dombrowski, 321 Hawthorne Road, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Alice Goldberg, Monongahela, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
DISTRICT JUSTICE

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 1991 for the appointment of William Rocky Brown, III, 23 West Eighth Street, Chester 19013, Delaware County, Ninth Senatorial District, as District Justice in and for the County of Delaware, Magisterial District 32-2-21, to serve until the first Monday of January, 1992, vice William L. Brown, Jr., deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
DISTRICT JUSTICE

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 1991 for the appointment of David J. Murphy, Esquire, 1 Scott Lane, Aston 19014, Delaware County, Ninth Senatorial District, as District Justice in and for the County of Delaware, Magisterial District 32-2-38, to serve until the first Monday of January, 1992, vice Henry J. Silva, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
CRAWFORD COUNTY

April 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Anthony Joseph Vardaro, Esquire, 654 Park Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, as Judge of the Court of Common Pleas of Crawford County, to serve until the first Monday of January, 1992, vice The Honorable P. Richard Thomas, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
LEBANON COUNTY

April 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of John Charles Tylwalk, Esquire, 231 East Penn Avenue, Cleona 17042, Lebanon County, Forty-eighth Senatorial District, as Judge of

the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Thomas Gates, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY

April 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Hugh F. Mundy, Esquire, 74 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Bernard J. Podcasy, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
**CORRECTION TO NOMINATION BY THE  
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated April 15, 1991 for the appointment of Gary S. Glazer, 7813 Winston Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Theodore S. Gutowicz, mandatory retirement, should be corrected to read:

Gary S. Glazer, 7813 Winston Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Theodore S. Gutowicz, mandatory retirement.

## HOUSE MESSAGE

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

April 22, 1991

**HB 119** — Committee on Consumer Protection and Professional Licensure.

**HB 686** — Committee on Banking and Insurance.  
**HB 185 and 521** — Committee on Finance.  
**HB 121, 184 and 675** — Committee on Transportation.

## BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

April 22, 1991

Senators GREENLEAF, TILGHMAN, ANDREZESKI, PECORA, MADIGAN and GREENWOOD presented to the Chair **SB 968**, entitled:

An Act providing for pet sterilization; providing for additional duties of the Department of Agriculture; establishing the Pet Population Control Fund in the State Treasury; imposing a surcharge on the sale of certain pet food, and providing for its collection by the Department of Revenue; establishing the Pet Population Control Program; providing for financial incentives for pet sterilization; and providing penalties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, April 22, 1991.

Senators BRIGHTBILL, HELFRICK, REIBMAN, PORTERFIELD and RHOADES presented to the Chair **SB 969**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for health insurance claim forms.

Which was committed to the Committee on BANKING AND INSURANCE, April 22, 1991.

Senators MUSTO, REIBMAN, BRIGHTBILL, BELAN, SHAFFER, STAPLETON, MELLOW, O'PAKE, LAVALLE, SCHWARTZ, HELFRICK, AFFLERBACH and RHOADES presented to the Chair **SB 970**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for signals on emergency vehicles.

Which was committed to the Committee on TRANSPORTATION, April 22, 1991.

Senators MUSTO, BRIGHTBILL, BELAN, STAPLETON, MELLOW, O'PAKE, SCHWARTZ, AFFLERBACH and DAWIDA presented to the Chair **SB 971**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," dedicating a portion of the revenues from the State realty transfer tax to fund the Wild Resource Conservation Fund.

Which was committed to the Committee on FINANCE, April 22, 1991.

Senators MUSTO, BRIGHTBILL, BELAN, STAPLETON, MELLOW, O'PAKE, SCHWARTZ, AFFLERBACH and DAWIDA presented to the Chair **SB 972**, entitled:

An Act amending the act of June 23, 1982 (P. L. 597, No. 170), entitled "Wild Resource Conservation Act," providing for deposit of certain State revenues into the Wild Resource Conser-

vation Fund; and further providing for powers and duties of the board.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 22, 1991.

Senators CORMAN, STOUT, BAKER and BORTNER presented to the Chair **SB 973**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," further providing for compliance by counties, for special encroachments, for jurisdiction, for exclusions, for contents of ordinance, for completion of improvements, for procedures, for classifications, for development rights, for memberships and organization of the board and for time limitations.

Which was committed to the Committee on LOCAL GOVERNMENT, April 22, 1991.

Senator ROBBINS presented to the Chair **SB 974**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, relating to information on registration plates.

Which was committed to the Committee on TRANSPORTATION, April 22, 1991.

Senators BORTNER, REIBMAN, SCHWARTZ, BELAN and STOUT presented to the Chair **SB 975**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for applications for incorporation of a borough.

Which was committed to the Committee on LOCAL GOVERNMENT, April 22, 1991.

Senators BELL, MADIGAN, HELFRICK and RHOADES presented to the Chair **SB 976**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," creating the Department of Mines, Minerals, Forests and Waters and defining its functions, powers and duties; transferring certain functions, powers and duties heretofore performed by the Department of Environmental Resources; transferring certain boards and commissions; making editorial changes; and repealing inconsistent acts.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 22, 1991.

Senators DAWIDA, PECORA, STAPLETON, ANDREZESKI, BELAN, STOUT and LAVALLE presented to the Chair **SB 977**, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," further providing for licensing.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1991.

Senators HOPPER, JUBELIRER, PETERSON, SCHWARTZ, STAPLETON, GREENWOOD, MUSTO, LAVALLE, BELL, REIBMAN, HELFRICK, LEMMOND and SHUMAKER presented to the Chair **SB 978**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for tolling the statute of limitations.

Which was committed to the Committee on JUDICIARY, April 22, 1991.

Senators ANDREZESKI, LAVALLE, BELAN and LYNCH presented to the Chair **SB 979**, entitled:

An Act amending the act of July 10, 1986 (P. L. 1238, No. 114), entitled "An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms, compensation and qualifications of and restrictions on commissioners;....," further providing for sunset.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1991.

Senators ANDREZESKI and BELAN presented to the Chair **SB 980**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," providing for a lottery game based upon the outcome of professional sporting events.

Which was committed to the Committee on FINANCE, April 22, 1991.

### COMMITTEE OF CONFERENCE APPOINTED ON HB 244

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators LOEPER, HELFRICK and STEWART as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 244.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### REPORT FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

**SB 348 (Pr. No. 357) (Rereported)**

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for the day for Senator Brightbill and temporary Capitol leaves for Senator Lemmond and Senator Hopper.

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Andrezeski, Senator Fattah and Senator Porterfield.

The PRESIDENT. Senator Fisher asks legislative leave for Senator Brightbill and temporary Capitol leaves for Senator Lemmond and Senator Hopper. Senator Stapleton requests temporary Capitol leaves for Senator Andrezeski, Senator Fattah and Senator Porterfield. The Chair hears no objection to those leave requests. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator STAPLETON asked and obtained leaves of absence for Senator LEWIS and Senator LYNCH, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

#### RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, April 22, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 6, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 6, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following meetings during today's Session: The Committee on Appropriations to consider House Bill No. 702 and the Com-



mittee on Rules and Executive Nominations to consider Senate Resolutions No. 26 and 49 and certain nominations.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate, first, for the purpose of a recessed meeting of the Committee on Appropriations to be held in the Rules room at the rear of the Senate Chamber immediately upon the recess, then to be followed by a Republican caucus to be held in the Majority caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator MELLOW. Mr. President, I would request that upon the conclusion of the meeting of the Committee on Appropriations that the Members of the Democrat caucus come immediately to our caucus room so we can start what, hopefully, will be a brief caucus.

The PRESIDENT. There will be a meeting of the Committee on Appropriations in the room at the rear of the Senate Chamber immediately. Would all of the Members of the Committee on Appropriations please report to the Rules room at the rear of the Senate Chamber immediately. This will be followed by Senate Republican and Senate Democratic caucuses. For those purposes, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

#### HB 702 (Pr. No. 1432) (Amended) (Rereported)

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," providing additional Federal appropriations.

### SPECIAL ORDER OF BUSINESS

#### SUPPLEMENTAL CALENDAR NO. 1

#### SECOND CONSIDERATION CALENDAR

#### PREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**HB 702 (Pr. No. 1432)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," providing additional Federal appropriations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILL OVER IN ORDER TEMPORARILY

**SB 40** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

##### BILL OVER IN ORDER

**SB 266** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 306 (Pr. No. 316)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

##### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator O'Pake and Senator Fumo.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator O'Pake and Senator Fumo. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

##### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams

##### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Andrezski, Senator Lemmond and Senator Porterfield. Their temporary Capitol leaves will be

cancelled. Senator Brightbill is with us. His legislative leave will be cancelled as well.

#### SB 40 CALLED UP

**SB 40 (Pr. No. 872)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 40 (Pr. No. 872)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices and for limitations on compulsory arbitration.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER, by unanimous consent, offered the following amendment No. A0644:

Amend Sec. 1 (Sec. 7361), page 2, lines 24 and 25, by striking out all of said lines

Amend Sec. 1 (Sec. 7361), page 2, line 26, by striking out "(II) \$40,000"

Amend Sec. 1 (Sec. 7361), page 2, line 27, by striking out the brackets before and after "FIRST,"

Amend Sec. 1 (Sec. 7361), page 3, line 1, by striking out the bracket before "(II)"

Amend Sec. 1 (Sec. 7361), page 3, line 1, by striking out "(III) \$20,000"

Amend Sec. 1 (Sec. 7361), page 3, line 2, by inserting after "DISTRICT.":

1

(i) not less than \$20,000 nor more than \$50,000 in judicial districts embracing first class counties, said amount to be established by local rule of court;

(ii) not less than \$20,000 nor more than \$40,000 in judicial districts embracing second, second class A or third class counties or home rule counties which but for the adoption of a home rule charter would be a county of one of these classes, said amount to be established by local rule of court; or

(iii) not less than \$10,000 nor more than \$20,000 in any other judicial district, said amount to be established by local rule of court.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator FISHER.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo, whose temporary Capitol leave will be cancelled.

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 405 (Pr. No. 905)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive; providing for legal advisors to the respective boards; and further providing for special early retirement and for accrued liability.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, by unanimous consent, offered the following amendment No. A0414:

Amend Title, page 1, line 4, by striking out "PROVIDING FOR LEGAL ADVISORS TO THE RESPECTIVE BOARDS;"

Amend Sec. 1, page 1, line 10, by striking out "AND SECTIONS 8501(E) AND 8502(B) AND (H)"

Amend Sec. 1 (Sec. 8501), page 2, lines 8 through 29, by striking out all of said lines

Amend Sec. 2 (Sec. 5302), page 3, line 7, by striking out "DURING SUCH PERIOD,"

Amend Sec. 2 (Sec. 5302), page 3, lines 8 and 9, by striking out "OR WILL ATTAIN 55 YEARS OF AGE BETWEEN SEPTEMBER 30, 1991, AND JANUARY 31, 1992,"

Amend Sec. 2 (Sec. 5302), page 3, lines 9 and 10, by striking out "ON OR BEFORE SEPTEMBER 30, 1991,"

Amend Sec. 3 (Sec. 5508), page 5, line 24, by striking out "1991" and inserting: 1992

Amend Sec. 3 (Sec. 5901), page 7, lines 4 through 26, by striking out all of said lines

Amend Sec. 5, page 8, lines 2 through 9, by striking out all of said lines

Amend Sec. 6, page 8, line 10, by striking out "6" and inserting: 5

On the question,

Will the Senate agree to the amendment?

#### POINT OF INFORMATION

Senator LOEPER. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, on the amendment I would raise a point of information as to whether the sponsor had procured an actuarial note as required by Section 7(b) of the Public Employees Retirement Study Commission Act.

The PRESIDENT. Senator Loeper has raised a point of information requesting information from the sponsor of the amendment.

Senator MELLOW. Mr. President, in response to Senator Loeper's question, if the bill is returned back to its original status, as we had it in Senate Bill No. 405 or if these amendments have been accepted, the answer to the question is yes.

Senator LOEPER. Mr. President, it is my understanding that there is no actuarial note that would exist on the bill previous to the amendment.

The PRESIDENT. If the Senate would be at ease for just a moment, if I could just have both leaders at the rostrum.

The Senate will be at ease.

(The Senate was at ease.)

#### AMENDMENT WITHDRAWN

Senator MELLOW. Mr. President, I withdraw the amendment.

The PRESIDENT. Senator Mellow withdraws the amendment to Senate Bill No. 405.

#### MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator MELLOW. Mr. President, I move that Senate Bill No. 405 revert to Printer's No. 718.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, the Majority Leader asked a question about an actuarial note, and by reverting to Senate Bill No. 405, Printer's No. 718, on March 21st of 1991, the Public Employee Retirement Study Commission did submit an actuarial note, and it is signed by Dale D. Stone as chairperson of that commission, so by reverting to Printer's No. 718, as opposed to considering the amendments that I had offered, we do meet the requests of the Majority Leader and are able to produce an actuarial note. For that particular reason, I would withdraw the amendment and consider this particular proposal as encompassed in Printer's No. 718.

Senator LOEPER. Mr. President, I would oppose the motion to revert to the prior printer's number. I think, specifically, the changes that were made in committee, particularly the changes dealing with the independent counsel issue, which is one that we have had before us on this floor, we have thoroughly debated that issue. In some cases we have passed it and others we have not, but I think the bill as it stands currently is in good shape, and I would ask for a negative vote on the reversion.

Senator MELLOW. Mr. President, I realize that the potential does exist that the Majority Leader, having more votes than we have, probably can prevail in his request to go against the reversion back to Printer's No. 718, but I can recall on the floor of this Senate just last Wednesday when we talked about a kinder and more gentler Pennsylvania. This is a very important issue. It deals with the health, safety and welfare of not only state employees, but also their families. It deals with the tremendous number of people who have been furloughed over the last several months, and it talks about what we can do to kind of make life easier for these people, because I am of the belief and always have been and have expressed it publicly that a more humane way of reducing an employee complement, whether it be for the Commonwealth of Pennsylvania, or for any other governmental agency or in private practice, would be to try to do it either through some type of an attrition program or through some type of an incentive program. What I tried to do, Mr. President, in bringing forward to the Body again the proposal dealing with an incentive buy-out

was to go ahead and make the transition easier. Senate Bill No. 405, which has a history that goes back a number of years, was considered by the Senate Committee on Finance under the direction of the gentleman from Lancaster, Senator Armstrong, as far as the Majority Party would go, and the gentleman from Allegheny, Senator Dawida, as far as the Democrat Party would go, and I believe with one exception, Mr. President, the Committee on Finance, which was responsible for doing the work of the bill, did an outstanding job. Where the problem came was not in the way the bill was reported, basically, by the Committee on Finance, but, in fact, is the way the bill was reported out of the Committee on Appropriations, because what took place, Mr. President, was there were several amendments added in the Committee on Appropriations. The most important amendment that would go ahead and would derail this proposal is an independent status or an independent counsel that would be assigned to the state employees and the public school employees retirement systems. The Majority Party in the Senate knows full well that if this bill passes and the House would agree upon the amendments as they have been put into the Senate bill, the bill faces almost an automatic rejection by the administration and a veto of the bill. Mr. President, if we are here today to do something to try to aid the state employees who have been furloughed, and I believe we are because there are 29 sponsors of the proposal including a number of my Republican colleagues, then what we have to do is address the issue as encompassed in Senate Bill No. 405. If we are here once again, Mr. President, to play our own political mind games that we seem to play almost on a regular basis, then if that is what we are all about here today, then what should happen is the reversion to Printer's No. 718 should be rejected. As the advocate on the Republican side has indicated, we should have little or no need for what takes place with the state employees or the benefit they may be able to sustain by this proposal having passed, and we will once again, Mr. President, continue what appears, in many cases, to be the deplorable political conditions that take place in this Body when we have little or no regard for what is right, but we have only regard for what is political. We have asked to revert to the prior printer's number which would remove at least one area of this proposal that is totally objectionable to the administration, one area of this proposal that would mean full well that this bill will not pass and will not benefit the people that it was supposed to benefit. What we should do is we should strongly consider the proposal and the rejection of the proposal that has been advocated by the gentleman from Delaware, Senator Loeper. I think furthermore, Mr. President, it is important to note that although this bill could benefit up to some 6,000 state employees, that we could save in this fiscal year and in the next fiscal year up to \$90 million, depending on how many people opt for the early incentive. Amendments that were inserted in this proposal and that are being advocated by the Majority Leader of the Senate will spend an additional \$15.2 million in monies that we have not talked about and monies that were never negotiated. So, Mr.

President, if we are all about helping state employees, if we are all about trying to do something with individuals who have been furloughed through no fault of their own, if we are all about trying to do things in a more humane way, then we will go ahead today and we will consider Senate Bill No. 405, Printer's No. 718, which hopefully the House of Representatives will consider in its entirety the way it is. I think we then could try to prevail on the administration to sign the bill, and the immediate benefactors of this proposal would be not only the Pennsylvania taxpayer but, most importantly, the individual who has been furloughed over the last several months. If we are about politics as usual, which unfortunately happens entirely too much in this Body, then what we would be about is the Majority Party would follow in lockstep with the request of the Majority Leader, they would cast all of their votes opposing the reversion, and we will once again be involved in a knock 'em down, drag 'em out political argument which, unfortunately, has marred this particular Session. I would ask, Mr. President, for support of the entire Membership of this Body on the reversion, not as a political consideration but as a bill that is a people's bill. This is not a Democrat bill or a Republican bill. This is a bill that is going to be able to help the 80,000 people who work in Pennsylvania, those who were employed here, those who have been furloughed over the last several months—even though in many cases the only reason why they have been furloughed is because of a fiscal problem and not because of having done a job that is inferior. So, Mr. President, I would ask for an affirmative vote on the reversion.

Senator LOEPER. Mr. President, I cannot let go the remarks of the Minority Leader without responding in some fashion. I think it is interesting when we characterize that the furlough of these folks was through no fault of their own. It was not. It was done by executive order of the Governor of this Commonwealth that these people lost their jobs and were furloughed. We want to try to help these people, and I believe we have taken a responsible approach in order to do this. Unfortunately, what we find is every time we want to talk about an independent counsel to the state retirement boards, to any independent agency, we find great resistance on the part of the Governor's office to do that, because they cannot just rubber stamp whatever the general counsel believes is the proper opinion in the manner in which they disburse their funds. I think when we talk about that this bill can impact upon the state budget in several millions of dollars for this coming fiscal year, what we are saying is once again we are seeing the practice of this administration of putting off into the next year's budget costs that are incurred for this year. Mr. President, if we are really to examine the issue closely, we see that the costs that are going to be borne by this type of program are really in this year's budget and should not be put off until next year because it is that kind of budgeting that has put us in the situation we are in currently. Again, I would recommend a negative vote on the reversion.

Senator MELLOW. Mr. President, I have just one final statement in rebuttal. First of all, the bill was introduced on

February 4th, which was several months from where we stand here today, in late April, in consideration of the bill. Secondly, Mr. President, if the gentleman was totally interested in trying to establish independent counsel not only for the state employees and the public employees retirement systems but also as he tried just recently when he advocated independent counsel for the State System of Higher Education, there are other vehicles on the Calendar in which he can go ahead and he can offer his amendments that would bring about independent counsel for both the State Employees' Retirement System and the Public School Retirement System. The truth of the matter is, Mr. President, this appears to be a vehicle that is well thought out. It is a vehicle that will help the 80,000 people who work in Pennsylvania, and the Republican Party, shame on them, in the Senate of Pennsylvania is not at all in favor of trying to go ahead and to aid people who have been furloughed, as I said before, through no fault of their own. It is highly unfortunate that we have a proposal here that can pass this Body today and can appear on a Calendar over in the House of Representatives in a very short period of time, but, purely and simply because of political consideration, Mr. President, we are going to deny the people of Pennsylvania not only a break because of the amount of money that could be saved through people taking the early incentive in retiring from state government but, more importantly, those thousands of people who have been furloughed over the last several months would have an opportunity of being able to benefit from this incentive program. All this is, Mr. President, once again, is politics as usual, coming from the Majority Party in the Senate of Pennsylvania.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Fisher, Senator Jubelirer, Senator Tilghman and Senator Shaffer have been called from the floor and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Fisher, Senator Jubelirer, Senator Shaffer and Senator Tilghman. The Chair hears no objection. The temporary Capitol leaves will be granted.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator MELLOW and were as follows, viz:

#### YEAS—22

Afflerbach	Fattah	Musto	Schwartz
Andrezeski	Fumo	O'Pake	Stapleton
Belan	Jones	Porterfield	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lincoln	Scanlon	Williams
Dawida	Mellow		

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hopper and Senator Tilghman. Their temporary Capitol leaves will be cancelled.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Helfrick has been called from the floor and I would request a temporary Capitol leave on his behalf.

Senator MELLOW. Mr. President, I also need temporary Capitol leaves for Senator Williams and Senator Lincoln.

The PRESIDENT. Senator Helfrick is not on the floor and Senator Loeper requests temporary Capitol leave for him. Senator Mellow asks for temporary Capitol leaves for Senator Williams and Senator Lincoln. The Chair hears no objection. The leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I am not totally startled nor am I amazed that the vote to revert was defeated on party lines by a vote of 22 in the affirmative and 26 against. That only reflects what we have been going through in this Body for the past three and a half months of this legislative Session. Mr. President, I would be foolhardy if I stood in front of the Senate today and asked them to vote against Senate Bill No. 405. I would be foolhardy because, unfortunately, what we have done here is we have asked another body, the House of Representatives, in this legislative operation to go ahead and to do the job that we, unfortunately, in the Senate cannot do, and the reason why we cannot do it, Mr. President, is because the political atmosphere and the political climate in this Body is so highly charged that we cannot even put our differences aside for one moment when the ultimate benefactor of legislation basically is the 80,000 people who work for the Commonwealth. It is more important that the Republican Members of the Senate have it their way in trying to get an independent counsel added to the State System of Higher Education, trying to get an independent counsel added to the State Employees' Retirement System, an independent counsel, Mr. President, to the Public School Retirement System, than it is to go ahead and provide benefits for people who worked for the Commonwealth and who have been furloughed who badly need them. It is really a sad day, Mr. President, in the way we are doing business in this Body, but I must ask the Members of the Senate to go ahead, even though this is not a good pro-

posal the way it is, and to pass Senate Bill No. 405. We will do whatever we possibly can to get the House of Representatives to restore some sense of pride and some sense of reason into where Senate Bill No. 405 should be. They will do that for us, Mr. President, since the Majority Party in the Senate does not want to do it for themselves today, and they will probably have to come back sometime later and appoint a conference committee to work out the differences. But knowing this full well, Mr. President, I do not want one state employee to think that what we have done today is meaningful as far as they are concerned because the only step forward we are taking is that we are moving a vehicle from one Chamber to the other, but what has been encompassed here in Senate Bill No. 405, in fact, it does not do the job for those thousands of people who have written to me, that not only come from my own Senatorial district but I have also received letters from every Senatorial district in this state, including the 26 that are represented by Republicans. I am going to write back to them tomorrow and I am going to tell them how their Senators did not do the job for them, and I will explain in a letter how it was more important on the floor to be political than it was to go ahead and do the right job to aid their constituents who have asked for Senate Bill No. 405 to pass in its original form, in its original printer's number. Knowing this full well, Mr. President, I still would ask that we go ahead and we pass Senate Bill No. 405 so the House can do the job that we, unfortunately, are not prepared to do here this afternoon.

Senator LOEPER. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT. Will the gentleman from Lackawanna, Senator Mellow, permit himself to be interrogated?

Senator MELLOW. I will, Mr. President.

Senator LOEPER. Mr. President, when we were dealing with the issue of the reversion to the prior printer's number, the gentleman indicated that there was going to be an additional cost of this legislation should it pass the Senate. I was wondering if he could tell me how much additional cost he had said in his earlier remarks?

Senator MELLOW. Mr. President, I sure can. I am sorry that his Committee on Appropriations did not share the information with him, because if they were doing their job for the Majority, they would have had that information. But the additional cost because of the moving of a date from July of 1992 to July of 1991, as far as the first payment would go, repayment back to the fund from the Commonwealth, would be somewhere in the vicinity of \$8 to \$9 million, Mr. President.

Senator LOEPER. Mr. President, is it true then what the gentleman was proposing by the reversion, that it was simply the deferment of that cost to roll it into the next year's budget?

Senator MELLOW. No, Mr. President. First of all, there is no way we are going to know what the numbers are. I think it is important that the Majority must realize that the window on the bill in the reversion was open until September 30th of 1991, and it is virtually impossible to try to ascertain what the

cost would be on July 1st of 1991, knowing full well that there was a window open for three additional months. This was brought out in the meeting of the Committee on Finance. It was discussed by the Members. I thought it was properly handled, actually, by the Committee on Finance, and I can remember a few of the Republican Members talking about it, as did the Democrat Members at the Committee. It is virtually impossible to know what a cost will be in July when a window is open for three additional months through the month of September.

Senator LOEPER. Mr. President, I thank the gentleman.

Mr. President, I think it is interesting that the actual cost determination is based on how many people exercised that early retirement option, and it is really not essential to commencing this payment because this type of information is always derived from actuarial estimates. So in other words, it is very difficult, if not impossible, at this point to tell what the exact cost of the bill would be.

Mr. President, I would ask for an affirmative vote. I believe this legislation will certainly help to bring relief to those people who have been furloughed, who have lost their jobs. In many cases I think we have all heard from people who have been career employees in the state, people with 23 years of service, people with 30 years of service and all of a sudden have lost their jobs because of the fiscal mismanagement of this administration in estimating the revenues available to them. I believe, Mr. President, this represents a responsible approach to trying to help deal with those people and some of their problems.

Senator MELLOW. Mr. President, just one final statement. The only thing I can suggest as far as a responsible approach will be that I think it is important that those individuals who have corresponded with our offices should know the truth as to why Senate Bill No. 405 has not been passed prior to this date, and why Senate Bill No. 405 has been put in a position where the House of Representatives is going to have to do our work. I think the only responsible thing that we could do as Members of this General Assembly would be to write back to our constituents and to explain to them how the Republican Party in the Senate has derailed the passage of Senate Bill No. 405 and has opted to allow the House of Representatives to do their work.

Senator BELL. Mr. President, I am waiting over here to hear the Minority Chairman tell why his party does not want to have the retirement boards have independent counsel. Why should they have a counsel that is a stooge of the Governor?

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fisher	Loeper	Salvatore
Andrezeski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bell	Holl	Pecora	Stapleton
Bodack	Hopper	Peterson	Stewart

Bortner	Jones	Porterfield	Stout
Brightbill	Jubelirer	Punt	Tilghman
Corman	LaValle	Reibman	Wenger
Dawida	Lemmond	Rhoades	Williams
Fattah	Lincoln	Robbins	

#### NAYS—1

Fumo

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 431** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL LAID ON THE TABLE

**SB 444 (Pr. No. 471)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," classifying the State System of Higher Education as an independent agency entitled to appoint and fix the compensation of legal counsel.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### SECOND CONSIDERATION CALENDAR

##### BILL ON SECOND CONSIDERATION

**SB 12 (Pr. No. 12)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for times when lighted head lamps must be displayed.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 25** and **SB 53** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### BILL ON SECOND CONSIDERATION AMENDED

**SB 112 (Pr. No. 112)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated assault.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BORTNER offered the following amendment No. A0527:

Amend Title, page 1, line 3, by removing the period after "assault" and inserting: and for the grading of retail theft of a firearm.

Amend Sec. 1, page 1, line 6, by striking out "Section 2702(a)(5)" and inserting: Sections 2702(a)(5) and 3929(b)



Amend Sec. 1, page 1, line 7, by striking out "is" and inserting: are

Amend Sec. 1, page 2, by inserting between lines 3 and 4:

§ 3929. Retail theft.

\*\*\*

(b) Grading.—

(1) Retail theft constitutes a:

(i) Summary offense when the offense is a first offense and the value of the merchandise is less than \$150.

(ii) Misdemeanor of the second degree when the offense is a second offense and the value of the merchandise is less than \$150.

(iii) Misdemeanor of the first degree when the offense is a first or second offense and the value of the merchandise is \$150 or more.

(iv) Felony of the third degree when the retail theft involves theft of a firearm or when the offense is a third or subsequent offense, regardless of the value of the merchandise.

(2) Amounts involved in retail thefts committed pursuant to one scheme or course of conduct, whether from the same store or retail mercantile establishment or several stores or retail mercantile establishments, may be aggregated in determining the grade of the offense.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

Senator GREENLEAF offered the following amendment No. A0439 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1, page 1, line 6, by striking out "(5)"

Amend Sec. 1 (Sec. 2702), page 1, line 11, by striking out all of said line and inserting:

(1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;

(2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a police officer, firefighter, county adult probation or parole officer, county juvenile probation or parole officer [or], an agent of the Pennsylvania Board of Probation and Parole, judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, State law enforcement official, local law enforcement official, Federal law enforcement official, or person employed to assist or assisting any law enforcement official while in the performance of duty or as a result of his official position, or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;

(3) attempts to cause or intentionally or knowingly causes bodily injury to a police officer, firefighter or county adult probation or parole officer, county juvenile probation or parole officer [or], an agent of the Pennsylvania Board of Probation and Parole, judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, State law enforcement official, local law enforcement official, Federal law enforcement official, or person employed to assist or assisting any law enforcement official while in the performance of duty or as a result of his official position;

(4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon; or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**HB 157** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**SB 158 (Pr. No. 158)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 206 (Pr. No. 215)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a permit for the operation of chemical and fertilizer vehicles.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 274 (Pr. No. 283)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 278 (Pr. No. 287)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," repealing provisions relating to county liability; and discharging certain county liability.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**SB 323, 345 and 347** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.



**SB 401 (Pr. No. 426)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER. Mr. President, I move that Senate Bill No. 401 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, I oppose the motion to go over this bill. This is very important legislation. It was introduced in the last Session. It is sponsored by myself and the gentleman from Allegheny, Senator Pecora. This is the constitutional amendment that would prohibit the state from mandating programs to local governments without funding them. We look all over Pennsylvania, Mr. President, and we find every county government in Pennsylvania is in trouble because of state mandates. We should deal with this issue now, once and for all, and be honest and aboveboard with the county commissioners and local governmental officials. This bill has received widespread support in Pennsylvania, Mr. President. I have no idea why the Majority would want to go over it and kill it. I cannot figure that out. I would ask for a negative vote, Mr. President.

Senator LOEPER. Mr. President, it is simply the intent of the Majority not to deal with this bill today. There is no intent to eventually kill the bill. I would simply, again, move that the bill go over.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator FUMO. Mr. President, can the Majority Leader indicate to me when we could consider this bill? I do not have any problem withdrawing my objection if he gives me a reasonable answer.

Senator LOEPER. Mr. President, in a timely fashion.

Senator FUMO. Mr. President, in a timely fashion? I love the gentleman dearly, but that is not specific enough.

I would ask that we oppose the motion and we will continue to oppose the motion to go over until we get a better answer.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman

Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

#### NAYS—22

Afflerbach	Fattah	Musto	Schwartz
Andrezeski	Fumo	O'Pake	Stapleton
Belan	Jones	Porterfield	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lincoln	Scanlon	Williams
Dawida	Mellow		

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Senate Bill No. 401 will go over in its order.

**SB 466** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS REREFERRED

**SB 515 Pr. No. 544** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," providing for the Amusement Ride Safety Advisory Board.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 517 (Pr. No. 1050)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

**SB 570 (Pr. No. 599)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled "Borough State Highway Law," changing a State route.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 771 (Pr. No. 816)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for installation cost of certain traffic-control signals.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 870 (Pr. No. 939)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle widths and weights and for operation of chemical and fertilizer vehicles.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment No. A0632 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1, page 1, line 6, by inserting after “(5)”: , (e)

Amend Sec. 1 (Sec. 4921), page 2, by inserting between lines 3 and 4:

(e) Mirrors [and], sunshades and tarpaulins.—Mirrors [and], sunshades and tarpaulins may extend beyond the maximum width of a vehicle as follows:

(1) Mirrors may extend on each side a maximum of six inches beyond the width of the vehicle, trailer or load, whichever is greater.

(2) Sunshades may extend a maximum of six inches on each side of the vehicle.

(3) Tarpaulins and the mechanical components of the devices used to secure tarpaulins may extend no more than six inches on each side of a vehicle or trailer.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

#### BILL ON SECOND CONSIDERATION

**SB 873 (Pr. No. 942)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled “Public School Code of 1949,” requiring instruction on school bus safety.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Senator Loeper has asked for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately and for that purpose, the Senate will stand in brief recess.

#### AFTER RECESS

**The PRESIDING OFFICER (David J. Brightbill) in the Chair.**

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

##### SECRETARY OF AGING

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Linda M. Rhodes, 82 Ringneck Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Aging, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorris Jean Keen (Democrat), 120 Verna Road, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Elizabeth Fenton, Lewisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Adrian E. Spielman (Republican), 735 Market Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Harris Lemon, Mifflinburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Matthew Silberman, Ph.D. (Democrat), 121 Verna Road, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for reappointment as a member of the Union County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul S. DiLorenzo, 3404 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret McAndrew Petruska, 1853 Graham Boulevard, Pittsburgh 15235, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

January 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. O'Hara, Jr., 2336 South Pewter Drive, Macungie 18062, Lehigh County, Sixteen Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Philomena A. Dymond, 1302 Ridgeview Drive, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Larie Pinte, 7035 Meadville Road, Girard 16417, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Vivian W. Piasecki, Haverford, resigned.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY

January 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas F. Torbik, 5 Irving Place, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1995, and until his successor is appointed and qualified, vice Ronald S. Mintz, Esquire, Horsham, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barry J. Buskey, 312 North 31st Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julia L. Maietta, 130 Anderson Avenue, Curwensville 16833, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until her successor is appointed and qualified.

ROBERT P. CASEY.

## MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Oscar R. Martinez, 265 Mathers Road, Ambler 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MANSFIELD UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

January 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Ford, Box 394Z, R. D. #3, Mount Cobb 18436, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Dr. Andrew E. Michanowicz, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Collins, 10 Carriage Road, New Cumberland 17070, York County, Thirty-first Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF THE  
UNIVERSITY OF PITTSBURGH—OF  
THE COMMONWEALTH SYSTEM  
OF HIGHER EDUCATION

January 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Chappano, 712 Filbert Street, Pittsburgh 15232-2404, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh—of the Commonwealth System of Higher Education, to serve until October 5, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas H. Coleman, M.D., 97 Lincoln Avenue, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sara Sattler, 2220 Wiglitman Street, Apartment 201, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

PROTHONOTARY AND CLERK OF COURTS,  
VENANGO COUNTY

December 28, 1990.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn McLaughlin, 8 Gateway Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as Prothonotary and Clerk of Courts in and for the County of Venango, to serve until the first Monday of January, 1992, vice Donald F. Fischer, resigned.

ROBERT P. CASEY.

COMMISSIONER OF THE  
PENNSYLVANIA STATE POLICE

January 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lieutenant Colonel Glenn A. Walp, 154 Market Street, Highspire 17034, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Ronald M. Sharpe, Harrisburg, resigned.

ROBERT P. CASEY.

## SECRETARY OF TRANSPORTATION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Howard Yerusalm, 2206 Dover Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Transportation, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
TURNPIKE COMMISSION

March 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Brady, 1301 Kimberly Drive, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor shall be duly appointed and qualified, but not longer than ninety days beyond that period, whichever period is shorter, vice Peter J. Camiel, Philadelphia, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

January 18, 1991

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert G. Pickerill, 6 Alexandria Place, Blakely 18447, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Campbell, 140 Lafayette Street, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel B. Ellis, 3907 Brookdale Avenue, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John D. Erb, 424 Madison Avenue, Hatboro 19040, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert A. Giagnacova, 12 St. James Place, Yardley 19067, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ann Hawkes Hutton, Shadyside, M.R., Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Beverly W. Magill, Box 56, Lurgan Road, R. D. 2, New Hope 18938, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
BUCKS COUNTY

March 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, R. Barry McAndrews, Esquire, 2350 Greensward South, Warrington 18976, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January, 1992, pursuant to Act 159, approved December 7, 1990.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEHIGH COUNTY

January 3, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. Wallitsch, Esquire, 2930 Woods Hollow Lane, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1992, vice The Honorable Maxwell E. Davison, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

DISTRICT JUSTICE

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 1991 for the appointment of William Rocky Brown, III, 23 West Eighth Street, Chester 19013, Delaware County, Ninth Senatorial District, as District Justice in and for the County of Delaware, Magisterial District 32-2-21, to serve until the first Monday of January, 1992, vice William L. Brown, Jr., deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 1991 for the appointment of David J. Murphy, Esquire, 1 Scott Lane, Aston 19014, Delaware County, Ninth Senatorial District, as District Justice in and for the County of Delaware, Magisterial District 32-2-38, to serve until the first Monday of January, 1992, vice Henry J. Silva, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the appointment of Edward J. Manley, 10 Lakeside Drive, Clarks Summit 18643, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of L. Robert Kimball, 619 West Horner Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
CRAWFORD COUNTY

April 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Anthony Joseph Vardaro, Esquire, 654 Park Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, as Judge of the Court of Common Pleas of Crawford County, to serve until the first Monday of January, 1992, vice The Honorable P. Richard Thomas, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEBANON COUNTY

April 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of John Charles Tylwalk, Esquire, 231 East Penn Avenue, Cleona 17042, Lebanon County, Forty-eighth Senatorial District, as Judge of the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Thomas Gates, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY

April 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Hugh F. Mundy, Esquire, 74 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Bernard J. Podcasy, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Eugene H. Clarke, Jr., mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 13, 1990 for the appointment of William H. Reed, Jr. (Public Member), 8017 Thon Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, as a member of the State Board of Landscape Architects, to serve until April 11, 1991, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Judith C. Lieberman, Allentown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE PLANNING BOARD

February 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991 for the appointment of Joann Bell, 8439 Suffolk Road, Philadelphia 19138, Philadelphia County, Eighth Senatorial District, as a member of the State Planning Board to serve for a term of four years and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 10, 1991 for the appointment of Sydney Marie Avent, Esquire (Public Member), 6712 Anderson Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 18, 1991 for the reappointment of Arthur Loch, Loch's Mobilehome Sales and Park, 500 Madison Avenue, Hyde Crest, Reading 19605, Berks County, Eleventh Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.



I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS**

February 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 2, 1991 for the appointment of Raymond Sannie, 2638 Columbia Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until April 6, 1991 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Masi, Erie, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**NOMINATIONS RETURNED TO THE GOVERNOR**

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDING OFFICER. The nominations will be returned to the Governor.

**UNFINISHED BUSINESS  
RESOLUTIONS REREFERRED**

Senator LOEPER, from the Committee on Rules and Executive Nominations, returned to the Senate **Senate Resolution No. 26**, which was rereferred to the Committee on Banking and Insurance, and **Senate Resolution No. 49**, which was rereferred to the Committee on Judiciary.

**REPORT OF COMMITTEE OF CONFERENCE  
SUBMITTED AND LAID ON THE TABLE**

Senator HELFRICK submitted the Report of Committee of Conference on **HB 244**, which was laid on the table.

**SENATE RESOLUTION**

**DECLARING THE WEEK OF APRIL 22  
THROUGH 28, 1991, AS "GRANGE WEEK"  
IN PENNSYLVANIA**

Senators BORTNER, STAPLETON, HELFRICK, AFFLERBACH and SCHWARTZ offered the following resolution (**Senate Resolution No. 53**), which was read, considered and adopted:

In the Senate, April 22, 1991.

**A RESOLUTION**

Declaring the week of April 22 through 28, 1991, as "Grange Week" in Pennsylvania.

WHEREAS, The Grange is the oldest farm organization in the country, tracing its history back to the year 1867 when the organization was founded by Oliver Hudson Kelley; and

WHEREAS, The Pennsylvania State Grange serves as an organized voice for rural families through 505 groups across this Commonwealth; and

WHEREAS, The Grange provides a means for rural families to voice their opinions about legislation affecting the rural way of life; and

WHEREAS, The Grange, founded as a fraternal organization for farmers, now has a membership that includes people from urban as well as rural communities; and

WHEREAS, More than 350,000 Grange members throughout the United States will be celebrating a national Grange Week from April 21 through April 27; therefore be it

RESOLVED, That the Senate declare the week of April 22 through April 28, 1991, as "Grange Week" in Pennsylvania in honor and commemoration of the Grange.

**CONGRATULATORY RESOLUTIONS**

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Charles F. Baker, Mr. and Mrs. Harold DeLong, Mr. and Mrs. Isaac S. Widders, Dr. and Mrs. Henry G. Bucher, Mr. and Mrs. Carroll Stokes and to Tom Barley by Senator Armstrong.

Congratulations of the Senate were extended to Jay W. Irwin by Senator Armstrong and Senator Wenger.

Congratulations of the Senate were extended to Henry Adams and to James A. Fiore by Senator Belan.

Congratulations of the Senate were extended to Mattie Lovelace by Senator Bortner.

Congratulations of the Senate were extended to Peter Minear and to Sergeant Charles P. Wagner by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph S. Pringle, Mark A. Fogleman, Lynn Lee, Enakshi Bose, Joseph Rozelle, Iain Keddie and to Debra Kerr by Senator Corman.

Congratulations of the Senate were extended to Dr. Samuel P. Hays by Senator Dawida.

Congratulations of the Senate were extended to Martin Kauer, Chief Inspector Edward T. Zak and to St. Francis Academy Girls Basketball Team of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to Anthony Joseph Goreski, III, Mary Ann Flanagan and to Mildred Finnemeyer by Senator Holl.

Congratulations of the Senate were extended to W. Cody Anderson by Senator Jones.

Congratulations of the Senate were extended to Hattie Karl and to Raphael J. Winters by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Kingston, Mr. and Mrs. Robert F. Bachman,

Mr. and Mrs. Kenneth A. Martin, Mr. and Mrs. Frank McDonough, Mr. and Mrs. William Risboskin, Mr. and Mrs. William Kahler, Mr. and Mrs. James F. Graback, Wyoming Valley Chapter of the Daughters of the American Revolution, Lake-Lehman Junior High School Wrestling Team, Lake-Lehman Senior High School Wrestling Team and to Independent Fire Company No. 1 of Kingston by Senator Lemmond.

Congratulations of the Senate were extended to James R. Dugger by Senator Lincoln.

Congratulations of the Senate were extended to Kevin Hugh Clarke by Senator Madigan.

Congratulations of the Senate were extended to Ronnie Graham by Senator Pecora.

Congratulations of the Senate were extended to West Penn Power Company by Senator Porterfield.

Congratulations of the Senate were extended to Ronald McDonald Children's Charities and Easter Seal Societies by Senator Punt.

Congratulations of the Senate were extended to Carol Steiner by Senator Punt and Senator Shumaker.

Congratulations of the Senate were extended to Paul T. Morris by Senator Rhoades.

Congratulations of the Senate were extended to Allegheny College of Meadville and to Woodcock Center Grange No. 1034 by Senator Robbins.

Congratulations of the Senate were extended to Mark Bonitatibus by Senator Salvatore.

Congratulations of the Senate were extended to Gladys Neely by Senator Shaffer.

Congratulations of the Senate were extended to Pennsylvania State Civil Service Commission by Senator Shumaker.

Congratulations of the Senate were extended to R. Raymond Lenz and to Goodwill Industries of The Conemaugh Valley, Incorporated, by Senator Stewart.

### CONDOLENCE RESOLUTIONS

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Edward F. McGoldrick by Senator Bell.

Condolences of the Senate were extended to the family of the late Donald J. Majikas by Senator Rhoades.

### PETITIONS AND REMONSTRANCES

Senator BELAN. Mr. President, I offer this statement to be entered into the Senate Journal in reference to Senate Bill No. 820.

(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator BELAN:)

Last week, the Senate voted unanimously to send to the House a bill which would permit state troopers to be assigned to patrol individual communities. A similar bill was vetoed by the Governor last year.

On first glance, the bill seems reasonable: The measure provides that communities who can't afford to fund their own police forces can contract with the state police to keep law and order. Upon closer inspection, however, the bill may set a precedent which could be disastrous for distressed communities.

Clairton, a Third Class City in my district, is now being patrolled by the state police without direct reimbursement from the city to the state. The city is being patrolled by the state police because it is an Act 47 designated distressed community whose state mandated recovery plan prohibits the financing of local police services.

Clairton, despite valiant recovery efforts by local officials, is still without the financial resources to fund local police operations. The city is broke. It needs the protection of the state police to provide a bridge to a future time when it is fully able to afford its own police force.

If the legislation which the Senate adopted last week is signed into law, other communities will soon be contracting for state police protection. Under the bill, these communities will have to reimburse the state police for having troopers patrol their streets. Undoubtedly, this contract will become expensive and a drain on the local tax resources.

I predict that when the local officials realize that some communities are getting this help from the state for free, they will begin to cry foul. Then, these same municipal officials who now laud the passage of this bill will contact their Senators and Representatives and ask them to either change the law to force the distressed communities to start footing the bill for police services or request free police services "just like they are getting in Clairton. What's good enough for Clairton," they will say, "is good for us."

I voted against the bill last year because I was trying to prevent this situation from occurring. I am concerned that distressed municipalities like Clairton who have no recourse for police protection other than the state police will be forced to ante up and pay their "fair share," even though in doing so it will send them deeper into debt. This is not fair at all.

Clairton did not choose to be distressed. It did not choose to be financially strapped. The economic dislocation of the 1980s and the changing face of heavy manufacturing caused an employment and population shift which is still to this day affecting Clairton and other Mon Valley communities.

Clairton cannot be faulted for having its industrial base erode and its tax base shrink. It is not complaining or whining about why it happened in Clairton and why it didn't happen elsewhere. It is working to recover and is beginning to overcome the many challenges which it faces. It does not need to be burdened and pushed back into the downward economic spiral. That is exactly what will happen if an attempt is made to force Act 47 communities to reimburse the state for police protection. That is my fear. What some see as "fair" in municipal police protection is, in fact, inherently "unfair."

Although I was prevailed upon to vote for the bill this year as a part of the budget agreement, I made it clear that I stand ready to vehemently object to any effort which unfairly

impairs the ability of a distressed community to recover. This includes any proposal which is directed at compelling an Act 47 community like Clairton to reimburse the state for police protection when it is not financially prepared to do so.

I stand behind Clairton and other distressed communities in their revitalization efforts. These communities have made great strides. And, they need the state's help in continuing redevelopment efforts. What they don't need is more obstacles and impediments.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, APRIL 23, 1991

9:30 A.M. AGRICULTURE AND RURAL Room 460  
AFFAIRS (to consider the 4th Floor  
confirmation hearing of North Wing  
Boyd R. Wolff, Department  
of Agriculture)

10:30 A.M. EDUCATION (to consider Room 461  
Regulations #6-117 - State 4th Floor  
Board of Licensed Schools - North Wing  
Fees and Regulations #6-119 -  
State Board of Private  
Academic School - Fees)

11:30 A.M. JUDICIARY (to consider Room 8E-B  
Senate Bills No. 151, 197, Hearing Room  
801 and House Bill No. 14, East Wing  
nomination of Daniel J.  
Menniti, Ph.D for member of  
the Board of Pardons)

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, April 23, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:00 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 23, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 25

### SENATE

TUESDAY, April 23, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend MARK BROPHY, Pastor of Alsace Lutheran Church, Reading, offered the following prayer:

Let us pray.

Almighty and most powerful God, we welcome once again Your divine presence into this Chamber and acknowledge dependence upon You. We first pause in order to praise You for mercies past. Know today that our hearts and minds are filled with gratitude for the privilege of being citizens of this great land. We come before You in thanksgiving for the freedoms. We experience and pray that these liberties be protected and further advanced through the legislative procedures of this Senate.

May all who convene here carry forth their respective duties, functions and powers in a spirit of wisdom, with a degree of kindness and with a conviction for justice. Be with these Senators in today's Session, as they bring their judgment and share their expertise on the pressing problems and issues that affect societal life, and continue to guide this Body of government as these Senators use their authority to serve their constituents well and to promote the general welfare of this Commonwealth.

Lastly, grant to all who serve in the Capitol Complex of Pennsylvania health, safety, wisdom and well-being as this prayer is offered in the name of God's son, Jesus. Amen.

The PRESIDENT. The Chair thanks Reverend Brophy, the guest today of Senator O'Pake.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 22, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess Adjournment.

### GENERAL COMMUNICATIONS

#### OFFICE OF ATTORNEY GENERAL

#### INVESTIGATING GRAND JURY REPORT NUMBER 1

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
Harrisburg, PA 17120

April 18, 1991

Honorable Robert Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120

Re: The Seventh Statewide Investigating Grand Jury —  
Investigating Grand Jury Report Number 1

Dear Senator Jubelirer:

Pursuant to the Order of the Supervising Judge of the Seventh Statewide Investigating Grand Jury (copy attached), I am herewith providing you with a copy of Report Number 1 issued by the Grand Jury on April 10, 1991, and accepted by the Supervising Judge on the same date.

This report recommends both administrative and legislative action in the public interest to better serve children in need of foster care.

Very truly yours,  
ERNEST D. PREATE, JR.  
Attorney General

The PRESIDENT. This report will be filed in the Library.

#### ANNUAL REPORT TO THE GENERAL ASSEMBLY

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
Harrisburg

April 19, 1991

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

The enclosed Annual Report to the General Assembly is forwarded to you in compliance with Act 225 of 1974. A copy has also been forwarded to the Honorable Robert W. O'Donnell, Speaker of the House of Representatives. I am sorry this report was not submitted in a timely fashion.

In 1989, the Executive Board approved changes reportable under Act 225 of 1974 which resulted in changes to Administrative Leave for employees covered by the collective bargaining agreement between the Commonwealth of Pennsylvania and the Pennsylvania Nurses Association. This change was approved by the Executive Board in accordance with the powers delineated in Sections 222(b), 222(c), 709(e), and 709(e.1) of the Administrative Code of 1929, as amended by Act 225 of 1974.

If you have any questions on the information included in the report, please contact me.

Sincerely,

JOSEPH L. ZAZYCZNY  
Secretary of Administration

The PRESIDENT. This report will be filed in the Library.

## REPORTS FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

### SB 151 (Pr. No. 151)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies.

### SB 197 (Pr. No. 206)

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," providing for the commitment of certain children; prohibiting the expenditure of State funds outside this Commonwealth; and providing a negligence standard relating to assessment and treatment of certain children.

### SB 801 (Pr. No. 853)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing certain immunity to individuals and organizations dealing with juveniles.

### HB 14 (Pr. No. 1466) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the arrest and detention of persons wanted in other counties; and further providing for sentencing and for intermediate punishment.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

## BILL IN PLACE

Senator AFFLERBACH presented to the Chair a bill.

## LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Fattah, Senator Porterfield and Senator Schwartz.

The PRESIDENT. Senator Stapleton asks temporary Capitol leaves for Senator Fattah, Senator Porterfield and Senator Schwartz. The Chair hears no objection. Those leaves will be granted.

## LEAVES OF ABSENCE

Senator STAPLETON asked and obtained leaves of absence for Senator WILLIAMS and Senator LYNCH, for today's Session, for personal reasons.

## CALENDAR

### THIRD CONSIDERATION CALENDAR PREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 702 (Pr. No. 1432)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," providing additional Federal appropriations.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

### YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton

Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### SPECIAL ORDER OF BUSINESS

#### MATHCOUNTS CHAMPIONS PRESENTED TO SENATE

Senator CORMAN. Mr. President, it is an honor I have today to recognize some outstanding people who I believe are in the balcony, and when we ask them to rise we will see if they are there. These are the people who are champions of what is called a MATHCOUNTS competition. MATHCOUNTS is a nationwide program for seventh and eighth grade students to promote mathematics through coaching and competitions. MATHCOUNTS was developed as a positive and rewarding program to improve math competency and increase the awareness of mathematics among the parents, educators and general public. Reaching all students, not just the winners, is the true intent of the program. The program builds skills, promotes strategic problem solving and drills students in dealing with complex problems and hard to handle answers on all the critical parts of our technological society.

We have today with us, Mr. President, the 1991 PSPE MATHCOUNTS team champions, and they are from the State College Area Junior High School. Their coach is Debra Kerr. The team champs are: Iain Keddie from State College; Lynn Lee from Boalsburg; Joseph Rozelle from State College; and Enakshi Bose from State College. I wonder if you would ask them to rise so we could give them a warm reception in the Pennsylvania Senate.

The PRESIDENT. Would the guests of Senator Corman and all of the participants in the MATHCOUNTS competition, their advisors and the sponsors please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

Senator CORMAN. Mr. President, I have Senate citations that we passed honoring these outstanding people. If they, at this time, would come down to the second floor Rotunda right outside our door, I would like to present the citations to them at this time.

The PRESIDENT. If the participants would join Senator Corman at the rear of the Senate Chamber on the second floor, he would be pleased to present you with those Senate citations. Thank you all very much for coming.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL OVER IN ORDER

**SB 12 (Pr. No. 12)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for times when lighted head lamps must be displayed.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A0640:

Amend Title, page 1, line 3, by removing the period after "displayed" and inserting: ; and providing for off-road lighting.

Amend Bill, page 1, by inserting after line 18:

Section 2. Section 4303 of Title 75 is amended by adding a subsection to read: § 4303. General lighting requirements.

\*\*\*

(f) Off-road lighting.—Vehicles equipped with auxiliary road lighting lamps may be operated on a highway when:

(1) the lamps are covered with opaque covering when the vehicle is operated on a public roadway; and

(2) the lamps are mounted on the roof or roll bar of a vehicle attached and situated above the roof level of the vehicle.

Amend Sec. 2, page 2, line 1, by striking out "2" and inserting:  
3

On the question,

Will the Senate agree to the amendment?

Senator AFFLERBACH. Mr. President, this amendment adds a section to the Vehicle Code to clarify, for enforcement purposes, off-road lighting which may be equipped to vehicles which we normally refer to as four-wheel drive or off-road vehicles. The amendment is supported by the Department of Transportation, as I indicated, in order to clarify present enforcement of these particular lighting systems.

And the question recurring,

Will the Senate agree to the amendment?

#### AMENDMENT WITHDRAWN

Senator AFFLERBACH. Mr. President, in order to provide ample opportunity for other Members to review the amendment, I am withdrawing it today so that we may consider it on our next Session day.

The PRESIDENT. Senator Afflerbach withdraws the amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I move that Senate Bill No. 12 go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 12 will go over in its order.



# BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 40 (Pr. No. 1066)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices and for limitations on compulsory arbitration.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezeski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 112 (Pr. No. 1067)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated assault and for the grading of retail theft of a firearm.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezeski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton

Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 158 (Pr. No. 158)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezeski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 206 (Pr. No. 215)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a permit for the operation of chemical and fertilizer vehicles.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezeski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton

Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL LAID ON THE TABLE

**SB 266 (Pr. No. 275)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for health care expenses in support matters.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 274 (Pr. No. 283)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL LAID ON THE TABLE

**SB 278 (Pr. No. 287)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," repealing provisions relating to county liability; and discharging certain county liability.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL OVER IN ORDER

**SB 431** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 570 (Pr. No. 599)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled "Borough State Highway Law," changing a State route.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator STOUT. Mr. President, I just wanted to bring to the attention of the Members that Senate Bill No. 570 proposes to transfer a portion of highway currently located in Wormleysburg Borough, Cumberland County, back to the state system. This road has been the responsibility of that municipality for nearly 30 years and that municipality has received liquid fuels monies over a period of time to pay for the maintenance of that road. Now this municipality wants to transfer that road back to the state system. I think that sets a bad precedent. Over the years we have been going in the opposite direction, turning back road programs to take miles off the state system, and transferring it back to the local municipality can better serve that than paying them for the maintenance of that road. Unfortunately, in this case it does set a bad precedent. I am sure every Member here has roads within their respective districts that they would like to add back onto the state system. I think it is a mistake to do this. I do not fault the Senator from that district in following the wishes of that municipality, but we have considered this type of legislation in previous Sessions. Even though it may pass here, it has not been successful in the other Chamber. Again, I want to bring to your attention that it does set a bad precedent of adding roads back into the state system and adds cost resulting in less amounts of monies to maintain state roads within each district. I urge a "no" vote.

Senator HOPPER. Mr. President, in respect to the bill before us, that road has definitely become a state highway with people going from the river to the Holy Spirit Hospital, to HARSCO, all located along that road, and we feel it should be in the state system and I urge a "yes" vote.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Schwartz and her temporary Capitol leave will be cancelled.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

## NAYS—22

Afflerbach	Fattah	Mellow	Scanlon
Andrezski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Porterfield	Stewart
Bortner	Lewis	Reibman	Stout
Dawida	Lincoln		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 870 (Pr. No. 1068)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle widths and weights and for operation of chemical and fertilizer vehicles.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 873 (Pr. No. 942)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring instruction on school bus safety.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lewis	Rhoades
Andrezski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SECOND CONSIDERATION CALENDAR

## BILL OVER IN ORDER

**HB 25** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION AMENDED

**SB 53 (Pr. No. 1051)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on interstate highways; and providing for the use of speed timing devices.

The bill was considered.

On the question,  
Will the Senate agree to the bill on second consideration?

Senator LOEPER offered the following amendment No. A0622:

Amend Title, page 1, line 2, by inserting after "on": certain  
Amend Sec. 1 (Sec. 3362), page 1, line 18, by removing the period after "highways" and inserting: outside of urbanized areas of population of 50,000 or more.

Amend Sec. 1 (Sec. 3362), page 2, line 1, by removing the period after "highways" and inserting: outside of urbanized areas of population of 50,000 or more.

Amend Sec. 1 (Sec. 3363), page 3, line 9, by inserting after "highways": outside of urbanized areas of populations of 50,000 or more.

On the question,  
Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, since we have not had the opportunity of seeing the amendment or caucusing on it, could the gentleman from Delaware, Senator Loeper, please explain the amendment to the Chamber.

The PRESIDENT. Senator Loeper, you have been asked to give some explanation on the amendment.

Senator LOEPER. Mr. President, the purpose of this amendment is to conform to federal law which would limit the increase to 65 in nonurban areas.

Senator MELLOW. Mr. President, I thank the gentleman and I have no problem with that.

#### LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I ask for a temporary Capitol leave for Senator Scanlon.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Scanlon. The Chair hears no objection. That leave will be granted.

And the question recurring,  
Will the Senate agree to the amendment?

Senator STOUT. Mr. President, on the amendment that was offered to this legislation, this would just clarify in what areas of the interstate system that the bill itself would increase the speed limit to 65 miles per hour. This amendment just clarifies it and brings it into compliance with federal law. It identifies the areas of the state which it can designate for 65, and this is in the rural areas. The nonurban areas and urban areas with a population of 50,000 or more cannot go up to 65, but in the rural areas of less than that, they are allowed to do it. So it is really a clarifying amendment to bring it into compliance with the federal act. If we fail to do this, and whether you are for or against this legislation, if it would pass and become law without this in it, it could potentially withhold federal highway funds due to Pennsylvania. The issue itself about 65 would be in the bill itself and this amendment just clarifies whether it could be in the urban or nonurban areas. Really the thrust would be on the bill itself, but the amendment is a good and necessary amendment if this should become law.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 53, as amended, will go over in its order.

#### BILLS OVER IN ORDER

**HB 157 and SB 323** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL LAID ON THE TABLE

**SB 345 (Pr. No. 355)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," authorizing certain municipalities to extend pension credit for prior military service for its employees.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILLS OVER IN ORDER

**SB 347 and 348** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL LAID ON THE TABLE

**SB 401 (Pr. No. 426)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL ON SECOND CONSIDERATION

**SB 466 (Pr. No. 495)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request; and providing penalties for noncompliance.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### EXECUTIVE NOMINATIONS

##### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,  
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

##### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

##### SECRETARY OF AGING

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Linda M. Rhodes, 82 Ringneck Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Aging, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

##### MEMBER OF THE CHILDREN'S TRUST FUND BOARD

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul S. DiLorenzo, 3404 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret McAndrew Petruska, 1853 Graham Boulevard, Pittsburgh 15235, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

January 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. O'Hara, Jr., 2336 South Pewter Drive, Macungie 18062, Lehigh County, Sixteen Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barry J. Buskey, 312 North 31st Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Oscar R. Martinez, 265 Mathers Road, Ambler 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MANSFIELD UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

January 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Ford, Box 394Z, R. D. #3, Mount Cobb 18436, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Dr. Andrew E. Michanowicz, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Collins, 10 Carriage Road, New Cumberland 17070, York County, Thirty-first Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF THE  
UNIVERSITY OF PITTSBURGH—OF  
THE COMMONWEALTH SYSTEM  
OF HIGHER EDUCATION

January 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Chappano, 712 Filbert Street, Pittsburgh 15232-2404, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh—of the Commonwealth System of Higher Education, to serve until October 5, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas H. Coleman, M.D., 97 Lincoln Avenue, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sara Sattler, 2220 Wightman Street, Apartment 201, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

COMMISSIONER OF THE  
PENNSYLVANIA STATE POLICE

January 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lieutenant Colonel Glenn A. Walp, 154 Market Street, Highspire 17034, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Ronald M. Sharpe, Harrisburg, resigned.

ROBERT P. CASEY.

SECRETARY OF TRANSPORTATION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Howard Yerusalem, 2206 Dover Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Transportation, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

January 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert G. Pickerill, 6 Alexandria Place, Blakely 18447, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Campbell, 140 Lafayette Street, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel B. Ellis, 3907 Brookdale Avenue, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John D. Erb, 424 Madison Avenue, Hatboro 19040, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert A. Giagnacova, 12 St. James Place, Yardley 19067, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ann Hawkes Hutton, Shadyside, M.R., Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Beverly W. Magill, Box 56, Lurgan Road, R. D. 2, New Hope 18938, Bucks County, Tenth Senatorial District, for reappointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorris Jean Keen (Democrat), 120 Verna Road, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Elizabeth Fenton, Lewisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Adrian E. Spielman (Republican), 735 Market Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Harris Lemon, Mifflinburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Matthew Silberman, Ph.D. (Democrat), 121 Verna Road, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for reappointment as a member of the Union County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

LEAVE OF ABSENCE

Senator MELLOW asked and obtained leave of absence for Senator REIBMAN, for a portion of today's Session, for personal reasons.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—47

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	Musto	Shumaker
Bodack	Holl	O'Pake	Stapleton
Bortner	Hopper	Pecora	Stewart
Brightbill	Jones	Peterson	Stout
Corman	Jubelirer	Porterfield	Tilghman
Dawida	LaValle	Punt	Wenger
Fattah	Lemmond	Rhoades	

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA  
TURNPIKE COMMISSION

March 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Brady, 1301 Kimberly Drive, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor shall be duly appointed and qualified, but not longer than ninety days beyond that period, whichever period is shorter, vice Peter J. Camiel, Philadelphia, deceased.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
BUCKS COUNTY

March 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, R. Barry McAndrews, Esquire, 2350 Greensward South, Warrington 18976, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January, 1992, pursuant to Act 159, approved December 7, 1990.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEHIGH COUNTY

January 3, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. Wallitsch, Esquire, 2930 Woods Hollow Lane, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1992, vice The Honorable Maxwell E. Davison, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—47

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Fumo	Lincoln	Salvatore
Armstrong	Greenleaf	Loeper	Scanlon
Baker	Greenwood	Madigan	Schwartz
Belan	Hart	Mellow	Shaffer
Bell	Helfrick	Musto	Shumaker
Bodack	Holl	O'Pake	Stapleton
Bortner	Hopper	Pecora	Stewart
Brightbill	Jones	Peterson	Stout
Corman	Jubelirer	Porterfield	Tilghman
Dawida	LaValle	Punt	Wenger
Fattah	Lemmond	Rhoades	

#### NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

PROTHONOTARY AND CLERK OF COURTS,  
VENANGO COUNTY

December 28, 1990

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn McLaughlin, 8 Gateway Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as Prothonotary and Clerk of Courts in and for the County of Venango, to serve until the first Monday of January, 1992, vice Donald F. Fischer, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

#### LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Reibman. Her personal leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—22

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Porterfield	Stewart
Bortner	Lewis	Reibman	Stout
Dawida	Lincoln		

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## UNFINISHED BUSINESS

## SENATE RESOLUTIONS

**EXPRESSING PRIDE AND GRATITUDE  
FOR THE MANY PUBLIC SERVICES OF  
PRESIDENT JAMES BUCHANAN ON THE  
200TH ANNIVERSARY OF HIS BIRTH**

Senators BAKER, ARMSTRONG, WENGER, HOPPER, PUNT and SHUMAKER offered the following resolution (Senate Resolution No. 54), which was read as follows:

In the Senate, April 23, 1991.

## A RESOLUTION

Expressing pride and gratitude for the many public services of President James Buchanan on the 200th anniversary of his birth.

WHEREAS, James Buchanan was the 15th President of the United States and a native Pennsylvanian; and

WHEREAS, James Buchanan was born in Mercersburg and educated at Dickinson College; and

WHEREAS, James Buchanan served the people of Pennsylvania and the citizens of the United States in a public service career that spanned almost 50 years; and

WHEREAS, James Buchanan was a Lancaster attorney, a member of the Pennsylvania General Assembly, a Congressman, an ambassador, a United States Senator and the President of the United States; and

WHEREAS, April 23, 1991 is the 200th anniversary of President Buchanan's birth; and

WHEREAS, James Buchanan ascended to the presidency at a difficult period in our Nation's history; and

WHEREAS, James Buchanan was strongly committed to the preservation of the Union in the tumultuous and emotional pre-Civil War period; therefore be it

RESOLVED, That the Senate of Pennsylvania hereby commemorate the 200th birthday of President Buchanan; and be it further

RESOLVED, That the Senate of Pennsylvania, on behalf of the residents of Pennsylvania, express its pride and gratitude for the many services that President James Buchanan gave to Pennsylvania and the Nation during his distinguished career in public service.

Senator BAKER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

## SENATE RESOLUTION NO. 54, ADOPTED

Senator BAKER. Mr. President, I move that the Senate do adopt Senate Resolution No. 54.

On the question,

Will the Senate agree to the motion?

Senator BAKER. Mr. President, today we commemorate the bicentennial of Pennsylvania's only President, James Buchanan, the 15th President of the United States and a native Pennsylvanian. President Buchanan was, in my opinion, one of the most underrated statesmen that this nation has ever known and a dedicated public servant whose career spanned a remarkable 48 years, including a number of

years in the General Assembly of the Commonwealth of Pennsylvania.

I would like to focus today on the contributions that he made in attempting to hold the Union together during a very difficult time, and, although ultimately not successful, his commitment to that cause and his many public services give us reason to be proud and to acknowledge his contributions.

I would like to ask that my remarks be entered in addition to the comments that I have made at this time.

The PRESIDENT. The Chair thanks the gentleman and, without objection, his full remarks will be entered into the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Chester, Senator BAKER:)

Mr. President, today we commemorate the 200th birthday of President James Buchanan, the fifteenth President of the United States and a native Pennsylvanian.

President Buchanan was, in my opinion, one of the most underrated statesmen that this nation has ever known and a dedicated public servant whose career spanned a remarkable 48 years.

Buchanan ascended to the Presidency at a tumultuous and difficult period in our nation's history. He is often viewed as the President who presided over the country during the beginning of the Civil War and who was succeeded by Abraham Lincoln, the man who is formally credited with "saving the Union."

Mr. President, James Buchanan is an example for all of us in public service. He was elected to the General Assembly in 1814 and served with distinction on the House Judiciary and Banking Committees. At the time, the Capitol was under construction, and the Dauphin County Courthouse was the temporary home of the Legislature.

Today, Mr. President, I would like to focus not simply on the Presidency of James Buchanan but on the long and distinguished career of public service that he tirelessly and selflessly gave to the people of Pennsylvania and the nation. James Buchanan was a lawyer, a state assemblyman, a Congressman, an ambassador, a United States Senator, a Secretary of State, a consummate politician of two different political parties and our nation's fifteenth President. Today would be his two hundredth birthday. We in this General Assembly, the residents of Pennsylvania and the citizens of these great United States should take a moment to reflect on his distinguished career and be grateful for his service.

Buchanan Family Heritage. On July 4, 1783, a wide eyed and young James Buchanan, Sr., the father of a future United States President, boarded the brig ship Providence and set sail for America from Ireland. Philip Shriver Klein, in his biography of Buchanan, sets the mood of that historic day. "We can imagine some of his thoughts and dreams as he stood at the rail while the lines were cast off and the creaking ship slowly eased her way out of the channel from Londonderry, but even his wildest flights of fancy would scarcely have approached the reality of the future."

The land of opportunity. James Buchanan, Sr. and his son, James, who was born in a log cabin near Mercersburg, Pennsylvania, lived the American dream. It is a defining aspect of our nation that even today, 200 years after his birth, Buchanan's dreams and the freedoms and opportunities that he relished as an immigrant to our country, still thrive and prosper in the hearts of millions of Americans.

Lancaster Lawyer and State Legislator. After his education at Carlisle's Dickinson College, Buchanan settled in as a lawyer in Lancaster, Pennsylvania. At the time, Lancaster was the state capital and Buchanan quickly became active in the political scene. After a brief tenure as a private in the War of 1812, he became fascinated with the federalist philosophy and was nominated to serve as the state assemblyman from the district in 1813.

Buchanan would serve seven years in the General Assembly before returning to the practice of law. In 1814, at the tender age of only twenty-five, Buchanan successfully defended a prominent Lancaster judge from impeachment. Using a brilliant constitutional argument, he invoked and reaffirmed the federalist philosophy and the trial quickly became a statewide sideshow involving both Chambers of the General Assembly. When it ended, the judge was acquitted and James Buchanan became a household name in Pennsylvania. Of Buchanan's work as an attorney during this period, a local judge wrote, "He was cut out by nature for a great lawyer, and I think was spoiled by fortune when she made him a statesman."

Buchanan the Congressman. Buchanan was elected to represent Lancaster in Congress in the election of 1820. He was appointed to the Agriculture Committee and within three weeks he had spoken on the House floor on three separate occasions.

During Buchanan's tenure in Congress, he modified his strictly federalist views and came to advocate a modified system of centralized power with clearly defined state responsibilities and rights.

In 1828, Buchanan formally switched parties and became a Democrat. After being elected to Congress four times as a member of the dying Federalist Party, he ran and won election to the same office as a member of the opposing political party. As we can all appreciate, even in 1828 this was quite a political feat and was evidence of Buchanan's growing popularity and statewide political stature. James Buchanan was now the undisputed leader of Pennsylvania's political structure.

It is somewhat ironic that I stand here today as a representative of my constituents in Chester County. In 1828, James Buchanan won election to Congress over Charles Miner, a native Chester Countian and for years a Federalist colleague of his in the Congress.

By 1832, the rumors in Pennsylvania were that Buchanan would be an excellent choice for Andrew Jackson's running mate or that he would join the Jackson Administration in a cabinet level position. In 1831 he accepted a post as the Minister to Russia. It was a good opportunity for him to take a break from the rumble-tumble existence of Pennsylvania and national politics—but it was only a temporary respite.

Senator Buchanan. In 1834, Buchanan returned from Russia to run for the United States Senate. Although the Senate was not directly elected by popular vote, he was overwhelmingly chosen by his colleagues in the Pennsylvania Legislature.

Buchanan was rapidly becoming a figure of intense national prominence. But he was not an aggressive or discourteous politician. Philip Klein, who has spent years researching Buchanan's life and has written a biography of Buchanan published by the Pennsylvania State University Press, summarizes his political personality as follows:

"He saw neither truth or virtue in the homely maxim that the squeaky wheel gets the grease, nor...that the best way to progress was to fight or buy the man who might be able to gratify your wish. Patience, acquiescence, logically contrived procedure and a ready willingness to capitulate in matters of minor political advantage—those constituted Buchanan's political temperament.

During his years in the Senate, Buchanan played a key role in the drafting and passage of some of our nation's most important legislative initiatives; including the Independent Treasury Act, the annexation of Texas and various bills dealing with the issue of slavery and the abolitionist movement.

Secretary of State. These Senatorial qualities not only represented a consummate politician but also a true diplomat. It was Buchanan's zeal for diplomacy and skill in the art of negotiation and compromise, that led President James Polk to appoint him Secretary of State in 1845. He remained in the post for the full tenure of Polk's Presidency.

Buchanan shined as the nation's chief diplomat. He signed a treaty with England to resolve a longstanding dispute over the nation's Northwestern boundary and he used his sharp political skills to convince other nations to remain neutral during the Mexican-American War.

Buchanan's diplomatic skills were further utilized in 1853 when President Pierce appointed him ambassador to Britain. It is no surprise that, in recognition of his lengthy political experience and extensive governmental service, James Buchanan received his party's presidential nomination on the 12th ballot in 1856.

The Presidency. His campaign was a serious foreboding of the future. The theme was simple and decisive: The Union is in danger and the nation must unite to permanently resolve the slavery issue and sectional differences. Buchanan's commitment and dedication to the Union was unparalleled at the time and would become the primary message of his Presidency.

It is somewhat ironic that Buchanan's fate as a presidential candidate was decided largely in Pennsylvania. He desperately needed the electoral votes of his home state to win. A prominent Democratic Southerner, D. H. Branham, outlined the campaign strategy with decisive exigency, stating:

"Concentrate your entire force of every kind upon Pennsylvania until the 15th—even the day of the election have speakers everywhere. Success here will carry more votes...than can

possibly be accomplished by direct efforts in other states. Carry every speaker to Pennsylvania...Don't waste your time replying. Carry Pennsylvania."

The week before the election, one of the largest campaign rallies in American history was held in Buchanan's hometown of Lancaster. Over 50,000 people attended to hear the sons of Daniel Webster and Henry Clay and the other prominent Democrats of the time.

In the November elections, Buchanan received 1.8 million votes to win the presidency. The Union was saved but danger loomed ahead.

Conclusion. James Buchanan met every challenge he faced in his 50 year public career with dignity, professionalism and restrained confidence in his abilities. He is truly a model to all of us who aspire to any type of public service.

Shortly after his election, Buchanan returned to Wheatland, his beloved Lancaster estate, and was visited by a group of students from Franklin and Marshall College, whose Board of Trustees he long chaired. After dispensing with the usual pleasantries, his mood turned serious and more somber. "The object of my Administration," he told the students, "will be to destroy any sectional party, North or South, and harmonize all sections of the Union under a national and conservative government, as it was 50 years ago."

Mr. President, James Buchanan failed to stop the inevitable. The nation would soon be gripped by a bloody and violent Civil War and it is doubtful that any President could have completely avoided the impending turmoil.

But Pennsylvania can be proud of James Buchanan. He was a model leader with one of the most impressive and lengthy political careers in our nation's history. His legacy is wide ranging. He helped define the term "public service" in Pennsylvania and throughout the nation. He was a brilliant attorney and ambassador, and he served the people of Pennsylvania in the General Assembly and in both houses of the United States Congress.

Today, on the occasion of his 200th birthday, we can commemorate President James Buchanan with a great deal of pride, gratitude and affection.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

**PROCLAIMING MAY 5 THROUGH MAY 11  
AS "NATIONAL DRINKING WATER WEEK"  
IN PENNSYLVANIA**

Senators BELAN, LaVALLE, BORTNER, STOUT, DAWIDA and BODACK offered the following resolution (**Senate Resolution No. 55**), which was read, considered and adopted:

In the Senate, April 23, 1991.

**A RESOLUTION**

Proclaiming May 5 through May 11 as "National Drinking Water Week" in Pennsylvania.

WHEREAS, The residents of this Commonwealth are concerned about safe and clean drinking water; and

WHEREAS, Proclaiming May 5 through May 11 as "National Drinking Water Week" would be an appropriate way to recognize these concerns; therefore be it

RESOLVED, That the Senate proclaim May 5 through May 11 as "National Drinking Water Week" in Pennsylvania.

**CONGRATULATING THE PENNSYLVANIA FISH  
COMMISSION ON ITS 125TH ANNIVERSARY**

Senators ROBBINS, LaVALLE, PETERSON, BELAN, MADIGAN, HOPPER, GREENWOOD, CORMAN, PUNT, SHUMAKER, ARMSTRONG, RHOADES, HART, PECORA, BELL, WENGER, LOEPER, SALVATORE, BAKER, STAPLETON, BORTNER, STEWART, AFFLERBACH, SCHWARTZ, REIBMAN, DAWIDA, FISHER, TILGHMAN, JUBELIRER, BRIGHTBILL, GREENLEAF, HOLL, HELFRICK, ANDREZESKI and MUSTO offered the following resolution (**Senate Resolution No. 56**), which was read, considered and adopted:

In the Senate, April 23, 1991.

**A RESOLUTION**

Congratulating the Pennsylvania Fish Commission on its 125th Anniversary.

WHEREAS, One hundred and twenty-five years ago, following a convention to investigate the condition of Pennsylvania's lakes and streams, Governor Andrew G. Curtin signed legislation establishing the office of commissioner of fisheries; and

WHEREAS, Since 1866, legislation has been enacted creating a commission which now has ten members and the following powers and duties:

- (1) Encouragement, promotion and development of the fishery interests;
- (2) Protection, propagation and distribution of fish;
- (3) Management of boating and the operation of boats; and
- (4) Encouragement, promotion and development of recreational boating; and

WHEREAS, In 1980, the fish commission law was consolidated as Title 30 of the Pennsylvania Consolidated Statutes, the Fish and Boat Code; and

WHEREAS, During its 125-year history, the Pennsylvania Fish Commission has protected Pennsylvania's lakes and streams and served the residents of this Commonwealth; and

WHEREAS, The Pennsylvania Fish Commission has been a leader in waterway management and fish propagation; and

WHEREAS, The Pennsylvania Fish Commission has provided invaluable assistance to those Pennsylvania residents who boat and fish; and

WHEREAS, The Pennsylvania Fish Commission received special recognition for its use of its patrol boats to aid Pennsylvania residents who were endangered by the flood waters resulting from Hurricane Agnes; therefore be it

RESOLVED, That the Senate congratulate the Pennsylvania Fish Commission on its 125th Anniversary; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Pennsylvania Fish Commission.

**CONGRATULATING THE UNITED STATES  
SOCCER FEDERATION FOR HOSTING THE  
1994 WORLD CUP SOCCER CHAMPIONSHIP  
AND SUPPORTING THE PHILADELPHIA  
SPORTS CONGRESS EFFORTS TO SERVE  
AS A HOST SITE**

Senators GREENWOOD, SALVATORE, FUMO, LOEPER, PECORA, JUBELIRER, LaVALLE, HOLL, HOPPER, BRIGHTBILL, SHUMAKER, PUNT, HELFRICK, MADIGAN, WENGER, BAKER, CORMAN, DAWIDA, PETERSON, MELLOW, BODACK, AFFLERBACH, STAPLETON, SCHWARTZ, O'PAKE, STEWART, STOUT, BELAN, BORTNER, ROBBINS, GREENLEAF, TILGHMAN, FISHER, HART, BELL, ARMSTRONG, LEWIS, SCANLON, REIBMAN, MUSTO and ANDREZESKI offered the following resolution (*Senate Resolution No. 57*), which was read, considered and adopted:

In the Senate, April 23, 1991.

**A RESOLUTION**

Congratulating the United States Soccer Federation for hosting the 1994 World Cup Soccer Championship and supporting the Philadelphia Sports Congress efforts to serve as a host site.

WHEREAS, On July 4, 1988, the United States was selected by the Federation Internationale de Football, soccer's international governing body, to host the 1994 World Cup; and

WHEREAS, The United States Soccer Federation's successful bid constitutes the first time that the World Cup will be hosted by the United States; and

WHEREAS, The World Cup consists of 24 nation teams playing a total of 52 games over a one-month period; and

WHEREAS, The World Cup is the world's largest single-sport event, attracting a championship television audience of nearly 1.5 billion viewers; and

WHEREAS, Communities from across the country will submit bids to host tournament games; and

WHEREAS, The Philadelphia Sports Congress will submit a bid to the World Cup USA 1994 panel; and

WHEREAS, Hosting World Cup tournament games will bring great prestige, enjoyment and commerce to the Philadelphia region and to the Commonwealth of Pennsylvania; therefore be it

RESOLVED, That the Senate of Pennsylvania extend its hearty congratulations to the United States Soccer Federation for its successful efforts to bring World Cup 1994 to the United States; and be it further

RESOLVED, That the Senate of Pennsylvania offer its enthusiastic support of the Philadelphia Sports Congress' bid to have Philadelphia chosen a host site; and be it further

RESOLVED, That the Senate of Pennsylvania pledge its continued assistance in making the games a resounding success.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Carl Cressman by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Mervin Nolt, Mr. and Mrs. J. Glenn Walz and to Mr. and Mrs. Norman H. Siegrist by Senator Armstrong.

Congratulations of the Senate were extended to Paul E. Stubbe and to the employees of Shared Medical Systems of Malvern by Senator Baker.

Congratulations of the Senate were extended to Kelly J. McGlumphy by Senator Belan.

Congratulations of the Senate were extended to James W. Gallagher by Senator Bell.

Congratulations of the Senate were extended to Matthew M. Davis by Senator Corman.

Congratulations of the Senate were extended to John B. Schmunk and to the Bethel Park High School Boys Swim Team by Senator Fisher.

Congratulations of the Senate were extended to Thomas Patrick Stein, Jr., David Gemzik, Luther Woods Convalescent Center of Hatboro and to the Ukrainian Educational and Cultural Center of Philadelphia by Senator Greenleaf.

Congratulations of the Senate were extended to Northwest Interfaith Movement of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to the McConnellsburg High School Girls Basketball Team by Senator Jubelirer.

Congratulations of the Senate were extended to Pennwood Middle School Odyssey of the Mind Team and to Makefield Elementary School Odyssey of the Mind Team by Senators Lewis and Greenwood.

Congratulations of the Senate were extended to Frank Mills and to the citizens of the Borough of Everson by Senator Lincoln.

Congratulations of the Senate were extended to Edward M. Bush, Sr., Saint Paul's School of Scranton Girls Basketball Team, Saint Mary's School of Old Forge Boys Basketball Team and to Riverside High School Girls Varsity Basketball Team by Senator Mellow.

Congratulations of the Senate were extended to Lee Vincent by Senators Musto and Lemmond.

Congratulations of the Senate were extended to the Glen Mills Schools Boys Basketball Team by Senators Salvatore and Bell.

**HOUSE MESSAGE**

**HOUSE ADOPTS REPORT OF COMMITTEE  
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **HB 244**, which was placed on the Calendar.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1**

**REPORT OF COMMITTEE OF CONFERENCE**

**REPORT ADOPTED**

**HB 244 (Pr. No. 1438)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 244.

On the question,  
Will the Senate agree to the motion?

Senator MELLOW. Mr. President, this particular proposal, House Bill No. 244, is a proposal that has been before us now on several different occasions. It deals with a continuing operation of state hospitals and state institutions that, unfortunately, we all know are costing the Commonwealth of Pennsylvania a tremendous amount of money, and there has been a move on the part of the administration and the Department of Public Welfare that we in some way should get ourselves out of the hospital business. Mr. President, I would oppose the vote on concurrence of the report of the committee of conference on House Bill No. 244 and would ask for a negative vote.

Senator BELL. Mr. President, I think what this bill does is tell Pennsylvania that the Legislature is also part of the government of Pennsylvania. Apparently the Chief Executive has the idea that he can close hospitals or perhaps Cheyney University or any other state facility he wants to close. Governors come and go. We have lame duck governors, but I do not see anybody in this Chamber who is a lame duck, including myself, and I think we should have input as to how the state is run.

Senator RHOADES. Mr. President, I stand, too, to ask for an affirmative vote on this bill. I agree with the gentleman from Delaware, Senator Bell, that the General Assembly, I think, has to play a very important part in any decision made when it affects any facility. I draw special attention to the fact, too, that we pass the budget and allocate the funds that are going to be used with the intention that they will last as long as those funds are there. We put them in for a year. The hospitals should last for a year. I think this bill calls for responsible action, be it taken by the administration or the General Assembly, before any institution in this Commonwealth will be so affected to at least put at risk the people whose health care must be protected. I have two hospitals, Ashland and Coaldale State General, that will be affected if this bill is not put in place. I ask for your affirmative vote.

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Belan and Senator Jones.

The PRESIDENT. Senator Mellow asks for temporary Capitol leaves for Senator Belan and Senator Jones. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Senator O'PAKE. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator LEWIS. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—30

Afflerbach	Hart	Madigan	Salvatore
Armstrong	Helfrick	O'Pake	Schwartz
Baker	Holl	Pecora	Shaffer
Bell	Hopper	Peterson	Shumaker
Brightbill	Jubelirer	Punt	Stewart
Corman	Lemmond	Rhoades	Tilghman
Fisher	Lewis	Robbins	Wenger
Greenleaf	Loeper		

#### NAYS—17

Andrezeski	Fattah	LaValle	Porterfield
Belan	Fumo	Lincoln	Reibman
Bodack	Greenwood	Mellow	Scanlon
Bortner	Jones	Musto	Stout
Dawida			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair would first note that Senator Porterfield is indeed with us and his temporary Capitol leave will be cancelled.

#### BILLS ON FIRST CONSIDERATION

Senator PORTERFIELD. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 151, 197, 801 and HB 14.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

#### RECESS

Senator LOEPER. Mr. President, before we enter into the order of business of Petitions and Remonstrances, I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, to be held immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to proceed



immediately in the Rules Committee room at the rear of the Senate Chamber, the Senate will stand in very brief recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Jennings, 1715 Capouse Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice George N. Pegula, Olyphant, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Snigar, R. D. 1, Pleasant Mount 18453, Wayne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

ROBERT P. CASEY.

#### MEMBER OF THE HEALTH CARE POLICY BOARD

December 14, 1990.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Alexander, M.D., 1417 Old Mill Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until March 11, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE HEALTH CARE POLICY BOARD

December 14, 1990.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Rauscher, 307 Lodge Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 25, 1994, and until his successor is appointed and qualified, vice Dwayne Cooper, Ohioville, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank S. Beal, 190 Crestvue Manor Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice William H. Combs, Bryn Mawr, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy Childress (Public Member), 4608 West Brightview Avenue, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice William B. McIlwaine, Ed.D., Millersville, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen M. Kauffman (Public Member), R 3, Box 67, Bernville 19506, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

ROBERT P. CASEY.



**MEMBER OF THE BOARD OF PARDONS**

January 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. Menniti, Ph.D., 605 Colonial View Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Andrea Quigley (Public Member), 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Weatherbee, Mechanicsburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Elizabeth Rowe, 365 Futurity Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Barbara Garvey, 110 Overlook Drive, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
NURSING HOME ADMINISTRATORS**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Edward Refice, 202 Mary Street, Apartment 23, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice John Scotzin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Charles

Dombrowski, 321 Hawthorne Road, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Alice Goldberg, Monongahela, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

PETITIONS AND REMONSTRANCES

Senator HART. Mr. President, this week, as you may not know, we mark the National Crime Victims Rights Week, which offers us the opportunity to focus our attention on the needs of a group of victims whose plight has too often been hidden from public view. That is victims of domestic violence. While we expect our homes to be places of caring, security and comfort, far too many homes in Pennsylvania are places of pain, injury and, tragically, sometimes death.

Let us consider some statistics. Before this year is over, 800,000 Pennsylvanians will be beaten in their homes. In one year, 1988, nearly one quarter of all of the murders committed in this Commonwealth were committed by a family member, boyfriend or girlfriend. This is an appalling statistic.

What is being done to address this crisis? Well, too often the crime—and it is a crime—goes unreported. Too often law enforcement is not given the tools it needs to end the cycle of pain and violence. Too often victims are not given the support and the services they need to get out of an abusive situation. A crisis of these proportions cannot and will not be ended through piecemeal solutions. A coordinated and comprehensive approach must be debated and enacted into law.

I am very grateful to so many of my colleagues on both sides of the aisle who have joined with me in sponsoring a four-bill package of legislation that approaches the problem of domestic violence on all fronts. Through this pro-family pro-law and order effort, we are recognizing that this complex crisis has no simple remedy. For example, the road to recovery from domestic violence does not end when an abuser is put in handcuffs. Very often it is but the first step on a long road towards establishing an independent and self-sufficient life. After all, leaving an abusive situation is far more complicated than packing a suitcase and calling a cab. Not only do victims need emotional support, they need the basic building blocks of independence that so many of us take for granted. They need legal help. They need job counselling. They need information on managing a household budget. They need access to a wide range of programs and services. But no matter what steps we take or what programs and services we provide, helping victims become independent must be the ultimate

goal. We will not have succeeded if a victim trades dependence on an abuser for dependence on government. The time is now for us to take strong action against this horrible cycle of pain and violence by helping victims embark on new lives and leave behind the human tragedy of domestic violence.

Senator O'PAKE. Mr. President, I would like to talk about another victim, the victim of child abuse. April is National Child Abuse Prevention Month, which we in the Pennsylvania Senate commemorated two weeks ago by adopting Senate Resolution No. 42. As we each year adopt that resolution, we should take time to look at the annual reports of child abuse both in Pennsylvania and nationwide to see what impact we have been having on this problem.

This year we have more cause than usual to be sobered by the facts in this country. Last year, 2.5 million children—more than 50 percent of them under the age of one—were reported as being abused or neglected. That is more than a 147 percent increase over a ten year period. In 1989, over 1,200—to be specific, 1,237—child abuse fatalities were reported to child protective service agencies in the United States. That is an increase of more than 38 percent over a four-year period. That means three deaths a day occur as the result of child abuse and neglect in this civilized country.

In Pennsylvania, we received more than 24,000 reports of suspected child abuse last year, of which 32 percent were substantiated. Nearly half of those substantiated cases involved sexual abuse, and three-fourths of those victims were young girls. Fifty-eight children died of child abuse last year in Pennsylvania, three more than were killed in 1989.

There is some good news in the fact that 222 persons requesting background clearance for child care employment were discovered to be on file at ChildLine as child abusers. These child abusers were prevented from again having access to children because we passed legislation—Acts 33 and 34 of 1986—mandating background screening checks for childcare workers.

And so it is that each April, after adopting another Senate Resolution and after updating ourselves on the continuing increase in the incidence of child abuse, we consider again the need for prevention. An ounce of prevention is still worth a pound of cure.

It was for that purpose that we in the Legislature established the Children's Trust Fund two years ago, dedicating this fund's assets to the prevention of child abuse. As a result, this April in Pennsylvania we can for the first time feel some assurance that we are beginning to work effectively to prevent child abuse. In its first full year, the Children's Trust Fund realized \$1.3 million from a \$10 surcharge on marriage license applications and divorce decrees—now divorce filings. Last November our Children's Trust Fund awarded \$600,000 in its first round of grants to community-based child abuse prevention programs. For the information of my colleagues, the following community-based child abuse prevention programs were awarded grants in November in the following amounts: Three Rivers Youth in Pittsburgh was awarded a grant for \$97,671; the Children's Home of Reading was awarded a

grant for \$69,358; the Neighborhood Centers Association of Pittsburgh, a grant for \$58,951; the Valley Youth House in Lehigh County, \$57,105; the Family Service Association of Bucks County, a grant for \$54,191; the Northwest Center, Inc. of Philadelphia, a grant of \$44,679; the Philadelphia Society for Services to Children, a grant for \$36,734; the Center for Victims of Violent Crime, a grant of \$29,462; Parents Anonymous of Westmoreland County, a grant of \$27,000; the Greater Philadelphia Chapter of the NCPA, \$26,760; the Owen J. Roberts School District, \$26,152; Victim Services of Johnstown, \$23,315; Catholic Charities of Diocese of Pittsburgh, \$19,940; Family and Children's Service of Blair County, \$16,103; and Community Resources of Fayette County, Inc., \$5,783.

At the national level, the National Committee for Prevention of Child Abuse is emphasizing the theme "Partners for Prevention" during April. "Partners" can be moms and dads, or parents and educators; they can be health care providers and schools; they can be Legislators and social services departments. Every one of us can be a "Partner for Prevention" of child abuse, either by relating directly to a parent or an at-risk child or as a member of a service organization which helps raise the local funds needed to pay for prevention programs or to match Children's Trust Fund grants.

Mr. President, in conclusion, we look forward to the day when it will no longer be necessary to recognize child abuse as a national affliction or cancer. Child abuse prevention is everybody's business.

## COMMUNICATION FROM THE GOVERNOR

### RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

April 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 21, 1990 for the appointment of Wendell W. Young, III, 4041 Cottler Drive, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## RECESS

Senator LOEPER. Mr. President, I would request that the Senate stand in recess.

The PRESIDENT. For the information of the Members we are waiting some action by the House, and the Senate, at the request of the Majority Leader, will stand in recess.

## AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

## HOUSE MESSAGES

## HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate an extract from the Journal of the House for concurrence, **House Concurrent Regulatory Review Resolution No. 2**, entitled:

Disapproving a medical assistance regulation submitted by the Department of Public Welfare.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate concur in the resolution?

## SENATE CONCURS IN HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2

Senator LOEPER. Mr. President, I move that the Senate do concur in House Concurrent Regulatory Review Resolution No. 2.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

## YEAS—47

Afflerbach	Fisher	Lewis	Rhoades
Andrezski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stewart
Brightbill	Jones	Peterson	Stout
Corman	Jubelirer	Porterfield	Tilghman
Dawida	LaValle	Punt	Wenger
Fattah	Lemmond	Reibman	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

## RECONSIDERATION OF HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2

Senator LINCOLN. Mr. President, I move the Senate do now reconsider the vote by which House Concurrent Regulatory Review Resolution No. 2 just passed finally.

The motion was agreed to.

And the question recurring,

Will the Senate concur in House Concurrent Regulatory Review Resolution No. 2?

## LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request temporary Capitol leave for Senator Stapleton.

The PRESIDENT pro tempore. Senator Lincoln requests temporary Capitol leave for Senator Stapleton. The Chair hears no objection. That leave will be granted.

And the question recurring,

Will the Senate concur in House Concurrent Regulatory Review Resolution No. 2?

The yeas and nays were required by Senator LINCOLN and were as follows, viz:

## YEAS—47

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	

## NAYS—1

Fumo

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative and the resolution was concurred in.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 29** and **702**.

## BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

**HB 29, 244, 702** and **House Concurrent Regulatory Review Resolution No. 2**.

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**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, May 6, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 4:55 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, MAY 6, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 26

### SENATE

MONDAY, May 6, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend JAMES E. BYRUM, Pastor of St. Dunstan's Episcopal Church, Blue Bell, offered the following prayer:

Let us pray.

Most gracious God, we thank You for the privilege of gathering as citizens of this Commonwealth and of this nation. We gather with a particular awareness of the needs of so many in the world and with thanksgiving for the sound government that we enjoy day by day.

Give us grateful hearts for the beauty of Your creation, particularly as spring flowers in this Commonwealth, and make us diligent in our desire to serve the people of this Commonwealth in all that we do.

Bless those who here take counsel for the welfare of this Commonwealth. We ask it in Your name. Amen.

The PRESIDENT pro tempore. The Chair thanks Father Byrum who is the guest today of Senator Greenleaf.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 23, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### JUDGE, COURT OF COMMON PLEAS, CRAWFORD COUNTY

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony Joseph Vardaro, Esquire, 654 Park Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Crawford County, to serve until the first Monday of January, 1992, vice The Honorable P. Richard Thomas, mandatory retirement.

ROBERT P. CASEY.

#### JUDGE, COURT OF COMMON PLEAS, LUZERNE COUNTY

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hugh F. Mundy, Esquire, 74 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Bernard J. Podcasy, mandatory retirement.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lou Bizzarro, 5657 Zuck Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Masi, Erie, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Royal E. Brown, 1429 South 15th Street, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1992, and until his successor is appointed and qualified, vice Michael Haskins, Philadelphia, resigned.

ROBERT P. CASEY.

MEMBER OF THE LAWRENCE COUNTY  
BOARD OF ASSISTANCE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn P. Ward (Democrat), 517 Bell Avenue, New Castle 16101, Lawrence County, Twenty-first Senatorial District, for appointment as a member of the Lawrence County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Limmie Morgan, New Castle, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Capello, 310 East Grant Street, Lebanon 17042, Lebanon County, Forty-Eighth Senatorial District, for appointment as District Justice in and for the County of Lebanon, Magisterial District 52-2-01, to serve until the first Monday of January, 1992, vice Catherine M. Coyle, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Matos, 632 Pawnee Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Magisterial District 3-2-10, to serve until the first Monday of January, 1992, vice John Gombosi, mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
AUCTIONEER EXAMINERS

April 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank A. Itgen, Jr. (Public Member), 210 Ladbroke Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS

April 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary P. Portis (Public Member), 1015 Manhattan Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF KUTZTOWN UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara H. Stratton, 321 East Walnut Street, Kutztown 19530, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Kermit Kistler, M.D., Allentown, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert F. McGinley, 250 Dana Street, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard C. Noble, 9 Hearthstone Drive, Crestwood, Reading 19606, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL**

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eleanor L. Palka, 1220 North Tenth Street, Reading 19604, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL**

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Redith F. Snoberger, 133 Hillside Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE BOARD OF TRUSTEES  
OF ALLENTOWN STATE HOSPITAL**

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the appointment of Frances P. Fuge, 106 West Broad Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Donald Kirts, Ed.D., Easton, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF PHILIPSBURG STATE GENERAL HOSPITAL**

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 17, 1990 for the appointment of June Roxbey, R. D. 1, Box 244, Philipsburg 16866, Clearfield County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Philipsburg State General Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Dennis G. Shealer, Philipsburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION**

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of Anthony N. B. Garvan, Ph.D., Box 304, Spring House 19477, Montgomery County, Twelfth Senatorial District, as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION**

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of Sandra Kelly, 1 Rittenhouse Square, 135 South 18th Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

April 29, 1991

**HB 90** — Committee on Judiciary.

**HB 161** — Committee on Transportation.

**HB 175 and 401** — Committee on Agriculture and Rural Affairs.

**HB 209** — Committee on Intergovernmental Affairs.

### HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

April 29, 1991

**House Concurrent Resolution No. 89** — Committee on Rules and Executive Nominations.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

April 23, 1991

Senators ANDREZESKI, BELAN and LYNCH presented to the Chair **SB 981**, entitled:

An Act providing for control and licensing of video poker machines in this Commonwealth and for the payment of revenues therefrom into the State Lottery Fund; and providing for additional duties of the Department of Revenue.

Which was committed to the Committee on FINANCE, April 23, 1991.

Senators BRIGHTBILL, MUSTO, FISHER, STOUT, JUBELIRER, REIBMAN and PUNT presented to the Chair **SB 982**, entitled:

An Act providing for the mapping and classification of wetlands; establishing procedures for regulating activities in wetlands; creating a Wetlands Preservation Trust and Wetlands Preservation Fund; providing a wetlands restoration and wetlands preservation banks; setting State policy on the preservation of wetlands; and assigning duties to the Department of Environmental Resources.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 23, 1991.

Senators BRIGHTBILL, MUSTO, FISHER, STOUT, JUBELIRER, REIBMAN and PUNT presented to the Chair **SB 983**, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," providing for preferential assessments for wetlands.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 23, 1991.

Senators FISHER, SCANLON, HART, PECORA, SHAFFER, JUBELIRER, BELL, REIBMAN, BORTNER, JONES, TILGHMAN, WENGER, LOEPER, HOLL, HELFRICK, GREENLEAF, MADIGAN, ROBBINS, SHUMAKER, CORMAN, SALVATORE, RHOADES,

ARMSTRONG, BAKER, PETERSON, PUNT, GREENWOOD, BRIGHTBILL, HOPPER, LEMMOND and STOUT presented to the Chair **SB 984**, entitled:

An Act designating the Southern Expressway to the Greater Pittsburgh International Airport as the Senator John Heinz Expressway.

Which was committed to the Committee on TRANSPORTATION, April 23, 1991.

Senators PECORA, ANDREZESKI, HELFRICK, SALVATORE and ARMSTRONG presented to the Chair **SB 985**, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," further providing for membership on retirement boards; and authorizing cost-of-living increases.

Which was committed to the Committee on LOCAL GOVERNMENT, April 23, 1991.

Senators STOUT, LAVALLE, REIBMAN, SCANLON, BELL, DAWIDA, LYNCH, BELAN, AFFLERBACH, O'PAKE and FUMO presented to the Chair **SB 986**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for abandoned vehicles.

Which was committed to the Committee on TRANSPORTATION, April 23, 1991.

Senators STOUT, LAVALLE, SCANLON, BELL, DAWIDA, BELAN, AFFLERBACH, O'PAKE and FUMO presented to the Chair **SB 987**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing fines for fare evasion.

Which was committed to the Committee on TRANSPORTATION, April 23, 1991.

Senators STOUT, LYNCH and BELAN presented to the Chair **SB 988**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for registration exemptions and the use of miscellaneous motor vehicle business registration plates.

Which was committed to the Committee on TRANSPORTATION, April 23, 1991.

Senators STOUT, LYNCH and BELAN presented to the Chair **SB 989**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for surrender of certificates of titles.

Which was committed to the Committee on TRANSPORTATION, April 23, 1991.

Senators STOUT, LYNCH and BELAN presented to the Chair **SB 990**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review of registration revocations.

Which was committed to the Committee on TRANSPORTATION, April 23, 1991.

Senators CORMAN and MADIGAN presented to the Chair **SB 991**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to sell and convey to The Pennsylvania State University a tract of land and the buildings erected thereon in Ferguson Township, Centre County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, April 23, 1991.

Senators SALVATORE, ANDREZESKI, LOEPER, HELFRICK, DAWIDA, ARMSTRONG, SCANLON, HOPPER, BAKER and HOLL presented to the Chair **SB 992**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing a program to enhance educational opportunities; and providing for additional payments to school districts on account of pupil transportation.

Which was committed to the Committee on EDUCATION, April 23, 1991.

Senators FUMO, TILGHMAN, ANDREZESKI and LYNCH presented to the Chair **SB 993**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining taxable income of water transportation companies for purposes of the corporate net income tax.

Which was committed to the Committee on FINANCE, April 23, 1991.

Senator BAKER presented to the Chair **SB 994**, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," excluding political subdivisions from the act; authorizing optional prevailing wage ordinances; and making repeals.

Which was committed to the Committee on LABOR AND INDUSTRY, April 23, 1991.

Senators BAKER, ARMSTRONG, HOPPER, WENGER, CORMAN and HELFRICK presented to the Chair **SB 995**, entitled:

An Act amending the act of July 23, 1970 (P. L. 563, No. 195), entitled "Public Employee Relations Act," limiting representation under collective bargaining agreements.

Which was committed to the Committee on LABOR AND INDUSTRY, April 23, 1991.

Senator BAKER presented to the Chair **SB 996**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," adding a definition; and further providing for the definition of "credit week," for trigger determination, for determination of contribution rate, for trigger rate redetermination, for ineligibility for compensation and for rate and amount of compensation.

Which was committed to the Committee on LABOR AND INDUSTRY, April 23, 1991.

Senator BAKER presented to the Chair **SB 997**, entitled:

An Act providing for loans as an incentive to foreign exports; conferring powers and duties on the Department of Commerce; establishing a fund; providing penalties; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, April 23, 1991.

Senator BAKER presented to the Chair **SB 998**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," providing an exception from coverage under certain circumstances.

Which was committed to the Committee on LABOR AND INDUSTRY, April 23, 1991.

Senators SCANLON, DAWIDA, BODACK, BELAN, HART and FISHER presented to the Chair **SB 999**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey land situate in the City of Pittsburgh, Allegheny County, to the Urban Redevelopment Authority of the City of Pittsburgh.

Which was committed to the Committee on STATE GOVERNMENT, April 23, 1991.

Senators GREENLEAF, BELL, HART, BORTNER, MADIGAN, LEWIS, HOPPER, FISHER, SHUMAKER, CORMAN, SHAFFER, JONES, LAVALLE, JUBELIRER and RHOADES presented to the Chair **SB 1000**, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

Which was committed to the Committee on JUDICIARY, April 23, 1991.

#### April 25, 1991

Senators LYNCH, SALVATORE, HART, AFFLERBACH, REIBMAN, PECORA, SCANLON, GREENWOOD, FISHER, PORTERFIELD, WILLIAMS, O'PAKE, STAPLETON, HOLL and ANDREZESKI presented to the Chair **SB 1001**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for missing children.

Which was committed to the Committee on AGING AND YOUTH, April 25, 1991.

Senators LYNCH, SCANLON, SCHWARTZ, AFFLERBACH, BELAN, LAVALLE, SALVATORE, REIBMAN, O'PAKE and PORTERFIELD presented to the Chair **SB 1002**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for police removal of vehicles.

Which was committed to the Committee on TRANSPORTATION, April 25, 1991.

Senators LYNCH, SALVATORE, AFFLERBACH, SCANLON, REIBMAN and LAVALLE presented to the Chair **SB 1003**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to automatic emergency dialing apparatus; imposing penalties; and prohibiting connection of automatic alarms to automatic dialing systems set to call a general public emergency number.

Which was committed to the Committee on JUDICIARY, April 25, 1991.

Senator GREENLEAF presented to the Chair **SB 1004**, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1527, No. 535), entitled "Landscape Architects' Registration Law," authorizing the State Board of Landscape Architects to review exams.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 25, 1991.

Senators SHUMAKER, REIBMAN, HELFRICK and PORTERFIELD presented to the Chair **SB 1005**, entitled:

An Act regulating invention development services; requiring mandatory contract terms; requiring certain disclosures; providing for remedies and enforcement; and providing for certain financial requirements.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 25, 1991.

Senators AFFLERBACH, JONES, STAPLETON, LAVALLE, BORTNER, BELAN, SCHWARTZ, WILLIAMS, O'PAKE, LYNCH and PORTERFIELD presented to the Chair **SB 1006**, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," further defining "unfair methods of competition" and defining "electronic fund transfer."

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 25, 1991.

Senator SALVATORE presented to the Chair **SB 1007**, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," eliminating the requirement that two-thirds of a savings bank's directors be residents of this Commonwealth.

Which was committed to the Committee on BANKING AND INSURANCE, April 25, 1991.

Senator ARMSTRONG presented to the Chair **SB 1008**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of certain tax-exempt income.

Which was committed to the Committee on FINANCE, April 25, 1991.

Senators BELAN, STAPLETON, SCANLON, WILLIAMS, MUSTO, LAVALLE, HART, MELLOW, REIBMAN, HELFRICK, SCHWARTZ, AFFLERBACH, FISHER and O'PAKE presented to the Chair **SB 1009**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the making of grants by the Department of Commerce to municipalities for environmental assessments of certain abandoned industrial sites.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, April 25, 1991.

Senators BELAN, STAPLETON, SCANLON, WILLIAMS, MUSTO, LAVALLE, HART, MELLOW, REIBMAN, HELFRICK, SCHWARTZ, AFFLERBACH, FISHER and O'PAKE presented to the Chair **SB 1010**, entitled:

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), entitled "Municipal Waste Planning, Recycling and Waste Reduction Act," imposing a surcharge on fines and penalties; and providing for the disposition of the proceeds from the surcharge.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 25, 1991.

Senators BELAN, STAPLETON, SCANLON, WILLIAMS, MUSTO, LAVALLE, HART, MELLOW, REIBMAN, HELFRICK, SCHWARTZ, AFFLERBACH, FISHER and O'PAKE presented to the Chair **SB 1011**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," imposing a surcharge on fines and penalties; and providing for the disposition of the proceeds from the surcharge.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 25, 1991.

Senators BELAN, STAPLETON, SCANLON, WILLIAMS, MUSTO, LAVALLE, HART, MELLOW, REIBMAN, HELFRICK, SCHWARTZ, AFFLERBACH, FISHER and O'PAKE presented to the Chair **SB 1012**, entitled:

An Act amending the act of October 18, 1988 (P. L. 756, No. 108), entitled "Hazardous Sites Cleanup Act," imposing a surcharge on fines and penalties; and providing for the disposition of the proceeds from the surcharge.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 25, 1991.

Senators PETERSON, ROBBINS, BAKER, HART, STOUT, O'PAKE, MADIGAN, HOLL, SHUMAKER, RHOADES, STAPLETON, BELAN and ANDREZESKI presented to the Chair **SB 1013**, entitled:

An Act amending the act of July 5, 1984 (P. L. 587, No. 119), entitled "Rail Freight Preservation and Improvement Act," providing for the purchase of essential rail lines; and making an appropriation.

Which was committed to the Committee on TRANSPORTATION, April 25, 1991.

Senator PETERSON presented to the Chair **SB 1014**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for use of dealer registration plates.

Which was committed to the Committee on TRANSPORTATION, April 25, 1991.

Senators LYNCH, SCANLON, REIBMAN, BORTNER, O'PAKE, STAPLETON, HELFRICK, STOUT and SALVATORE presented to the Chair **SB 1015**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for automobiles.

Which was committed to the Committee on LAW AND JUSTICE, April 25, 1991.

Senators LYNCH, SCANLON, BORTNER, O'PAKE, PECORA, REIBMAN and STOUT presented to the Chair **SB 1016**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for enforcement.

Which was committed to the Committee on LAW AND JUSTICE, April 25, 1991.

Senators SHUMAKER and SALVATORE presented to the Chair **SB 1017**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to transactions and other matters affecting land; and making repeals.

Which was committed to the Committee on JUDICIARY, April 25, 1991.

Senator LOEPER presented to the Chair **SB 1018**, entitled:

An Act establishing the Philadelphia Regional Airport Authority and providing for its powers and duties.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, April 25, 1991.

#### April 29, 1991

Senators ROBBINS, HELFRICK, BRIGHTBILL, STAPLETON, MADIGAN, PETERSON, RHOADES and STEWART presented to the Chair **SB 1019**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further defining "closed season," "contraband," "green pelt," "violation" and "wild birds"; and further providing for terms of commissioners, bear damage payments, improvements to commission property, unlawful activities, devices and methods, fur dealers and exotic wildlife permit holders.

Which was committed to the Committee on GAME AND FISHERIES, April 29, 1991.

Senators AFFLERBACH, STOUT, PORTERFIELD, SALVATORE, STAPLETON and O'PAKE presented to the Chair **SB 1020**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for condemnation.

Which was committed to the Committee on EDUCATION, April 29, 1991.

#### April 30, 1991

Senators SALVATORE, LAVALLE, BELL, BELAN, LEWIS and HELFRICK presented to the Chair **SB 1021**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," exempting a portion of Social Security benefits from income.

Which was committed to the Committee on AGING AND YOUTH, April 30, 1991.

Senators SALVATORE, LAVALLE, WENGER, BELL, BELAN and HELFRICK presented to the Chair **SB 1022**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of possessing instruments of crime.

Which was committed to the Committee on JUDICIARY, April 30, 1991.

Senators SALVATORE, PUNT, LAVALLE, BELL and HOPPER presented to the Chair **SB 1023**, entitled:

An Act establishing the State Veterans' Commission and providing for its administration, powers and duties; providing for advisory councils for veterans' homes, for disabled veterans' pensions and benefits, and for veterans' emergency assistance; establishing the educational gratuity program and providing educational benefits to veterans' children; providing for real estate tax exemptions for disabled veterans, for veterans' preference in public employment and for free acknowledgments and oaths in connection with veterans' benefits; making transfers from the Department of Military Affairs to the State Veterans' Commission; and making repeals.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, April 30, 1991.

Senators SALVATORE, BELL, HELFRICK and HOPPER presented to the Chair **SB 1024**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania National Guard Tuition Grant Program.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, April 30, 1991.

Senator SALVATORE presented to the Chair **SB 1025**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for unlawful acts relative to liquor, malt and brewed beverages and licenses.

Which was committed to the Committee on LAW AND JUSTICE, April 30, 1991.

Senator SALVATORE presented to the Chair **SB 1026**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," clarifying certain provisions relating to exemptions from taxation.

Which was committed to the Committee on LOCAL GOVERNMENT, April 30, 1991.

Senator SALVATORE presented to the Chair **SB 1027**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," clarifying certain provisions relating to exemptions from taxation.

Which was committed to the Committee on LOCAL GOVERNMENT, April 30, 1991.

Senator SALVATORE presented to the Chair **SB 1028**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," regulating the appointment of school directors in first class and first class A districts.

Which was committed to the Committee on EDUCATION, April 30, 1991.

Senators SALVATORE, LAVALLE, BELL, BELAN and HELFRICK presented to the Chair **SB 1029**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as amended, "Senior Citizens Rebate and Assistance Act," exempting a portion of Social Security benefits from income.

Which was committed to the Committee on AGING AND YOUTH, April 30, 1991.

Senators SALVATORE, LAVALLE, WENGER, GREENWOOD and HELFRICK presented to the Chair **SB 1030**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the impoundment of a vehicle for the owner's failure to pay the fine and costs on a conviction of driving while operating privilege is suspended or revoked.

Which was committed to the Committee on TRANSPORTATION, April 30, 1991.

#### May 2, 1991

Senators SHUMAKER, SHAFFER, REIBMAN, SALVATORE, HOPPER, LYNCH and ANDREZESKI presented to the Chair **SB 1031**, entitled:

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), entitled "Medical Practice Act of 1985," regulating the practice of respiratory care practitioners.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 2, 1991.

Senators SHUMAKER, SHAFFER, REIBMAN, SALVATORE, HOPPER, LYNCH and ANDREZESKI presented to the Chair **SB 1032**, entitled:

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," regulating the practice of respiratory care practitioners.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 2, 1991.

Senators AFFLERBACH, RHOADES, WILLIAMS, PECORA, BELAN, JONES, STAPLETON, LAVALLE, REIBMAN, HART, MUSTO, O'PAKE, LYNCH, STOUT, PORTERFIELD, BORTNER, SALVATORE and SCHWARTZ presented to the Chair **SB 1033**, entitled:

An Act relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Department of Public Welfare; and providing for an Office of Disability Services, Advisory Council and a designated organization to administer programs of disability services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 2, 1991.

Senators BRIGHTBILL, GREENLEAF, BORTNER, GREENWOOD, AFFLERBACH, JUBELIRER, HELFRICK, SALVATORE, BAKER, STOUT, WILLIAMS and CORMAN presented to the Chair **SB 1034**, entitled:

An Act amending the act of April 27, 1905 (P. L. 312, No. 218), entitled "An act creating a Department of Health, and defining its powers and duties," further providing for the Secretary of Health; and making editorial changes.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 2, 1991.

Senator BAKER presented to the Chair **SB 1035**, entitled:

An Act amending the act of December 20, 1985 (P. L. 492, No. 116), entitled "Customized Job Training Act," further providing for the definition of "private company" and for training programs.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, May 2, 1991.

Senators SHAFFER, PECORA, BAKER, HELFRICK, SALVATORE, HOLL, CORMAN, HART and RHOADES presented to the Chair **SB 1036**, entitled:

An Act providing for improvements and development at State parks and historic properties and facilities; and providing for grants-in-aid to certain nonprofit organizations and institutions for capital improvements to non-State-owned historic properties and facilities.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 2, 1991.

#### May 6, 1991

Senator SALVATORE presented to the Chair **SB 1037**, entitled:

An Act amending the act of December 5, 1980 (P. L. 1107, No. 190), entitled "Philadelphia Municipal Court Fee Law," increasing the fee for initial service of process.

Which was committed to the Committee on JUDICIARY, May 6, 1991.

## GENERAL COMMUNICATIONS

### DEPARTMENT OF AGRICULTURE

### ANNUAL REPORT OF THE STATE AGRICULTURAL LAND PRESERVATION BOARD

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF AGRICULTURE  
Office of The Secretary

April 22, 1991

Mr. Mark Corrigan  
Secretary of the Senate  
Room 462, Main Capitol  
Harrisburg, PA 17020

Dear Mr. Corrigan:

In accordance with Section 14.4 of Act 149 of 1988 (the Agricultural Area Security Law), the State Agricultural Land Preservation Board submits to the General Assembly an annual report for the period through April 15, 1991.

In just over two years since authorizing legislation became effective, the Farmland Protection Program has permanently preserved 2305 acres of farmland. The great majority of this land is designated as Class I or II farmland, the best farmland in Pennsylvania.

Act 149 provides for permanent preservation of agricultural land through the purchase of conservation easements from qualifying farmers. Easements can be purchased entirely with Commonwealth funds or with a combination of state and county funds.

Should you have any questions about the data supplied in this report or should you require additional information, please contact my office.

Sincerely,  
BOYD E. WOLFF  
Secretary

The PRESIDENT pro tempore. This report will be filed in the Library.

**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

**REPORT OF STATUS OF RECYCLING  
IN THE COMMONWEALTH OF PENNSYLVANIA**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
Office of Public Liaison  
Post Office Box 2063  
Harrisburg, Pennsylvania 17105-2063

April 25, 1991

The Honorable Mark R. Corrigan  
Secretary of the Senate of Pennsylvania  
Room 462 Main Capitol Building  
Harrisburg, PA 17120

Dear Secretary Corrigan:

Pursuant to the requirement contained in Section 1901 of Act 101 of 1988 (the Municipal Waste Planning, Recycling and Waste Reduction Act); please find enclosed a copy of the Department's report "Status of Recycling in the Commonwealth of Pennsylvania".

The Chief Clerk of the House has also been provided with a copy of the report.

Please contact me at 783-8303 should you require additional information or copies of the report.

Sincerely,  
JAMES R. AKERS  
Legislative Liaison

The PRESIDENT pro tempore. This report will be filed in the Library.

**APPOINTMENTS BY  
PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointments:

Mr. Robert Bittenbender as a citizen member of the Board of the General State Authority.

Mr. Frank Cimino as a member of the Fire Safety Advisory Committee to the Pennsylvania Emergency Management Agency.

Helen Caffrey as a member of the Education Committee of the Assembly on the Legislatures of the National Conference of State Legislatures.

**SENATE COMMITTEE MEMBERS  
APPOINTED PURSUANT TO  
SENATE RESOLUTION NO. 18**

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointments:

The gentleman from Delaware, Senator Clarence D. Bell, Chairman, the gentleman from Franklin, Senator Terry Punt and the gentleman from Mercer, Senator Robert D. Robbins as members of the Task Force of the Joint State Government Commission to conduct a study in relation to the Persian Gulf War.

**SENATE COMMITTEE MEMBERS  
APPOINTED PURSUANT TO  
HOUSE RESOLUTION NO. 72**

The PRESIDENT pro tempore. The Chair wishes to announce the Minority Leader has made the following appointments:

The gentleman from York, Senator Michael E. Bortner, the gentleman from Philadelphia, Senator Chaka Fattah and the lady from Northampton, Senator Jeanette F. Reibman to the Task Force to Study the Impact and Feasibility of Lengthening the School Year.

**BILLS IN PLACE**

Senator REIBMAN presented to the Chair several bills.

**PERMISSION TO ADDRESS SENATE**

Senator REIBMAN asked and obtained unanimous consent to address the Senate.

Senator REIBMAN. Mr. President, I think all of us were made aware of how important water resources are as a result of the drought in the western part of this country. Because of that, I am reintroducing a package of bills dealing with water resource management on behalf of myself and many of my colleagues.



The PRESIDENT pro tempore. The remarks of the lady will be spread upon the record.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I ask for a legislative leave for Senator Pecora.

Senator STAPLETON. Mr. President, I ask for a legislative leave for Senator Fattah and temporary Capitol leaves for Senator Fumo, Senator Jones and Senator Porterfield.

The PRESIDENT pro tempore. Senator Fisher requests a legislative leave for Senator Pecora. Senator Stapleton requests a legislative leave for Senator Fattah and temporary Capitol leaves for Senator Fumo, Senator Jones and Senator Porterfield. The Chair hears no objection. The leaves will be granted.

### LEAVE OF ABSENCE

Senator STAPLETON asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, May 6, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 13, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 13, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman  
Dawida  
Fattah  
Fisher

LaValle  
Lemmond  
Lewis

Punt  
Reibman  
Rhoades

Tilghman  
Wenger  
Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

The PRESIDING OFFICER (D. Michael Fisher) in the Chair.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO SENATE

Senator SCHWARTZ. Mr. President, I wanted to just say into the record that I had a very wonderful group of young students visiting with me today. I understand they were in the gallery and did have to leave so I just wanted to acknowledge that they were—you may run into them in the corridors—a group of third and fourth graders from the Levering School in Roxborough visiting and learning about the state Capitol and state government. I just ask that we acknowledge that they were here and wish them a good and important day.

The PRESIDING OFFICER. Those remarks will be appropriately spread upon the record, and the youngsters should know, had they been here, the Senate would have given them its traditional, usual warm welcome.

#### GUESTS OF SENATOR ROBERT C. JUBELIRER PRESENTED TO SENATE

The PRESIDENT pro tempore. Mr. President, I have guests in the gallery today, and if I could I just would like to have a minute or two of the Senate's time. Several weeks ago Senator Salvatore, Senator Loeper and Senator Bell had the privilege and the opportunity of introducing a fine group of young people from the Glen Mills Reformatory School who happened to be the AAAA Basketball Champions of 1990-91, and surely they earned it and they worked hard. I had mentioned my guests at that time, when Senator Salvatore said, if you get to win the state championship three times in a row, you get to come down on the floor. Well, today, Mr. President, I am here to introduce a group of young men who are going to do everything they can to keep that team from sitting on this floor next year. I am delighted and honored to introduce a fine group of young people from the Altoona Area High School who lost to that Glen Mills team and is the runner-up to the state championship team. They lost by five points. Perhaps it is unusual to have a group of people who are not necessarily the champions to come down.

Mr. President, this group of young people was the underdog, frankly, in their last several games as they approached the championship game in Hershey. They proved with a lot of

desire, a lot of commitment and a lot of hard work and dedication that miracles can happen. Their miracle year fell five points short, but it did not mean that they were losers. In fact, this group of people is a very fine group of people and they are here in Harrisburg with us today. They are here with Larry Betar, the Head Coach; and Mike Hayes, the Assistant Coach; Walter Betar, the Principal; Jack Ray, the Athletic Director; and Tom Bradley, the Director of Public Relations. As I call their names, I would ask them to stand and ask if the Senate would give them a warm welcome and a hearty "well done" as they have achieved so much in this year. They are Brian Imler, Bill Jarrett, Todd Meloy, Brian Rehm, who was named to the All-State Team, Trevor Robinson, Buddy Brunner, Brandon Kemp, Jason Riley, Robert Summers, Paul Downey, Jamir Washington, Dan Fortson, a 14-year-old junior high school student who was named to the All-State Team and certainly had a remarkable beginning. I am sure you are going to hear a lot more from Dan in the future; also Jerry Smith, Joe O'Brian and Ryan Hombertson, the managers of the team, and Eric Irwin and Steve Taneyhill who are not here today. This fine group of people is here all day visiting the Capitol and being honored here with citations, and I would ask, Mr. President, if you would ask the Senate to give them its usual warm welcome and congratulations.

(Applause.)

The PRESIDING OFFICER. The Chair thanks the gentleman and commends the students and their coaches from the Altoona Area High School for their outstanding season.

### **SPECIAL ORDER OF BUSINESS**

#### **ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to consider Senate Resolution No. 8, House Resolution No. 89 and certain nominations during today's Session.

### **RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator MELLOW. Mr. President, I do not believe there is any need for the Democrat Members to caucus at this time, and I will just await the call of the convening of the Body.

The PRESIDING OFFICER. For the purpose of a Republican caucus, the Senate will stand in recess.

### **AFTER RECESS**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

## **COMMUNICATIONS FROM THE GOVERNOR**

### **RECALL COMMUNICATIONS LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and laid on the table:

#### **MEMBER OF THE HEALTH CARE POLICY BOARD**

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the appointment of Joseph Rauscher, 307 Lodge Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as a member of the Health Care Policy Board, to serve until March 25, 1994, and until his successor is appointed and qualified, vice Dwayne Cooper, Ohioville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### **MEMBER OF THE PENNSYLVANIA HOUSING FINANCE AGENCY**

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Thomas F. Torbik, 5 Irving Place, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1995 and until his successor is appointed and qualified, vice Ronald S. Mintz, Esquire, Horsham, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### **RECALL COMMUNICATIONS REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### **MEMBER OF THE STATE CIVIL SERVICE COMMISSION**

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Mary Lou Harris, 245 Greenlane Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Therese Lemelle Mitchell, Harrisburg, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991 for the reappointment of Lee G. Yost (Democrat), P. O. Box 360, Benton 17814, Columbia County, Twenty-seventh Senatorial District, as a member of the Columbia County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Scanlon, who has been called to his office, for Senator Lincoln and for Senator Bodack.

Senator LOEPER. Mr. President, Senator Brightbill has been called to his office and I request a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Scanlon, Senator Lincoln and Senator Bodack. Senator Loeper requests temporary Capitol leave for Senator Brightbill. Without objection, those leaves will be granted.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair is delighted to welcome back to the floor the distinguished Member from Philadelphia, Senator Fumo, and his leave is hereby cancelled.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 12 (Pr. No. 12)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for times when lighted head lamps must be displayed.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 431** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Jones and her temporary Capitol leave is cancelled.

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 466 (Pr. No. 495)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request; and providing penalties for noncompliance.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SECOND CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**HB 14 and 25** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 53 (Pr. No. 1070)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on certain interstate highways; and providing for the use of speed timing devices.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILLS OVER IN ORDER**

**SB 151, HB 157 and SB 197** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Porterfield and his temporary Capitol leave is cancelled.

**SECOND CONSIDERATION CALENDAR RESUMED****BILL ON SECOND CONSIDERATION**

**SB 323 (Pr. No. 333)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to certain organizations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILL OVER IN ORDER**

**SB 347** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 348 (Pr. No. 357)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILL OVER IN ORDER**

**SB 801** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**EXECUTIVE NOMINATIONS****EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE BOARD OF TRUSTEES  
OF CLARKS SUMMIT STATE HOSPITAL**

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Jennings, 1715 Capouse Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice George N. Pegula, Olyphant, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Philomena A. Dymond, 1302 Ridgeview Drive, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS**

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy Childress (Public Member), 4608 West Brightview Avenue, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice William B. McIlwaine, Ed.D., Millersville, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank S. Beal, 190 Crestvue Manor Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice William H. Combs, Bryn Mawr, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE**

January 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen M. Kauffman (Public Member), R 3, Box 67, Bernville 19506, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF PARDONS**

January 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. Menniti, Ph.D., 605 Colonial View Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE BOARD OF TRUSTEES  
OF FARVIEW STATE HOSPITAL**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Snigar, R. D. 1, Pleasant Mount 18453, Wayne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Larie Pinte, 7035 Meadville Road, Girard 16417, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Vivian W. Piasecki, Haverford, resigned.

ROBERT P. CASEY.

**MEMBER OF THE INDUSTRIAL BOARD**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julia L. Maietta, 130 Anderson Avenue, Curwensville 16833, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until her successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

(During the calling of the roll, the following occurred:)

Senator HOPPER. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Porterfield	Stout
Bortner	Lewis	Reibman	Williams
Dawida	Lincoln	Scanlon	

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### SPECIAL ORDER OF BUSINESS

##### GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO SENATE

Senator ROBBINS. Mr. President, we have a special group of students from the Mercer County area, eighth grade students from Hermitage, Sharon, West Middlesex and Farrell. With them are their teachers: from Hermitage, Merry Ann Groves; from Sharon, Jim Aikens; from West Middlesex, John Manholin; and from Farrell, Chuck Branca. I certainly would like to have a nice welcome for them.

The PRESIDENT pro tempore. Would those guests of Senator Robbins who are in the gallery please rise so the Senate may give you a warm welcome.

(Applause.)

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has requested a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to meet in the Rules Committee room immediately. For that purpose, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### ADJUTANT GENERAL

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Major General Gerald T. Sajer, 101 North 17th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Adjutant General, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

SECRETARY OF AGRICULTURE

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Boyd E. Wolff, R. D. 2, Box 218, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as Secretary of Agriculture, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.



MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS AND  
PROFESSIONAL LAND SURVEYORS

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Haunani S. L. Kekuna, 1587 Promise Lane, Allentown 18106, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ted Yanchuleff, 4911 Follins Court, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Susan Morey, Mohnton, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE REAL  
ESTATE COMMISSION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Howard J. Hanna, Jr., 4737 Bavard Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel K. Lamb, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mildred L. Cornelison (Independent), 1176 Westerly Parkway, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice Nicholas A. DeLallo, State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eleanor E. Gentzel (Democrat), 118 North Harrison Road, Pleasant Gap 16823, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Centre County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul Dorrance Welch, Jr. (Democrat), 106 Bellefonte Avenue, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur J. McMahon (Democrat), R. D. 2, McMahon Road, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Richard A. Reeser (Republican), R. D. 1, Box 34, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy L. Rexer (Democrat), R. R. 1, Box 1216, Forksville 18616, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

ROBERT P. CASEY.  
RECORDER OF DEEDS, CUMBERLAND COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert P. Ziegler, 9 Edgewood Drive, Mechanicsburg, 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Recorder of Deeds, in and for the County of Cumberland, to serve until the first Monday of January, 1992, vice Patricia Vance, resigned.

ROBERT P. CASEY.  
NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE BOARD OF TRUSTEES  
OF ALLENTOWN STATE HOSPITAL

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the appointment of Frances P. Fuge, 106 West Broad Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Donald Kirts, Ed.D., Easton, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE HEALTH CARE  
POLICY BOARD

January 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the reappointment of William R. Alexander, M.D., 1417 Old Mill Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, as a member of the Health Care Policy Board, to serve until March 11, 1994, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE PENNSYLVANIA  
LABOR RELATIONS BOARD

April 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 21, 1990 for the appointment of Wendell W. Young, III, 4041 Cottler Drive, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF PHILIPSBURG STATE GENERAL HOSPITAL

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 17, 1990 for the appointment of June Roxbey, R. D. 1, Box 244, Philipsburg 16866, Clearfield County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Philipsburg State General Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Dennis G. Shealer, Philipsburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION**

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of Anthony N. B. Garvan, Ph.D., Box 304, Spring House 19477, Montgomery County, Twelfth Senatorial District, as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION**

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of Sandra Kelly, 1 Rittenhouse Square, 135 South 18th Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**NOMINATIONS RETURNED TO THE GOVERNOR**

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDING OFFICER. The nominations will be returned to the Governor.

**COMMUNICATIONS FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

Senator SALVATORE, by unanimous consent, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which were read by the Clerk as follows:

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 14, 1990 for the appointment of Joseph Rauscher, 307 Lodge Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as a member of the Health

Care Policy Board, to serve until March 25, 1994, and until his successor is appointed and qualified, vice Dwayne Cooper, Ohioville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY**

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 1991 for the appointment of Thomas F. Torbik, 5 Irving Place, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1995 and until his successor is appointed and qualified, vice Ronald S. Mintz, Esquire, Horsham, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**NOMINATIONS RETURNED TO THE GOVERNOR**

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDING OFFICER. The nominations will be returned to the Governor.

**UNFINISHED BUSINESS**

**RESOLUTIONS REPORTED FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolutions:

**SR 8 (Pr. No. 165)**

A Concurrent Resolution designating the week of May 12 through 18, 1991, as "Child Passenger Safety Awareness Week."

**HR 89 (Pr. No. 1319)**

A Concurrent Resolution designating the month of May 1991 as "Motorcycle Safety Month."

The PRESIDING OFFICER. The resolutions will be placed on the Calendar.

**SENATE RESOLUTIONS**

**DESIGNATING MAY 14, 1991, AS "ISRAEL  
INDEPENDENCE DAY" IN PENNSYLVANIA**

Senators SALVATORE, JUBELIRER, LOEPER, REIBMAN, SCHWARTZ, AFFLERBACH, ANDREZESKI, ARMSTRONG, BAKER, BELAN, BODACK, BORTNER, BRIGHTBILL, DAWIDA, FATTAH, GREENLEAF, MUSTO, O'PAKE, PECORA, PORTERFIELD, ROBBINS, SHUMAKER and WENGER offered the following resolution (Senate Resolution No. 58), which was read as follows:

In the Senate, May 6, 1991.

#### A RESOLUTION

Designating May 14, 1991, as "Israel Independence Day" in Pennsylvania.

WHEREAS, After World War II, thousands of Jewish refugees who survived Hitler's genocide of 6 million Jews immigrated to British-held Palestine, their ancestral home where thousands of other Jews lived for more than 2,000 years; and

WHEREAS, The British withdrew from Palestine on May 13, 1948; and

WHEREAS, The State of Israel was established on May 14, 1948, as a Western-style democracy; and

WHEREAS, The State of Israel began its existence by extending its hand of peace to all neighboring states calling for good neighborliness, cooperation and mutual helpfulness with the independent Jewish nation; and

WHEREAS, The State of Israel is prepared to contribute its share in a common effort for the advancement of peace in the Middle East; and

WHEREAS, Since its establishment, the continued existence of Israel has been challenged by its Arab neighbors despite Israel's willingness to find a peaceful solution to regional problems, and the 1977 peace treaty with Egypt is an example of such willingness; and

WHEREAS, Israel's military strength, cultural vitality, and political, economic and social ties to the United States are a continuing source of pride and inspiration to the 360,000 Jews of Pennsylvania; and

WHEREAS, There is a special kinship between the governments and peoples of Israel and the United States; and

WHEREAS, Israel was victimized by Iraqi SCUD missile attacks during the war in the Persian Gulf, and these attacks resulted in tragic loss of life and extensive property damage; and

WHEREAS, The Israel government acceded to the request of the government of the United States not to immediately retaliate against the Iraqi missile attacks so that the military coalition allied against Iraq would not be threatened; therefore be it

RESOLVED, That the Senate hereby designate May 14, 1991, as "Israel Independence Day" in Pennsylvania.

Senator SALVATORE asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 58, ADOPTED

Senator SALVATORE. Mr. President, I move that the Senate do adopt Senate Resolution No. 58.

On the question,

Will the Senate agree to the motion?

Senator SALVATORE. Mr. President, this is the 43rd year of the independence of Israel, and I want to pay special recognition on this day, which will be May 14th. As we have done in previous years, we always recognize Independence Day of Israel, but this year it is more important because of the attacks that Israel sustained during the Iraqi War. The people of Israel stood silently by while they saw a tragic loss of life and extensive property damage, and the Israel government had done that at the request of the United States and the United Nations, not to retaliate. So I commend the Country of Israel for the actions that they took, and we should make that a

special day and remember Israel Independence Day in Pennsylvania.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

#### RECOGNIZING MAY 1991 AS "SENIOR CITIZEN MONTH" IN PENNSYLVANIA

Senators HOPPER, SHUMAKER, LOEPER, BELAN, SALVATORE, WENGER, LEWIS, LYNCH, BORTNER, SCANLON, FISHER, MUSTO, JUBELIRER, CORMAN, BODACK, GREENWOOD, PUNT, SCHWARTZ, JONES, LaVALLE, HELFRICK, ROBBINS, HART and HOLL offered the following resolution (*Senate Resolution No. 59*), which was read, considered and adopted:

In the Senate, May 6, 1991.

#### A RESOLUTION

Recognizing May 1991 as "Senior Citizen Month" in Pennsylvania.

WHEREAS, May has traditionally been recognized as "Senior Citizen Month" in the United States, a month set aside both to consider the special and continuing needs of our senior citizens and to alert senior citizens to the existence of programs already available to them; and

WHEREAS, This special month is also an appropriate time to recognize that senior citizens possess a wealth of experience, talent and wisdom and a willingness to share them; and

WHEREAS, Senior citizens cherish their freedom and independence and want to remain in their homes and communities as active and contributing citizens; and

WHEREAS, During May, groups such as the American Association of Retired Persons and the State Council of Senior Citizens provide programs designed to educate the general public about the special housing, health-care and income security needs of the 2.3 million senior citizens in Pennsylvania; and

WHEREAS, "Senior Citizen Month" is also an appropriate time to inform senior citizens on programs already available to them, including the shared-ride service, reduced automobile registration fees, a copayment prescription drug plan and a property tax rent rebate program; therefore be it

RESOLVED, That the Senate of Pennsylvania recognize May 1991 as "Senior Citizen Month" in Pennsylvania.

#### DESIGNATING MAY 7, 1991, AS "TOURISM DAY" IN PENNSYLVANIA

Senators SHAFFER, BORTNER, SHUMAKER, WENGER, HOPPER, AFFLERBACH, FISHER, MUSTO, JUBELIRER, CORMAN, BELAN, SCHWARTZ, SALVATORE, LaVALLE, ROBBINS and HART offered the following resolution (*Senate Resolution No. 60*), which was read, considered and adopted:

In the Senate, May 6, 1991.

#### A RESOLUTION

Designating May 7, 1991, as "Tourism Day" in Pennsylvania.

WHEREAS, Pennsylvania is a popular destination for domestic and international travelers; and

WHEREAS, Tourism is Pennsylvania's second largest employer with over 250,000 direct jobs; and

WHEREAS, Tourism and travel revenues amount to \$13.3 billion in Pennsylvania; and

WHEREAS, Tourism and travel expenditures generate in excess of \$500 million in State tax revenue; and

WHEREAS, Tourism benefits every resident of Pennsylvania; therefore be it

RESOLVED, That the Senate designate May 7, 1991, as "Tourism Day" in Pennsylvania.

## CONGRATULATORY RESOLUTIONS

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Laurel Fire Company No. 1 of Whitehall by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Napierkowski and to the Unions of the AFL-CIO by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Marlin Gish, Mr. and Mrs. Lester E. Garber, Mr. and Mrs. Herbert C. Nixdorf, Mr. and Mrs. Charles W. Wilcox, Mr. and Mrs. Mervin A. Coble, Mr. and Mrs. William R. Dixon, Mr. and Mrs. Charles H. Byerly, Mr. and Mrs. Raymond C. Hamilton, Mr. and Mrs. Frederick D. Finney, Mr. and Mrs. Richard G. Stoe, Mr. and Mrs. Raymond V. Doerr, Mr. and Mrs. John Hoffman, Mr. and Mrs. Stacy Barrick, Mr. and Mrs. Martin Spickler, Mr. and Mrs. Silas H. Long, Mr. and Mrs. C. Herman Kirchner, Sr., Mr. and Mrs. Edward B. Murry, Viola Smith, William A. Drury, Stelios Kalargyros, Carrie Patterson and to Lancaster County Court of Common Pleas by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Good by Senator Armstrong and Senator Wenger.

Congratulations of the Senate were extended to Trevor Chabinsky, Kenneth Zrebiec, Brady Weiss, Peter Griffin, Jeffray S. Phillips and to Downingtown Area Senior High School Girls Basketball Team by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. John Staffen III, Ronald R. Massung, Pierre A. Luti, Stephen J. Mikosky, Ernest S. Wisyanski, Monessen Fire Department No. 2, Volunteer Fire Department and Relief Association of Monessen, Holy Name Church of Duquesne and to Dante Alighieri Lodge No. 244 of the Italian Sons and Daughters of America by Senator Belan.

Congratulations of the Senate were extended to Jeffrey Heisserman, Paul Michael Popiel and to Marguerite Montgomery by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Szelc and to Nicholas A. Scotty by Senator Bodack.

Congratulations of the Senate were extended to Monte D. Mellott and to Pomona Grange of Hanover by Senator Bortner.

Congratulations of the Senate were extended to Dave Way and to Leon Houser by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Russell M. Smith, Mr. and Mrs. Clifton Glossner, Mr.

and Mrs. William Elwood Williams, Mr. and Mrs. James R. Jones, Sr., Mr. and Mrs. Robert E. Krick and to James Thal by Senator Corman.

Congratulations of the Senate were extended to Theresa Kelly McDonald, Wilmerding Borough Police Department and to Wilmerding Borough Fire Department by Senator Dawida.

Congratulations of the Senate were extended to Lumel Aikens, Linda Gingrich, Craig Dawson, Audris Bradley, Jermaine Robinson, Rick Powers, Michelle Orlando, Melissa Hall, Damon Banks, Kim Gray, Cindi Oliver, Frederick W. Clayton and to Stephen Botory by Senator Fattah.

Congratulations of the Senate were extended to Vivian Marjorie Duvall Davie and to Holy Trinity Serbian Orthodox Cathedral of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to Cinekyd Enterprises, Incorporated, of Hatboro by Senator Greenleaf.

Congratulations of the Senate were extended to Robert W. Campman, Jonathan Harvard Wood, Griffith C. Marshall and to Police Chiefs Association of Bucks County, Bucks County Fraternal Order of Police Lodge No. 53 and the Bucks County Police Association by Senator Greenwood.

Congratulations of the Senate were extended to Charles Flenory by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. David Fetterman, Mr. and Mrs. Cecil Fisher, Mr. and Mrs. Ralph Haire, Mr. and Mrs. Donald Crabb, Mr. and Mrs. Glenn W. Robbins, Mr. and Mrs. Fred E. Magill, Mr. and Mrs. Royal R. Cain, Sr., Mr. and Mrs. Vincent Adinoffi, Mr. and Mrs. Clifton Allegar, Mr. and Mrs. Lee Woodruff, Mr. and Mrs. Massimo C. Mazzitti, Mr. and Mrs. Paul D. Young, Mr. and Mrs. Logan Miller, Mr. and Mrs. Ray Kauffman, Mr. and Mrs. Harold Metzger, Mr. and Mrs. Merritt L. Bardo, Reverend and Mrs. Samuel O. Rarick, Mr. and Mrs. Edwin Heim, Mr. and Mrs. Joseph S. Pinamonti Sr., Mr. and Mrs. Andrew George, Thomas C. Farr, Shawn L. Ross, Stephen B. Rutkowski, John Bzdil III, Michael Bzdil, Andrew A. Temple, Richard A. Mirtz, Jr., Marilyn F. Brill, Gertrude Kroutch, Lorraine Ausprich and to Veterans of Foreign Wars, Post 2110 of Mount Carmel by Senator Helfrick.

Congratulations of the Senate were extended to Brian Scott Comroe, Joseph J. DeMartino, John Charles Hutchinson, Michael Francis Stewart and to Jimmy C. Emery by Senator Holl.

Congratulations of the Senate were extended to R. Robert Reed, Jr. by Senator Holl and Senator Tilghman.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Zielonis by Senator Hopper.

Congratulations of the Senate were extended to Gregory M. Harvey and to Donald Birts by Senator Jones.

Congratulations of the Senate were extended to Ottie Hand, Joseph W. Stewart, Huntingdon Area School District Enrichment Program Odyssey of the Mind Team and to Bedford Middle School Odyssey of the Mind Give and Go Team by Senator Jubelirer.

Congratulations of the Senate were extended to Gail W. Weber by Senator Jubelirer and Senator Hopper.

Congratulations of the Senate were extended to Heath Reers and to Luzerne Volunteer Fire Department by Senator Lemmond.

Congratulations of the Senate were extended to Harold Rosenn, Esquire by Senator Lemmond and Senator Musto.

Congratulations of the Senate were extended to Monsignor Edward Musial and to Saint Ephrem's Church of Bensalem by Senator Lewis.

Congratulations of the Senate were extended to Reverend Robert Swope, Sr. by Senator Lincoln.

Congratulations of the Senate were extended to Kenneth J. Sippel and to Frank James Daddona by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Harold E. Metzger, Mr. and Mrs. Lewis L. Lundy, Mr. and Mrs. John W. Hanley, Mr. and Mrs. Burdette Olmstead, Mr. and Mrs. Leland Kipp, Mr. and Mrs. Harry Obert, Mr. and Mrs. Robert J. Blow, Mr. and Mrs. Charles S. LeFever, Weltha Parks, Mary J. Ritter and to Stephanie Wooster by Senator Madigan.

Congratulations of the Senate were extended to Catherine Sroka by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Rowker, Mr. and Mrs. Alfred Gubitosi, Maryann Pauline, Hugh S. Hudock, Commander Stephen Nalewajko and to Reverend Peter J. Alisaukas by Senator Musto.

Congratulations of the Senate were extended to Nicholas Kristof by Senator Pecora.

Congratulations of the Senate were extended to Craig E. Whaley, Amy Rudolph and to the Exchange Club of North East by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Patrick J. McShane and to the Diocese of Greensburg by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Angelo Paul, Mr. and Mrs. Joseph Martin, Edward W. Carroll, Lance Corporal Eugene DeCindio, Sean Christopher Ott, Michael J. Schoffstall, James Steven Fogarty, Ph.D. and to Martin Hanrahan by Senator Rhoades.

Congratulations of the Senate were extended to Thomas Jason Shaffer and to Samuel R. Hunter by Senator Robbins.

Congratulations of the Senate were extended to Clare E. Blakeslee by Senator Robbins and Senator Peterson.

Congratulations of the Senate were extended to Telephone Pioneers of America by Senator Scanlon.

Congratulations of the Senate were extended to Mr. and Mrs. Robert H. McFarland, Mr. and Mrs. Harold Booth, Mr. and Mrs. Robert E. McNees, Mr. and Mrs. James Badger, Mr. and Mrs. Homer Cooper, Mr. and Mrs. Ralph Turner, Mr. and Mrs. William Kopp, John D. Zimmerman, Jeffrey R. Beisheim and to Lawrence J. Spurr by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Amos Hedges, Mr. and Mrs. Kenneth F. Stoessel, Mr. and Mrs. Elam Hollinger, the Leach Family, Robert W.

Wentzel, Alice B. Yingst, Pennsylvania State Police and to the City of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin D. Farster, Mr. and Mrs. Tom Trevorrow, Mr. and Mrs. Howard McHenry, Mr. and Mrs. Francis Seeley, Mr. and Mrs. Ray Harkleroad, Mr. and Mrs. George Anderchin, Mr. and Mrs. Samuel McCullouch, Sr., Mr. and Mrs. Gerald M. Yount, Mr. and Mrs. Robert C. France, Michael H. Yanity, Jr. and to Monsignor Louis J. Heberlein by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Grant Morton, Mr. and Mrs. John Hertig, Mr. and Mrs. Harold R. Sprowls, Mr. and Mrs. William Sray, Mr. and Mrs. Moses Jacobs, Mr. and Mrs. John Dickson, Mr. and Mrs. Quentin Canan and to Harry R. Spicer, Jr. by Senator Stout.

Congratulations of the Senate were extended to Borough of Honey Brook by Senator Wenger.

Congratulations of the Senate were extended to the WHY Smoke? Project by Senator Williams.

## CONDOLENCE RESOLUTION

The PRESIDING OFFICER laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Constance Grebeck DiSanti by Senator Hart.

## GENERAL COMMUNICATION

### LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDING OFFICER laid before the Senate the following communication, which was read by the Clerk as follows:

### SENATE OF PENNSYLVANIA

May 1, 1991

To the Honorable, the Senate of the Commonwealth of Pennsylvania

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 1, 1991 through April 30, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN  
Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS**

**TUESDAY, MAY 7, 1991**

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Taxi Medallion Budget, Senate Bills No. 263 and 642 and House Bills No. 52 and 53)	Room 8E-A Hearing Room East Wing
10:00 A.M.	LOCAL GOVERNMENT (Public Hearing - executive nomination of Karen A. Miller as Secretary of Community Affairs)	Room 460 4th Floor North Wing
10:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing - executive nomination of Arthur A. Davis as Secretary of Environmental Resources)	Senate Majority Caucus Room Room 156
10:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 521, 647 and 1034)	Room 461 4th Floor North Wing
11:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 364, 552, 778 and 962)	Room 460 4th Floor North Wing
11:30 A.M.	BANKING AND INSURANCE (Public Hearing - executive nomination of Sarah W. Hargrove, Secretary of Banking)	Room 461 4th Floor North Wing
11:30 A.M.	FINANCE (Public Hearing - to consider Eileen Healy McNulty for appointment as Secretary of Revenue and Louis G. O'Brien for reappointment to the Board of Claims)	Room 8E-B Hearing Room East Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 243, 821 and 851; also Public Hearing - nomination of Joseph D. Lehman, Secre-	Room 460 4th Floor North Wing

tary of Corrections)

**WEDNESDAY, MAY 8, 1991**

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing - Wetlands Legislation, Senate Bills No. 982 and 983)	Room 8E-B Hearing Room East Wing
10:00 A.M.	LABOR AND INDUSTRY (Public Hearing - executive nomination of Harris L. Wofford, Jr., as Secretary of Labor and Industry)	Room 461 4th Floor North Wing

**THURSDAY, MAY 9, 1991**

10:00 A.M.	LAW AND JUSTICE (Public Hearing - on proposed Pennsylvania Liquor Control Board Regulation 054-042 (proposed fee increase))	Room 461 4th Floor North Wing
	CANCELLED	

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, May 7, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:45 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MAY 7, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 27

### SENATE

TUESDAY, May 7, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend JAMES E. BYRUM, Pastor of St. Dunstan's Episcopal Church, Blue Bell, offered the following prayer:

Let us pray.

We thank You, Heavenly Father, for this beautiful spring day and for the joy it brings to our hearts and, yet, we remember before You all those whose human needs cry out for us to reach out in concern to them, not only the Senate and those who work diligently for those needs, but the citizens as well. May You instill in each of us the will to do our part to care for the people of this Commonwealth. For we ask it in Your name. Amen.

### SPECIAL ORDER OF BUSINESS

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for Senator Pecora.

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Porterfield.

The PRESIDENT pro tempore. Senator Fisher requests a legislative leave for Senator Pecora and Senator Stapleton requests a temporary Capitol leave for Senator Porterfield. Without objection, those leaves will be granted.

#### LEAVES OF ABSENCE

Senator FISHER asked and obtained leave of absence for Senator HOPPER, for a portion of today's Session, for personal reasons.

Senator STAPLETON asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 6, 1991.

The Clerk proceeded to read the Journal of the preceding Session.

Senator Loeper. Mr. President, I move that further reading of the Journal be dispensed with, and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. The Journal is approved.

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE

Senator GREENLEAF. Mr. President, I rise and ask the Senate to recognize my guests, Dr. and Mrs. Fry and Catherine and Jim Walker, who reside in my district and are visiting the Capitol and are presently watching the Senate in Session.



The PRESIDING OFFICER. Would the guests of Senator Greenleaf please stand up. Would the Senate of Pennsylvania kindly give Senator Greenleaf's guests its cordial, warm welcome.

(Applause.)

### **GUESTS OF SENATOR PATRICK J. STAPLETON PRESENTED TO SENATE**

Senator STAPLETON. Mr. President, in the gallery we have 36 members of the Indiana and Armstrong County Human Relations Services that are here visiting the Capitol. They have been at the House and they are here with us today, and I would welcome our usual warm welcome.

The PRESIDING OFFICER. Would the guests of Senator Stapleton please stand up so the Senate can give you its traditional warm welcome.

(Applause.)

### **McCONNELLSBURG HIGH SCHOOL CLASS A GIRLS BASKETBALL STATE CHAMPIONS PRESENTED TO SENATE**

The PRESIDENT pro tempore. Mr. President, I had the pleasure yesterday of introducing the Altoona Area High School Boys Team, and today it is my pleasure to introduce the only ladies basketball team which was undefeated the entire year, through the playoffs, to the state championship. They are the Class A Champions, the Lady Spartans of McConnellsburg High School. They are here today to have a tour of the Capitol and to receive citations for their remarkable record of 31-0. They captured the PIAA Class A State Championship with a 66-60 victory over Pottsville Nativity in the State Finals held at Hershey. This team is under the extraordinary expert guidance of head coach Audrey Hall and assistant coach Dorothy Doyle. I would ask the Lady Spartans to rise as I call their names because they certainly are an outstanding group of young ladies: Tiffany Bard, Nicole Seiders, Melody DeShong, Amy Booth, Marla McElhaney, Angela McElhaney, Rochelle Swope, Paulette Carbaugh, Rebecca Eisaman, Leslie Kendall, Stacey Peck and Misti Soter; also manager Stacey Duffey, and scorekeeper Trudy Doyle. Mr. President, not only do they excel athletically, seven of the members of the team are National Honor Society students. Nine of the twelve were runners-up as the state volleyball champions, and a week later came out for basketball. It is a small district, but let me tell you they are incredibly competitive and outstanding members of their community and certainly deserve the recognition of the Senate for their accomplishments, and I would ask you, Mr. President, if you would ask the Senate to give them a warm welcome and congratulations on their remarkable season.

The PRESIDING OFFICER. Would the Senate of Pennsylvania give the Lady Spartans of McConnellsburg High School its traditional warm welcome.

(Applause.)

### **GUESTS OF SENATOR ROXANNE H. JONES PRESENTED TO SENATE**

Senator JONES. Mr. President, it gives me a great deal of pleasure this afternoon to introduce some folks to the Senate who I think are very special people. They are members of the Pennsylvania Impact Governmental Conference. They held a conference today, and they are dealing with so many of the issues that concern us, such as housing, health care, taxation, racism. All these issues are being discussed today over at Grace Methodist Church. I happened to be their morning keynote speaker, and I was just so impressed with them. I would just like to also mention all of the different churches that are involved. We have the American Baptist Church, Church of Brethrens, Evangelist Lutheran Church in America, the Episcopal Church, the Presbyterian Church, United Church of Christ and the United Methodist Church, and many others. This group is spearheaded by Dr. Paul Gehris, and I would appreciate it if the Senate would give them an extra welcome here today.

The PRESIDING OFFICER. Would the guests of Senator Jones please rise so we can give you an extra special welcome.

(Applause.)

### **RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with an expectation of returning to the floor at approximately 2:45 p.m.

Senator MELLOW. Mr. President, I would also request that the Democrat Members report to our caucus room immediately so we can have a brief caucus and get back on the floor.

The PRESIDING OFFICER. For purposes of Republican and Democratic caucuses, the Senate will now stand in recess.

### **AFTER RECESS**

**The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### **COMMUNICATIONS FROM THE GOVERNOR**

#### **NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA HUMAN  
RELATIONS COMMISSION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel D. Yun, 3903 Somers Drive, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1995, or until his successor is appointed and qualified, vice Rita Clark, Johnstown, resigned.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,  
DAUPHIN COUNTY**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jeannine Turgeon, 115 Hillside Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January, 1992, vice The Honorable Lee F. Swope, mandatory retirement.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF KUTZTOWN UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert L. Krommes, 37 North Fourth Street, Cressona 17929, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Roy B. Clair, 40 East Third Avenue, Lititz 17543, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Mabel B. Kreider, Peach Bottom, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Harris, 6113 Charing Cross, Mechanicsburg 17055, Cumberland County, Thirtieth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William H. Bolger, Hershey, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles W. Hash, Sr., 1915 Stonegate Road, York 17404, York County, Twenty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Carol G. Pritchett, York, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sarah N. Vanderslice, 2838 Fiddlers Green, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul G. Wedel, 203 Riv-eredge Drive, Leola 17540, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Arwilda L. Haynes, Landisville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Darlene Woody, 708 Fairview Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice James H. Guerin, Manheim, whose term expired.

ROBERT P. CASEY.

## HOUSE MESSAGES

### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 304**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

### HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

May 7, 1991

**HB 1274** — Committee on Appropriations.

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

## GENERAL COMMUNICATION

### OFFICE OF ATTORNEY GENERAL

### ANNUAL REPORTS ON THE OPERATION OF THE WIRETAPPING AND ELECTRONIC SURVEILLANCE CONTROL ACT

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Office of Attorney General  
Harrisburg, PA 17120

May 3, 1991

Honorable Robert C. Jubelirer  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120

Re: Annual Reports on the Operation of the  
Wiretapping and Electronic Surveillance  
Control Act - 1990

Dear Senator Jubelirer:

Pursuant to my responsibilities under section 5723(b) and 5775(a) of the Wiretapping and Electronic Surveillance Control Act, as amended, 18 PA.C.S. §§ 5723(b) and 5775(a), enclosed is a copy of my Annual Reports on the operation of the Act. If you or any member of your staff have any questions concerning these reports, please direct them to Chief Deputy Attorney General Robert A. Graci of my staff at (717) 787-6348.

Respectfully submitted,

ERNEST D. PREATE, JR.  
Attorney General

The PRESIDENT. This report will be filed in the Library.

## REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

### **SB 821 (Pr. No. 1138) (Amended)**

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," requiring State correctional institutions to comply with drug and alcohol treatment standards.

### **SB 851 (Pr. No. 1139) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the sentencing proceeding; providing for disposition of assets or income of a defendant; and providing for restitution for incarceration.

Senator GREENWOOD, from the Committee on Urban Affairs and Housing, reported the following bills:

### **SB 364 (Pr. No. 1136) (Amended)**

An Act amending the act of July 25, 1977 (P. L. 95, No. 35), entitled "Mobile Home Titling Act," providing for the transfer of certificates of title or ownership; providing for obtaining new certificates of title or ownership where old certificates have been

canceled; making certain contracts voidable; and making a repeal.

**SB 552 (Pr. No. 581)**

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), entitled "Municipal Claim and Tax Lien Law," further providing for sale upon judgment in cities of the first class; and providing for registration of interested parties, service of notice and statute of limitations in cities of the first class.

**SB 778 (Pr. No. 823)**

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," prohibiting a landlord from charging a tenant more than the actual cost of cable television service; and imposing a penalty.

**SB 962 (Pr. No. 1137) (Amended)**

An Act authorizing certain counties to increase the recording fees of deeds and mortgages to support or enhance local affordable housing efforts.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 521 (Pr. No. 550)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment, the operation and the powers and duties of the Department of Mental Health and Mental Retardation; transferring certain powers and duties of the Department of Public Welfare; and making repeals.

**SB 647 (Pr. No. 677)**

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), entitled "Public Official Compensation Law," providing compensation for a Secretary of Mental Health and Mental Retardation.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

**SB 263 (Pr. No. 272)**

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for mobile home parks.

**SB 642 (Pr. No. 672)**

An Act requiring manufacturers of products sold in this Commonwealth to submit copies of use, instruction or safety manuals to the State Library of Pennsylvania.

**HB 52 (Pr. No. 41)**

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," further providing for shared shops.

**HB 53 (Pr. No. 1559) (Amended)**

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," further providing for barber shop licensees who employ licensed cosmetologists; and making editorial changes.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, also reports that the committee supports implementation of the Philadelphia taxicab budget request.

**SPECIAL ORDER OF BUSINESS**

**ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Loeper and Senator Jubelirer.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Bodack and Senator Fumo.

The PRESIDENT. Senator Fisher asks temporary Capitol leaves for Senator Loeper and Senator Jubelirer. Senator Stapleton asks temporary Capitol leaves for Senator Andrezeski, Senator Bodack and Senator Fumo. The Chair hears no objection. Those leaves will be granted.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION AMENDED**

**SB 53 (Pr. No. 1070)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on certain interstate highways; and providing for the use of speed timing devices.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STOUT, by unanimous consent, offered the following amendment No. A0696:

Amend Sec. 1 (Sec. 3362), page 2, lines 2 and 3, by striking out all of said lines and inserting:

(2.1) (i) Except as provided in subparagraph (ii), 65 miles per hour on interstate highways outside of urbanized areas of population of 50,000 or more.

(ii) 55 miles per hour on interstate highways for all trucks and truck tractors registered as Class IV or larger.

On the question,

Will the Senate agree to the amendment?

Senator STOUT. Mr. President, amendment A0696 is an amendment to Senate Bill No. 53. As the Body knows, this legislation would increase the speed limit on rural interstates from the current 55 to 65 miles per hour. The bill that is before us will allow any vehicle, regardless of size and class, to travel the rural interstate system at 65 miles per hour. This amendment is offered to correct that and to prohibit any truck of class 4 or larger—a class 4 vehicle has a gross vehicle weight of 9,000 pounds or more—from going 65 miles per hour. They would be required to travel the rural interstates at

the current speed limit of 55 miles per hour. On many occasions Members of this Body have stood at the microphones and addressed concern about the high speed of trucks on our interstate road systems and the fact of the trucks bearing down on the much smaller cars and threatening them. This way, if this legislation were to become law, it would restrict the trucks of class 4 or larger to 55 and would allow cars and vehicles, like pick-up trucks and so forth, to travel the rural interstates at 65 miles per hour. I think one of the reasons for that is the stopping distance for the larger trucks. Because of their weight, it takes a greater distance to stop than an automobile with the weight moving forward. This amendment does make sense, and I urge the adoption of this amendment to restrict trucks of class 4 and larger to 55 miles per hour on the interstate system.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jubelirer. His temporary Capitol leave will be cancelled.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate agree to the bill on third consideration, as amended?

Senator STOUT, by unanimous consent, offered the following amendment No. A0697:

Amend Sec. 1 (Sec. 3368), page 4, line 4, by removing the period after "limit" and inserting: where that speed limit is 55 miles per hour or less or unless the speed recorded is three or more miles per hour in excess of the legal speed limit where the speed limit is 65 miles per hour or more.

On the question,  
Will the Senate agree to the amendment?

Senator STOUT. Mr. President, as Senate Bill No. 53 is before us now, it would allow no tolerance if the 65 mile per hour speed were passed and signed into law increasing the speed to 65 miles per hour on the rural interstate system. It would allow zero tolerance for any motorist traveling who would exceed the 65 miles per hour and, say, even go to 66 miles per hour, and you could be subject to a citation by State Police using radar. Our current law provides at 55 miles per hour for a six mile per hour tolerance. This concept of allowing zero tolerance at a 65 miles per hour speed was extensively debated in the committee, and this is an attempt in this amendment to reach some type of a compromise. Amendment A0697 would allow for a three mile per hour tolerance on rural interstates at a speed of 65 miles per hour. The reason for this is that anybody who drives knows that it is impossible when you are driving to keep your vehicle exactly at that speed limit, so you creep up. If you are traveling at 65 miles per hour and you creep up to 66, you are going to be subject to possible arrest, and the minimum fine for that case of just, say, being one mile over the speed limit is \$92.50. That is quite a serious

fine, although there are no points assessed between one mile and five miles over the speed limit, still the cost at \$92.50, I think, would be unfair. Another reason is the speedometers on vehicles are not that accurate. Although State Police vehicles are calibrated and you can have your speedometer calibrated, that costs considerable money. As an operator of a vehicle, you know that if you put new tires on or put winter tires on, it will cause fluctuation and inaccuracy in the reading of your speedometer. I think while it might not be proper to retain the current six miles per hour tolerance that we currently have under the 55 mile speed limit, the way the bill is before us with zero tolerance, I think, is unreasonable and we should at least retain a three miles per hour tolerance even if the 65 miles per hour speed limit were adopted for the rural interstate system. I urge the adoption of this amendment.

Senator BELL. Mr. President, I oppose this amendment. I have several reasons. When we first adopted the radar bill, I was a freshman Member of the Senate and I remember going out and watching the demonstration on Route 22 when we had one of the Senators in a State Police car and a number of other Senators were watching the radar, and there was a variation of about eight or ten miles between what the speedometer said and what the radar said. In those days radar was not exact. Today, according to his testimony in his appearance in front of the Republican caucus, the Commissioner of State Police said that today radar is accurate. The reason for the tolerance is not needed. So when we say 65 miles per hour with this bill, it means 65 miles per hour, not 68, or whatever other tolerance would be read into it.

There is another reason. If, on vehicle count, the Federal Bureau of Public Roads determines the flow of traffic is over 65 miles per hour, we can lose federal matching money. That is in the federal law. I ask my colleagues to vote against giving any tolerance above 65 miles per hour on the interstate rural highways.

Senator CORMAN. Mr. President, I, too, would urge a negative vote on this amendment. There is no reason today to give tolerance with the use of radar. It is time now to make the law consistent as other speed timing devices. There is no tolerance given in the law in the event that a state patrolman would be following you in your car. Sixty-five would mean sixty-five, just as today fifty-five means fifty-five. They need not give you a tenth of a mile. The same way with any of the other speed timing devices—VASCAR, you name them. None of them have a tolerance when checking speed at 55 miles per hour, therefore, there is no real need for it in radar.

I have sent a letter from the Commissioner of State Police to each one of you indicating that radar is checked on a regular basis. It is precise to one mile per hour, that is the radar cannot read in excess of the speed that it is going, and if the speed is 59.9, it will read 59 rather than 60 miles per hour. Radar is accurate. There is no need for the three miles per hour tolerance. If we are talking three miles per hour, we are talking 68. The police will, no doubt, give another couple of miles, as they do now in almost all instances, and we are talking 70. I think 65 is a safe speed. We ought not to make it

70 with this kind of tolerance, and I would urge a negative vote.

Senator STOUT. Mr. President, in response to my two colleagues who spoke in opposition to this amendment, it is not the question of the calibration of the radar to the driver, although that is going to impact on whether that citation is issued and the citation is upheld. In many cases it is the accuracy of the speedometer in your car. I mean, I know on a monthly basis, the State Police have to have the radar device certified, but if a person thinks they are traveling 64 or 65 miles an hour and they have a one or two mile creep, an error or an inaccuracy in their own speedometer in many cases, as I have said, it is the devices themselves as they are manufactured are not that accurate, and if the driver is relying on that or happens to put on new tires or winter tires, which are oversized, which also affects the reading that you will get on your speedometer, that person legitimately could think that they are traveling at 64 or 65, within that proposed speed limit, and actually be going 66 or 67, one or two miles over that, and get arrested, receive a citation for that and you are talking not a small amount of money. The minimum fine is \$92.50. This General Assembly, in our wisdom, you know, added \$10 for emergency services. That is fine and good. In order to finance the CAT Fund, we added \$30. You have the minimum fine of \$35 and you have costs of \$17.50. You are penalizing a person for happening to just slide over there, just creep over there by one or two miles, although the gentleman from Centre County said he did not think that the police would do that, that they would still give a couple of miles of leeway. We are not sure of that. I think we are just inviting problems. I am sure if this legislation is passed without this amendment and becomes law, many of us will be hearing from our constituents who are traveling at 65 and end up getting a ticket for 66 or 67 miles per hour. Even the cruise control, which many of us rely on today, has a plus or minus three to five miles on your vehicle. Many travelers use it to help maintain their vehicle at a safe speed. I think we need to adopt this, not totally allow zero tolerance. It is not realistic. How many of you who drive are going to say that you are always going to keep within one mile of that speed? I think if this is to become law, we need to see that it is fair. Currently, on 55 miles an hour, we are allowed six miles, so even though we are increasing the speed, I have reduced this tolerance to three miles. I think it is a fair and reasonable amendment to Senate Bill No. 53 and urge its adoption.

Senator BELL. Mr. President, I would like to suggest a real cheap way of calibrating your speedometer. When you are on the Turnpike, they have mile sticks. You take a watch, and if you go through those mile sticks one mile in 60 seconds you are doing 60 miles an hour, and you can adjust, using your own computer between your two ears. I have used this method for a long time because I drive in Maryland and Delaware where there is not any tolerance.

Senator STOUT. Mr. President, I say to Senator Bell, I do not know how accurate my watch is. I have a Mickey Mouse, so I do not think I am going to rely on that to measure my

speed. I know that you can use that and that is why they are out there, but I very seriously doubt if many people drive and calculate their speed by the stripes on the road. I think it is really totally unrealistic not to have that in there, and we are going to probably, as I say, rue the day if we pass this bill without this amendment and subject our constituents to fines when they are one or two miles over the limit. I urge the adoption of this amendment, Mr. President.

#### LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, prior to taking the roll call, may I place Senator Williams on temporary Capitol leave.

The PRESIDENT. Senator Mellow asks temporary Capitol leave for Senator Williams. The Chair hears no objection. The leave will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Loeper. His temporary Capitol leave will be cancelled.

And the question recurring,  
Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator ROBBINS. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator STAPLETON. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator GREENWOOD. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator STOUT and were as follows, viz:

#### YEAS—28

Afflerbach	Fumo	Lewis	Scanlon
Andrezeski	Greenleaf	Lincoln	Schwartz
Belan	Helfrick	Mellow	Shumaker
Bodack	Holl	Musto	Stapleton
Bortner	Jones	O'Pake	Stewart
Dawida	LaValle	Porterfield	Stout
Fattah	Lemmond	Reibman	Williams

#### NAYS—20

Armstrong	Fisher	Madigan	Robbins
Baker	Greenwood	Pecora	Salvatore
Bell	Hart	Peterson	Shaffer
Brightbill	Jubelirer	Punt	Tilghman
Corman	Loeper	Rhoades	Wenger

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Without objection, Senate Bill No. 53 will go over in its order, as amended.

#### BILLS OVER IN ORDER

SB 323, 348 and 431 — Without objection, the bills were passed over in their order at the request of Senator FISHER.



## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**HB 14 and 25** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILL ON SECOND CONSIDERATION

**SB 151 (Pr. No. 151)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**HB 157** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL OVER IN ORDER

**SB 197 (Pr. No. 206)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L. 221, No. 63), entitled, as amended, Pennsylvania Drug and Alcohol Abuse Control Act," providing for the commitment of certain children; prohibiting the expenditure of State funds outside this Commonwealth; and providing a negligence standard relating to assessment and treatment of certain children.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

## AMENDMENT OFFERED

Senator GREENLEAF offered the following amendment No. A0683:

Amend Sec. 1 (Sec. 12.1), page 2, line 20, by inserting after "incurred.": The single county authority shall not authorize the assessment or the placement of a child under this section if one parent, guardian or person having legal custody of the child objects to the assessment or placement.

On the question,

Will the Senate agree to the amendment?

## AMENDMENT WITHDRAWN

Senator GREENLEAF. Mr. President, I withdraw the amendment.

The PRESIDENT. Without objection, Senate Bill No. 197 will go over in its order.

## BILL ON SECOND CONSIDERATION AMENDED

**SB 347 (Pr. No. 470)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

## GREENLEAF AMENDMENT

Senator GREENLEAF offered the following amendment No. A0530:

Amend Sec. 7, page 5, line 13, by inserting after "6": : Provided, however, That whenever the running of the statute of limitations in respect of a cause of action arising under this section is tolled hereunder, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within four years after the cause of action accrued

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

## PETERSON AMENDMENT

Senator PETERSON offered the following amendment No. A0723:

Amend Sec. 8, page 8, line 24, by inserting after "BANKS": and savings institutions

Amend Sec. 8, page 8, line 25, by inserting after "BANKS": or savings institutions

Amend Sec. 8, page 8, line 27, by inserting after "BANKING": or savings institution

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on second consideration, as amended?

## LEWIS AMENDMENT

Senator LEWIS offered the following amendment No. A0691:

Amend Sec. 9, page 9, lines 3 through 5, by striking out all of said lines

Amend Sec. 10, page 9, line 6, by striking out "10" and inserting: 9

Amend Sec. 11, page 10, line 28, by striking out "11" and inserting: 10

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LEWIS.

## BILL OVER IN ORDER

**SB 801** — Without objection, the bill was passed over in its order at the request of Senator FISHER.



**RECESS**

Senator FISHER. Mr. President, I would ask for a short recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to convene immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in brief recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nomination, made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:

**SECRETARY OF PUBLIC WELFARE**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable John F. White, Jr., 8016 Gilbert Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for reappointment as Secretary of Public Welfare, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

**NOMINATION LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nomination just read by the Clerk be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE STATE CIVIL SERVICE COMMISSION**

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Mary Lou Harris, 245 Greenlane Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Therese Lemelle Mitchell, Harrisburg, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE COLUMBIA COUNTY BOARD OF ASSISTANCE**

May 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991 for the reappointment of Lee G. Yost (Democrat), P. O. Box 360, Benton 17814, Columbia County, Twenty-seventh Senatorial District, as a member of the Columbia County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**NOMINATIONS RETURNED TO THE GOVERNOR**

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

**EXECUTIVE NOMINATIONS****EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**ADJUTANT GENERAL**

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Major General Gerald T. Sajer, 101 North 17th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Adjutant General, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ted Yanchuleff, 4911 Follins Court, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Susan Morey, Mohnton, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS AND  
PROFESSIONAL LAND SURVEYORS

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Haunani S. L. Kekuna, 1587 Promise Lane, Allentown 18106, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mildred L. Cornelison (Independent), 1176 Westerly Parkway, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice Nicholas A. DeLallo, State College, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eleanor E. Gentzel (Democrat), 118 North Harrison Road, Pleasant Gap 16823, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Centre County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul Dorrance Welch, Jr. (Democrat), 106 Bellefonte Avenue, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur J. McMahon (Democrat), R. D. 2, McMahon Road, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Richard A. Reeser (Republican), R. D. 1, Box 34, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy L. Rexer (Democrat), R. R. 1, Box 1216, Forksville 18616, Sullivan County, Twenty-third Senatorial District, for reappointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### UNFINISHED BUSINESS

##### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Christian Reider and to the Lancaster County Council on Alcoholism and Drug Abuse by Senator Armstrong.

Congratulations of the Senate were extended to Courtney Guerrieri, Brian Guerrieri, Todd Gyory and to Trent Gyory by Senator Belan.

Congratulations of the Senate were extended to Citizen's Fire Company No. 1 of Palmyra by Senator Brightbill.

Congratulations of the Senate were extended to Jody Hull, Donald S. Cain, David Graves and to the Bellefonte Area Middle School by Senator Corman.

Congratulations of the Senate were extended to Dorothy Ervin by Senator Dawida.

Congratulations of the Senate were extended to Shawn P. Vietmeier by Senator Fisher.

Congratulations of the Senate were extended to Jemal Norwood by Senator Jones.

Congratulations of the Senate were extended to Jeffrey O'Donnell, Ralph Parsons, Rick Steinmetz, Clay Wood, Very Reverend Monsignor James M. Lowry and to Wiley House by Senator Mellow.

Congratulations of the Senate were extended to Cosimo DeBiase by Senator Musto.

Congratulations of the Senate were extended to Chad L. Bean and to the Pleasantville Volunteer Fire Department Volunteers by Senator Peterson.

Congratulations of the Senate were extended to Richard F. Higgins, Nancy Elser and to the Pottsville Youth Soccer Association by Senator Rhoades.

Congratulations of the Senate were extended to David A. Domanski, Mr. and Mrs. Glenn Wile, Charles L. Pedersen, Mr. and Mrs. Herman Hutzley, Mr. and Mrs. Frank Orrico, Mike Covelli, Mr. and Mrs. John A. McCool, Sr. and to Union Area High School Boys Basketball Team of New Castle by Senator Shaffer.

Congratulations of the Senate were extended to fifth grade class of Milton Hershey School, seventh grade class of Milton Hershey School and to the eighth grade class of Milton Hershey School by Senator Shumaker.

Congratulations of the Senate were extended to Wayne Shope by Senator Stewart.

#### BILLS ON FIRST CONSIDERATION

Senator AFFLERBACH. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 263, 364, 521, 552, 642, 647, 778, 821, 851, 962, HB 52 and 53.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

#### PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, the news media carries a story that on Monday there is no money to pay the welfare recipients. The payment of these checks is scheduled so one-tenth of the welfare recipients in Pennsylvania will not have money on Monday. On Tuesday, if action is not taken, another 10 percent. I have been advised by the Majority floor leader that the bill authorizing additional appropriations to the Department of Public Welfare was received by this Chamber some time after noon today. For some reason the House of Representatives held up this legislation. I am just going to call attention to the House of one fact. I have been through this before when welfare recipients did not get their checks. I heard, I did not see, of many cases of hungry children, and I do not think that we want to see this repeated in Pennsylvania. I urge that we expedite legislative handling of this matter. I call attention to the Senate that it is a very sad

situation when the Senate Committee on Appropriations was warned that this was going to happen by Secretary White back in March and the House never passed the legislation, although somebody must have known the money was running out and there would be hungry children on Monday.

Senator O'PAKE. Mr. President, we join in urging the Senate Committee on Appropriations to address this problem expeditiously, and I understand arrangements have been made to do so. It is absolutely essential that that bill reach the Governor's desk by next Monday, which means that the Committee on Appropriations is going to have to report it out today so we can vote it next Monday.

### RECESS

Senator FISHER. Mr. President, there will be no further votes taken today, but at this time I would move that the Senate stand in recess to the call of the Chair.

The PRESIDENT. Senator Fisher moves that the Senate do now recess to the call of the Chair.

The motion was agreed to.

The PRESIDENT. The Senate will stand in recess to the call of the Chair.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their assent for the Committee on Appropriations to meet imminently to consider House Bill No. 1274.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hopper. His temporary Capitol leave will be cancelled.

### SENATE AT EASE

The PRESIDENT. The Senate will be at ease as we await the outcome of the Committee on Appropriations. Would all the Members of the Committee on Appropriations please report to the Rules room at the rear of the Senate Chamber. There is a meeting of the Committee on Appropriations in progress. Would those Members please report to the room.

(The Senate was at ease.)

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR J. DOYLE CORMAN PRESENTED TO SENATE

Senator CORMAN. Mr. President, it is my extreme pleasure and honor to present to the Pennsylvania Senate a friend and a legislator from the State of Maryland. Ellen Sauerbrey happens to be the Chairman of the American Legislative Exchange Council and she is also Minority Leader of the House of Delegates in the State of Maryland. She is accompanied by a gentleman, Roop Mohunlall, whom I work regularly with on ALEX transportation issues. I wish you and the Members of the Senate would join in giving them a warm welcome to Pennsylvania.

The PRESIDENT. Would our distinguished colleague from Maryland please rise with your guest so we could welcome you to the Senate of Pennsylvania.

(Applause.)

### REPORT FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

#### HB 1274 (Pr. No. 1549)

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," increasing and decreasing certain appropriations to the Executive Department; and making appropriations from the Hazardous Material Response Fund.

### BILL ON FIRST CONSIDERATION

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### HB 1274.

And said bill having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, May 8, 1991, at 11:20 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MAY 8, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 28

### SENATE

WEDNESDAY, May 8, 1991.

The Senate met at 11:20 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, bless these women and men of the Senate of Pennsylvania and make them cognizant of the record they are writing. Fill this Chamber with words of integrity, attitudes of sensitive caring and a constant awareness of accountability to You and Your greater glory. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 7, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATION FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendell W. Young, III, 4041 Cottler Drive, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired.

ROBERT P. CASEY.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. Willard A. Snyder as a member of the Advisory Commission to assist the Department of Banking regarding interstate banking activities.

Senator Melissa A. Hart as a member of the Committee on Labor of the Assembly on the Legislature of the National Conference of State Legislatures.

### REPORT FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following bill:

#### SB 243 (Pr. No. 1142) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the compensation and expenses of witnesses.

### BILLS IN PLACE

Senator STOUT presented to the Chair several bills.

Senator WENGER presented to the Chair several bills.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Armstrong.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bodack, Senator Dawida and Senator Lewis.

The PRESIDENT. Senator Fisher requests a temporary Capitol leave for Senator Armstrong. Senator Mellow requests temporary Capitol leaves for Senator Bodack, Senator Dawida and Senator Lewis. The Chair hears no objection. These leaves will be granted.

**LEAVE OF ABSENCE**

Senator MELLOW asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER**

**SB 53 (Pr. No. 1140)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on certain interstate highways; and providing for the use of speed timing devices.

On the question,  
Will the Senate agree to the bill on third consideration?

**RECONSIDERATION OF STOUT  
AMENDMENT A0697**

Senator SHUMAKER. Mr. President, on behalf of myself and Senator Corman, I move for the reconsideration of the vote taken May 7, 1991, by which amendment A0697 to Senate Bill No. 53 was adopted.

The PRESIDENT. Senator Shumaker moves that the vote by which Senate amendment A0697 was agreed to be reconsidered.

On the question,  
Will the Senate agree to the motion?

**LEGISLATIVE LEAVE**

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Robbins.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Robbins. The Chair hears no objection. That leave will be granted.

And the question recurring,  
Will the Senate agree to the motion?  
The motion was agreed to.

On the question,  
Will the Senate agree to the amendment?

Senator SHUMAKER. Mr. President, I move that Senate Bill No. 53 go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 53 will go over in its order. The Chair would note that the bill goes over in its order without the amendment which is now pending.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 151 (Pr. No. 151)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Robbins. His temporary Capitol leave will be cancelled.

**THIRD CONSIDERATION CALENDAR RESUMED****BILL OVER IN ORDER**

**SB 323** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 348 (Pr. No. 357)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 431** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL  
ON SECOND CONSIDERATION

**HB 1274 (Pr. No. 1549)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," increasing and decreasing certain appropriations to the Executive Department; and making appropriations from the Hazardous Material Response Fund.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**HB 14, 25, 52, 53, 157, SB 197, 263, 347, 364, 521, 552, 642, 647, 778, 801, 821, 851 and 962** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE CONCURRENT RESOLUTION  
NO. 8, CALLED UP

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Concurrent Resolution No. 8**, entitled:

A Concurrent Resolution designating the week of May 12 through 18, 1991, as "Child Passenger Safety Awareness Week."

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION  
NO. 8, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 8.

The motion was agreed to and the resolution was adopted.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

HOUSE CONCURRENT RESOLUTION  
NO. 89, CALLED UP

Senator LOEPER, without objection, called up from page 5 of the Calendar, **House Concurrent Resolution No. 89**, entitled:

A Concurrent Resolution designating the month of May 1991 as "Motorcycle Safety Month."

On the question,

Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT  
RESOLUTION NO. 89

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 89.

The motion was agreed to and the resolution was concurred in.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## SPECIAL ORDER OF BUSINESS

## ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Senate has been given permission for the Committee on Rules and Executive Nominations to meet imminently to consider certain executive nominations.

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

## COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

## SECRETARY OF BANKING

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Sarah W. Hargrove, Old City Hall, Apartment 124, 423 Walnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as Secretary of Banking, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## SECRETARY OF COMMUNITY AFFAIRS

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Karen A. Miller, 120 North 11th Street, Reading 19601, Berks County, Eleventh Senatorial District, as Secretary of Com-



munity Affairs, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

SECRETARY OF CORRECTIONS

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Joseph D. Lehman, Manor House, Grounds of SCI Camp Hill, Lisburn Road, Camp Hill 17001-0598, Cumberland County, Thirty-first Senatorial District, as Secretary of Corrections, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the reappointment of Joseph C. Toland, M.D., 1271 Mill Road, Meadowbrook 19046, Montgomery County, Twelfth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

SECRETARY OF EDUCATION

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Donald M. Carroll, Jr., 440 Woodcrest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Education, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

SECRETARY OF ENVIRONMENTAL RESOURCES

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable

Arthur A. Davis, 25 West Circle Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 11, 1991 for the reappointment of Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

INSURANCE COMMISSIONER

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Constance B. Foster, 1709 Beech Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

SECRETARY OF LABOR AND INDUSTRY

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Harris L. Wofford, Jr., 407 Old Gulph Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

SECRETARY OF REVENUE

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 16, 1991 for the appointment of Eileen Healy McNulty, 523 Harding Street, New Cumberland 17070-1237, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified, vice David L. Donahoe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has requested a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to meet immediately in the Rules Committee room to the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### SECRETARY OF BANKING

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Sarah W. Hargrove, Old City Hall, Apartment 124, 423 Walnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as Secretary of Banking, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### SECRETARY OF COMMUNITY AFFAIRS

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Karen A. Miller, 120 North 11th Street, Reading 19601, Berks County, Eleventh Senatorial District, as Secretary of Community Affairs, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### SECRETARY OF CORRECTIONS

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Joseph D. Lehman, Manor House, Grounds of SCI Camp Hill, Lisburn Road, Camp Hill 17001-0598, Cumberland County, Thirty-first Senatorial District, as Secretary of Corrections, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### SECRETARY OF EDUCATION

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Donald M. Carroll, Jr., 440 Woodcrest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Education, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### SECRETARY OF ENVIRONMENTAL RESOURCES

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Arthur A. Davis, 25 West Circle Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## INSURANCE COMMISSIONER

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Constance B. Foster, 1709 Beech Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## SECRETARY OF LABOR AND INDUSTRY

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1991 for the reappointment of The Honorable Harris L. Wofford, Jr., 407 Old Gulph Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## SECRETARY OF REVENUE

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 16, 1991 for the appointment of Eileen Healy McNulty, 523 Harding Street, New Cumberland 17070-1237, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified, vice David L. Donahoe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

## EXECUTIVE NOMINATIONS

## EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

## NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

## SECRETARY OF AGRICULTURE

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Boyd E. Wolff, R. D. 2, Box 218, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as Secretary of Agriculture, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

## SECRETARY OF PUBLIC WELFARE

January 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable John F. White, Jr., 8016 Gilbert Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for reappointment as Secretary of Public Welfare, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### UNFINISHED BUSINESS

#### SENATE RESOLUTIONS

##### RECOGNIZING THE 50TH ANNIVERSARY OF THE CIVIL SERVICE COMMISSION OF THE COMMONWEALTH AND COMMENDING IT FOR ITS HIGH STANDARDS OF ADMINISTRATION

Senator CORMAN, on behalf of Senator SHUMAKER, offered the following resolution (Senate Resolution No. 61), which was read, considered and adopted:

In the Senate, May 8, 1991.

##### A RESOLUTION

Recognizing the 50th Anniversary of the Civil Service Commission of the Commonwealth and commending it for its high standards of administration.

WHEREAS, Governor Arthur H. James signed the Civil Service Act on August 5, 1941, creating a merit system of employment administered by an independent commission known as the Civil Service Commission; and

WHEREAS, When initiated, the merit system included 14,000 member-employees, who worked for the Department of Public Assistance, Bureau of Employment Security, Liquor Control Board and the Civil Service Commission; and

WHEREAS, By resolution dated September 10, 1956, and later amendments the Executive Board of the Commonwealth expanded the merit system to include 13,000 professional and technical positions; and

WHEREAS, On August 26, 1963, Governor William W. Scranton approved a major expansion for the merit system extending coverage to more than half of the Commonwealth's workforce thereby creating a single, uniform and modern system for all civil servants, increasing the number of civil servants from 27,000 to 45,000 and the number of covered positions rose from 32,000 to 50,000; and

WHEREAS, During the 1970's, the act was amended again to extend merit system coverage to State departments, boards, commissions and to political subdivisions of the Commonwealth at their request; and

WHEREAS, At present, there are 60,000 civil servants in the merit system working in 36 State agencies and another 7,000 in local government working in one of 298 local government agencies located throughout the Commonwealth in mental health/mental retardation; children and youth services; area agencies on aging; emergency management; housing authorities, and drug and alcohol units; therefore be it

RESOLVED, That the Senate recognize the 50th Anniversary of the Civil Service Commission of the Commonwealth; and be it further

RESOLVED, That the Civil Service Commission be commended for its high standards of administration of the State merit system of employment; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Civil Service Commission, State Street Building, P.O. Box 569, Harrisburg, Pennsylvania, 17108-0569.

##### RECOGNIZING MAY 12 THROUGH 18, 1991, AS "NATIONAL NURSING HOME WEEK," URGING ITS RECOGNITION IN THIS COMMONWEALTH AND COMMENDING THE 703 NURSING HOME FACILITIES IN THIS COMMONWEALTH FOR THEIR HIGH STANDARDS OF CARE

Senators HOPPER, JUBELIRER, BODACK, SCANLON, SHUMAKER, WENGER, FISHER, SCHWARTZ, BORTNER, LEWIS, CORMAN, SALVATORE, BELAN, LaVALLE, ROBBINS, HELFRICK, HART, AFFLERBACH, STAPLETON and REIBMAN offered the following resolution (Senate Resolution No. 62), which was read, considered and adopted:

In the Senate, May 8, 1991.

##### A RESOLUTION

Recognizing May 12 through 18, 1991, as "National Nursing Home Week," urging its recognition in this Commonwealth and commending the 703 nursing home facilities in this Commonwealth for their high standards of care.

WHEREAS, The week of May 12 through 18, 1991, has been proclaimed "National Nursing Home Week"; and

WHEREAS, Pennsylvania has the fourth largest population of older persons in the United States; and

WHEREAS, About 3% of Pennsylvanians over the age of 65 reside in nursing homes; and

WHEREAS, As of April of 1991 there were 703 nursing home facilities in this Commonwealth, with over 89,000 beds; and

WHEREAS, Today's homes for older persons are far different from those of a decade ago, providing residents with active and independent lifestyles and offering modern and sunfilled environments surrounded by beautifully landscaped grounds, a variety of programs and services to fill the residents' needs, and quality medical care, regardless of health status, income level or race; therefore be it

RESOLVED, That the Senate recognize May 12 through 18, 1991, as "National Nursing Home Week" and urge its recognition throughout this Commonwealth; and be it further

RESOLVED, That the 703 nursing home facilities in this Commonwealth be commended for their high standards of care.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Patricia Grosholz, Susan Gilhooly, Diane Christensen, Jacqueline Clompus, Brooke Beahm and to the Pierce Middle School Science Olympiad Team of West Chester by Senator Baker.

Congratulations of the Senate were extended to Harold T. Smith by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Hudak by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Ward F. Bollinger, Mr. and Mrs. Stacey Moul, Sr., Mr. and Mrs. Clark Thomas, Mr. and Mrs. Mark A. Kuhn, Mr. and Mrs. Willis Strickler, Mr. and Mrs. Lloyd Laugerman, Mr. and Mrs. Ralph Luckenbaugh, Mr. and Mrs. Richard B.

Boyer, Mr. and Mrs. Irvin J. Sheivert, Mr. and Mrs. John G. Charleston, Mr. and Mrs. Millard Dietz and to John G. Parquette by Senator Bortner.

Congratulations of the Senate were extended to the students of Schenley High School of Pittsburgh by Senator Dawida.

Congratulations of the Senate were extended to Brian Haugh, Emergency Medical Service of Freeport, Ladies Auxiliary of the Freeport Volunteer Fire Department and to Freeport Volunteer Fire Department by Senator Hart.

Congratulations of the Senate were extended to Police Officer Chris Samsel, Clair Clemens and to Detective William R. Stanley by Senator Holl.

Congratulations of the Senate were extended to Rob Leitner and to Timothy Starke by Senator Hopper.

Congratulations of the Senate were extended to Reverend Father Patrick D. Healey by Senator Mellow.

Congratulations of the Senate were extended to Dorothy M. Etzweiler and to the Rotary Club of Colonial Park by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Phillip Doyle and to Mr. and Mrs. Lawrence F. Schaeffer by Senator Stapleton.

Congratulations of the Senate were extended to Cambria-Rowe Business College by Senator Stewart.

### CONDOLENCE RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Deacon Alphonse Formica by Senator Shumaker.

### BILL ON FIRST CONSIDERATION

Senator LEMMOND. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**SB 243.**

And said bill having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, the Senate Committee on Appropriations acted very quickly and reported out House Bill No. 1274 in yesterday's Session. It has been read the second time, and we hope that this will be passed early on Monday. This is the bill that is the supplementary appropriation that provides the monies for the Department of Public Welfare so the welfare checks can be issued once this bill passes the Senate and the Governor signs it. This means, with the expeditious handling that the Senate has given this bill,

which only arrived here Monday, the welfare recipients will have their checks. It also means that the children will have food. During the Republican caucus we had the welfare chairman present and I told him we have had situations like this in the past. I urged him to insist that the checks be cut and ready to be distributed once the Governor signs the bill and be sent by special messenger to all of the counties of the Commonwealth. The welfare cycle is such that one-tenth of the welfare recipients of the Commonwealth are issued their checks on each of ten separate days, and this action by the Senate taken today has done a tremendous amount of good to prevent undue suffering, especially by the children of welfare recipients.

### COMMUNICATION FROM THE GOVERNOR

#### RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 1991 for the appointment of Barbara H. Stratton, 321 East Walnut Street, Kutztown 19530, Berks County, Forty-eighth Senatorial District, as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Kermit Kistler, M.D., Allentown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### ADJOURNMENT

Senator LOEPER. Mr. President, I would ask the Members to pay special attention to the adjournment resolution today because I am going to move that the Senate do now adjourn until 10:30 a.m. on Monday, May 13, 1991. In light of the statements of my colleague from Delaware County relative to the supplemental appropriations bill, it is our first order of business and we would like to convene at 10:30 a.m., Eastern Daylight Saving Time on Monday, May 13, 1991.

Mr. President, I move the Senate do now adjourn until Monday, May 13, 1991, at 10:30 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

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The motion was agreed to.

The Senate adjourned at 11:55 a.m., Eastern Daylight Saving Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, MAY 13, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 29

### SENATE

MONDAY, May 13, 1991.

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

O God, hear our prayer this morning for these Members of the Senate. Give them sincerity of speech and diligence in their allotted tasks, that this Commonwealth might be a better place to live and work. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 8, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE HEALTH CARE POLICY BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert William Alexander, M.D., 1417 Old Mill Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until March 11, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE HEALTH CARE POLICY BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph T. Rauscher, 307 Lodge Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 25, 1994 and until his successor is appointed and qualified, vice Dwayne Cooper, Ohioville, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Captain Joseph W. Guilday, 21 Furness Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dante Mattioni, Esquire, 2036 Shunk Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified, vice Stanley M. Bednarek, Philadelphia, whose term expired.

ROBERT P. CASEY.

#### SECRETARY OF BANKING

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sarah W. Hargrove, Old City Hall, Apartment 124, 423 Walnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Banking, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### SECRETARY OF COMMUNITY AFFAIRS

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Karen A. Miller, 120 North 11th Street, Reading 19601, Berks County, Eleventh Senatorial District, for reappointment as Secretary of Community Affairs, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### SECRETARY OF CORRECTIONS

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Joseph D. Lehman, 3509 Raintree Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Corrections, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### SECRETARY OF EDUCATION

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Donald M. Carroll, Jr., 440 Woodcrest Drive, Mechanicsburg, 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Education, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### SECRETARY OF ENVIRONMENTAL RESOURCES

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Arthur A. Davis, 25 West Circle Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### INSURANCE COMMISSIONER

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Constance B. Foster, 1079 Beech Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Luchansky, 3301 North Front Street, Whitehall 18052, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Marion M. Parish, Montoursville, whose term expired.

ROBERT P. CASEY.

#### SECRETARY OF REVENUE

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen Healy McNulty, 523 Harding Street, New Cumberland 17070-1237, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice David L. Donahoe, Pittsburgh, resigned.

ROBERT P. CASEY.

#### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as

follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991 for the reappointment of Edgar L. Lawton, 75 Mann Street, Mansfield 16933, Tioga County, Twenty-third Senatorial District, as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF CLAIMS**

May 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 16, 1991 for the reappointment of Louis G. O'Brien, 3431 Alinda Circle, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Claims, to serve until November 15, 1998 and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**CORRECTION TO NOMINATION BY THE  
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated May 7, 1991 for the appointment of James W. Harris, 6113 Charing Cross, Mechanicsburg 17055, Cumberland County, Thirtieth Senatorial District, as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William H. Bolger, Hershey, whose term expired, should be corrected to read:

James W. Harris, 6113 Charing Cross, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William H. Bolger, Hershey, whose term expired.

ROBERT P. CASEY.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 523**, with the information the House has passed the same without amendments.

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 10, 1991

**HB 2** — Committee on Education.

**HB 68, 219 and 646** — Committee on Transportation.

**HB 124 and 301** — Committee on Judiciary.

**HB 739** — Committee on Banking and Insurance.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

May 10, 1991

Senators GREENLEAF, SHUMAKER, FUMO and ANDREZESKI presented to the Chair **SB 1038**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential mediation communications and documents.

Which was committed to the Committee on JUDICIARY, May 10, 1991.

Senators GREENLEAF and AFFLERBACH presented to the Chair **SB 1039**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the restoration of operating privileges.

Which was committed to the Committee on TRANSPORTATION, May 10, 1991.

Senators PUNT, GREENWOOD and BRIGHTBILL presented to the Chair **SB 1040**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, May 10, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

May 10, 1991

### URGING FEDERAL OFFICIALS TO REEVALUATE LIMITS ON REHABILITATION PROGRAMS FOR VETERANS WHO HAVE SUFFERED TRAUMATIC BRAIN INJURIES

Senator LEWIS offered the following resolution (*Senate Resolution No. 63*), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, May 10, 1991.

#### A RESOLUTION

Urging Federal officials to reevaluate limits on rehabilitation programs for veterans who have suffered traumatic brain injuries.

WHEREAS, The grim and unfortunate reality of armed conflict is that young men and women are killed, scarred, and maimed in defense of ideals and interests, noble or otherwise, and this is a timeless and inescapable facet of warfare; and

WHEREAS, Thomas J. Murphy, Lance Corporal (Retired) of the United States Marine Corps, is all too aware of this cruel fact, having suffered a traumatic brain injury (TBI) while flying on a mission in the skies over Quang Tri Province in the Republic of Vietnam in July of 1972; and

WHEREAS, Miraculously, Thomas J. Murphy survived this grievous wound and was released from the Philadelphia Naval Hospital in February of 1973; and

WHEREAS, Between February 1973 and January 1987, though diagnosed as a patient who could benefit from therapy, special schooling or a structured rehabilitation program, Thomas J. Murphy received no services from the Department of Veterans' Affairs nor any form of rehabilitative intervention; and

WHEREAS, In January of 1987, nearly 15 years after he suffered his debilitating injury, the Veterans' Administration finally agreed to fund TBI rehabilitation for Thomas J. Murphy, and he entered The Devereaux Foundation's Head Injury Program and remained in its exemplary care until June of 1990, when funding for his therapy was withdrawn by the Veterans' Administration; and

WHEREAS, With the return of United States servicemen and women from the Persian Gulf, it is all the more timely and appropriate for all of us to turn our attention to the problems of veterans with injuries like Thomas J. Murphy's and to note that under current Veterans' Administration policy, no lifelong commitment to their needs has as yet been realized; and

WHEREAS, It is altogether fitting and proper for the members of the Senate to join with Thomas J. Murphy and hundreds of veterans across the nation in urging the Department of Veterans' Affairs and the Veterans' Administration to provide a long-term, substantive care program to those who so nobly sacrificed in defense of our nation and to pay tribute to the bravery, determination and perseverance so ably demonstrated by veterans

such as Thomas J. Murphy, who continues to endure in the face of hardship that can be alleviated; therefore be it

RESOLVED, That the Senate urge the President of the United States, Congress and the Department of Veterans' Affairs to reevaluate Federal limits on rehabilitation programs for veterans with traumatic brain injuries sustained during active duty and to review in particular the services rendered to Lance Corporal (Retired) Thomas J. Murphy and other similarly situated veterans; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to the Department of Veterans' Affairs.

### EXPRESSING THE OPPOSITION OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA TO THE PROVISIONS OF THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1991, PROVIDING FOR MANDATORY REDUCTIONS IN CERTAIN STATE PERMITTED OBLIGATIONS

Senators STOUT and CORMAN offered the following resolution (*Senate Concurrent Resolution No. 64*), which was read and referred to the Committee on Transportation:

In the Senate, May 10, 1991.

#### A CONCURRENT RESOLUTION

Expressing the opposition of the General Assembly of the Commonwealth of Pennsylvania to the provisions of the Department of Transportation and Related Agencies Appropriation Act, 1991, providing for mandatory reductions in certain State permitted obligations.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

WHEREAS, The Congress of the United States under the provisions of section 341(a)(1) and (2) of the Department of Transportation and Related Agencies Appropriations Act, 1991 (P.L. 101-516, 104 Stat. 2155 at 2189), provided that:

SEC. 341. (a) Notwithstanding any other provision of law, for the period January 1, 1992, through December 31, 1992, the Secretary of Transportation shall reduce the aggregate amount which a State may obligate for Federal-aid highways and highway safety construction programs by 25 percent if such State has a public authority which provides mass transportation for an urbanized area of such State with a population of 3,000,000 or more as determined under the 1980 decennial census of the United States, and if by October 1, 1991—

(1) laws of such State do not authorize a general tax-based source of revenues to take effect on or before January 1, 1992, dedicated to paying the non-Federal share of projects for mass transportation eligible for assistance under the Urban Mass Transportation Act of 1964; or

(2) the laws of such State do not authorize the establishment of regional or local tax-based sources of revenues dedicated to pay such non-Federal share or for paying operating expenses of mass transit service so as to satisfy financial capacity standards as may be required by the Secretary of Transportation; and

WHEREAS, The only state in the United States which meets the parameter set forth in section 341 is the Commonwealth of Pennsylvania; and

WHEREAS, The Commonwealth of Pennsylvania has provided over \$1,300,000,000 in financial assistance for public transportation the past three fiscal years; and

WHEREAS, Pennsylvania continues to rank second in the Nation in the amount of direct state support for public transportation as reported in AASHTO's Survey of State Involvement in Public Transportation; and

WHEREAS, It is manifestly unfair for the Congress of the United States to single out the Commonwealth of Pennsylvania for such drastic punishment which if imposed would immeasurably add significant burdens to interstate commerce in the north-eastern region of the United States; therefore be it

RESOLVED, (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania, in accordance with section 341(c)(2) of the Department of Transportation and Related Agencies Appropriation Act, 1991, expresses its opposition to the mandatory reduction of funds authorized by the Congress; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

May 13, 1991

**DECLARING MAY 15, 1991, AS "PEACE OFFICERS MEMORIAL DAY" IN PENNSYLVANIA; DESIGNATING THE WEEK OF MAY 12, 1991, AS "POLICE WEEK" IN PENNSYLVANIA; AND URGING THE GOVERNOR TO ORDER THAT THE FLAGS OF THE UNITED STATES AND THIS COMMONWEALTH BE FLOWN AT HALF-MAST ON MAY 15, 1991**

Senators BRIGHTBILL, BORTNER, HOPPER, HART, SHAFFER, LYNCH, JONES, WENGER, O'PAKE, REIBMAN, SALVATORE, MUSTO, CORMAN, GREENWOOD, SHUMAKER, ROBBINS, JUBELIRER, LOEPER, STOUT, SCHWARTZ, FISHER, TILGHMAN, LaVALLE, BELAN, RHOADES and AFFLERBACH offered the following resolution (**Senate Resolution No. 65**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, May 13, 1991.

#### A RESOLUTION

Declaring May 15, 1991, as "Peace Officers Memorial Day" in Pennsylvania; designating the week of May 12, 1991, as "Police Week" in Pennsylvania; and urging the Governor to order that the flags of the United States and this Commonwealth be flown at half-mast on May 15, 1991.

WHEREAS, Law enforcement is one of the most essential services provided to the citizens of our great Nation; and

WHEREAS, The peace officers of our Nation serve the citizens of their communities with dedication and integrity; and

WHEREAS, These men and women stand guard in our midst, night and day, to protect us through enforcement of our laws; and

WHEREAS, The devotion and intrepidity of our Nation's peace officers and the sacrifices of officers who have been killed in the line of duty should not go unrecognized; therefore be it

RESOLVED, That the Senate, consistent with the provisions of Public Law 87-726, 36 U.S.C. § 167, which authorizes the President to designate May 15 of each year as Peace Officers Memorial Day, declare May 15, 1991, as "Peace Officers Memorial Day" in Pennsylvania in honor of peace officers who have been killed in the line of duty and designate the week of May 12, 1991, as "Police Week" in Pennsylvania in recognition of our country's courageous peace officers; and be it further

RESOLVED, That the Senate urge the Governor to order that the flag of the United States and the flag of this Commonwealth be flown at half-mast from all public grounds and buildings of this Commonwealth on May 15, 1991, to honor peace officers who lost their lives in the line of duty.

#### APPOINTMENT OF MEMBERS TO STANDING COMMITTEE OF THE SENATE

The PRESIDENT pro tempore. The Chair wishes to announce that he has appointed Senator Vincent J. Fumo to fill the vacancy caused by the resignation of Senator Robert J. Mellow, and Senator Hardy Williams to fill the vacancy caused by the resignation of Senator J. William Lincoln, as Members of the Intergovernmental Affairs Committee.

#### BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

SB 523.

#### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Senate has been given permission for the Committee on Rules and Executive Nominations to meet off the floor during the Session to consider Senate Bill No. 304, Senate Resolution No. 65 and certain nominations.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Holl, Senator Helfrick and Senator Hopper.

Senator STAPLETON. Mr. President, I would ask for temporary Capitol leaves for the following Senators: Senator Andrezeski, Senator Fattah, Senator Lewis, Senator Reibman and Senator Williams.

The PRESIDENT pro tempore. Senator Fisher requests temporary Capitol leaves for Senator Holl, Senator Hopper and Senator Helfrick. Senator Stapleton has requested temporary Capitol leaves for Senator Andrezeski, Senator Fattah, Senator Lewis, Senator Reibman and Senator Williams. The Chair hears no objection. The leaves will be granted.

#### LEAVES OF ABSENCE

Senator STAPLETON asked and obtained leaves of absence for Senator JONES and Senator LYNCH, for today's Session, for personal reasons.

#### SENATE CONCURRENT RESOLUTION

#### RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:



In the Senate, May 13, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 3, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, May 28, 1991, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of May 28, 1991, it reconvene on Monday, June 3, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Reibman. Her temporary Capitol leave will be cancelled.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1274 (Pr. No. 1549)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," increasing and decreasing certain appropriations to the Executive Department; and making appropriations from the Hazardous Material Response Fund.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator LOEPER. Mr. President, I think before we vote on House Bill No. 1274, the supplemental appropriation, it is important that we take note and make some remarks about the passage of this legislation. I think it is very important that the Senate has moved quickly on this legislation to try and ensure there is no disruption of payments, particularly to our welfare recipients. I think everyone understands that this is not the last piece of such legislation we are going to be faced with in the Senate during this fiscal year because the current calculations are that this measure is only going to take the state through the middle of June. It is hoped that we will not have to undergo another two-minute offense in order to rush another bill through in order to try and accommodate the same situation prior to the end of the fiscal year. I think it is noteworthy, however, Mr. President, that the process on this supplemental appropriation was assisted by the cooperation of the Budget Secretary in giving us, particularly the gentleman from Montgomery, Senator Tilghman, who has requested on many occasions, an explanation of exactly where

the funds are coming from in order to pay for this measure. Although we have had strong disagreements with the manner in which some of these funds were secured, I think it is important to realize that we now are assured the money is on hand, in fact, to fund the necessary payments called for in the bill. We recognize, Mr. President, no one really wins when there is a stoppage of state payments, and I think the willingness to respond to our request for information is certainly a positive step forward and a positive sign as we enter a very difficult period of working on a state budget for the next fiscal year.

I think, in addition, Mr. President, it must also be noted that the problems being encountered in cash grants and in medical assistance are not really unexpected. As you may recall, last April of 1990, we several times indicated to the Budget Secretary and the administration that we believed their estimates in those two areas were far too low. The Budget Secretary at that time had said flatly that we were mistaken in our assumptions, and he refused to revise those estimates at that time. However, in an April 30, 1990 letter to the Governor, we changed the assumptions of DPW and the Budget Office and warned that there would be serious problems ahead. Unfortunately, for the state budget picture, it was the Budget Secretary who, in essence, Mr. President, a year later was absolutely wrong in the projections that he had made and why, essentially, we are in a position today, in order to pass this supplemental appropriation, to try to address the cash grants and medical assistance issues. The idea that the legislation we pass today to address the problem recently arisen is certainly one that is not accurate. I think, Mr. President, we are only beginning to pay the price for the misjudgments and miscalculations of a year ago that served as the foundation for the current budget which we are currently involved in and will come to an end on June 30th.

I believe, Mr. President, it is important we consider in shaping the new budget that we look for a more realistic projection from the administration in order that we do not face such a grim fiscal problem again this time next year.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Lewis. His temporary Capitol leave will be hereby cancelled.

And the question recurring,

Shall the bill pass finally?

Senator FUMO. Mr. President, I just want to respond briefly to the Majority Leader's remarks. We, too, felt that there might be a shortage in cash grants last year, but we were not as positive in our view as the Majority Leader now seems to make his views appear.

Mr. President, the most important thing we have to remember is that although we may have thought there were some shortfalls last year, and I have certainly said it on this floor many, many times before and I will do it again today and every time I hear the moans of the other side, who stepped forward with an alternative plan? Mr. President, the Majority participated with us. We could not have passed the budget

were it not for the votes of the Majority, and they know that. Quite frankly, the fact of the matter is that last year nobody wanted to find any of these problems in reality. I will admit the other side was caught in some sort of schizophrenic mode—on the one hand wanting to cry deficits are coming, deficits are coming, deficits are coming, but on the other hand, not willing to say, let us raise taxes to avoid that.

Mr. President, I would hope the remarks of the gentleman today and the tone of those remarks would carry forth in the future, because I think we have all beaten to death whose fault it is we are here today with all these problems that Pennsylvania faces. It is not just the fault of the Governor. It is not just the fault of the Legislature. It is probably mostly the fault of the American economy, and we can blame that on Democratic Congressmen and Senators and a Republican Administration. The fact of the matter is that we have a problem and we should be glad that our problem is not as bad as other states, although it is a bad problem. We must go forth into the future together if we are going to solve this. We will get nowhere if we continue the partisan rhetoric. Just for the record I want to advise the Majority Leader and others that we have always passed supplemental budgets for cash grants. In fact, one of the negotiators of this budget—whose name will remain unmentioned, but those of us who do it know fully well who it is—always says, take it out of cash grants. We will give them a supplemental later if we need it. It is usually very short and succinct. His style is that way. So we all understand the problem, Mr. President. Let us just go forth in the future trying to work together to solve Pennsylvania's problems, because the people of Pennsylvania are not concerned with who did what. The people of Pennsylvania are concerned with solutions, and those solutions this year are going to be very painful across the board, not only for taxpayers in business and individuals, but also for recipients of state help, and we know that. So let us not try to beat each other for partisan political gain, but let us act responsibly and solve these problems.

Senator BELL. Mr. President, I was not going to make this speech until the gentleman from Philadelphia, Senator Fumo, got up and made his personal remarks. This is brinksmanship. This bill arrived here Tuesday at noontime, and we are here at 10:30 a.m., Monday to pass it. I do not think the other party, including the Minority Chairman of the Committee on Appropriations, better try to repeat this tactic when we pass the big budget because at that time we can throw in stopgaps. When children go hungry in the welfare families there will be enough votes to override the Governor's veto on the stopgap.

Senator TILGHMAN. Mr. President, I think the Members on the floor should know it is necessary to pass this piece of legislation at the present time but as of this minute the funds on hand to back this bill up—this is a \$176 million bill—are \$5,590,335 short. In other words, we are voting for a piece of legislation and the funds are not in hand. However, various items have been listed by the Secretary of the Budget that would bring in enough money to cover the \$5,500,000 shortfall, and I hope that he does get those funds. We are going to

be talking for the next two or three months. Hopefully by June 30th we will all be done talking about the budget problems in the Commonwealth of Pennsylvania, and there is nothing very fancy about it. We can talk about this, we can talk about that, we can talk about the economy, but the facts of the matter are that Governor Casey in the first four years of his term, in three of those he spent more than he took in, and it is just as cut and dried as that. He took in X amount of dollars and spent 2X amount of dollars and nobody in the world can do that and exist. You cannot do it as individuals, and I think the Governor is responsible for cutting spending when he realizes he is not getting the funds in.

Senator FUMO. Mr. President, it was not my intention to continue this debate, but I cannot let the remarks of the previous speakers go unchallenged. Mr. President, the gentleman from Delaware, Senator Bell, tells us this bill got here late. He is allowed to introduce a bill. No one says he cannot introduce his own bill if he does not like this bill or if it is late in getting here. I also want to assure Senator Bell and others there will be no stopgaps. I will repeat it, there will be no stopgaps. We will deal with this budget on time, in a proper fashion or we will all suffer the heat together. So do not even start thinking in your wildest fantasy that there will be stopgaps. There were no stopgaps when Governor Shapp decided to put the Legislature in a responsible posture, and, believe me, you gentlemen well know the history. Governor Casey will never be outdone by Governor Shapp. There will be no stopgaps. Mr. President, as far as us passing a bill today for which there may not be cash in hand of some minor amount, we all passed the budget a couple of months ago when there was not a lot of cash in hand, and we all knew it. As far as the gentleman from Montgomery, Senator Tilghman, saying of the horrendous record of the Casey Administration spending more than they took in, the only answer I have to that, I guess he learned from Ronald Reagan and George Bush. I also guess you guys did not argue with them, because you espoused the same philosophy. You went along with him every time you say he did that. So let us again stop the political rhetoric, go on in the future together and share the heat because it is coming. It is coming and we all know it. So let us stop the nonsense and get moving.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart



Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE

Senator BORTNER. Mr. President, in the gallery today is a group of students from the Hanover Middle School in Hanover, Pennsylvania. They are known as the "Show Stoppers." They are under the direction of Deb Smith, and they will be performing in the Rotunda today at about noontime. I am sure if any Senator has the opportunity to stop by, they will be in for a real treat, and I would hope we could give them a real Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Bortner who are in the gallery please stand so we may give you a warm welcome.

(Applause.)

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Williams and his temporary Capitol leave will be cancelled.

### ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, for the information of the Members, the Committee on Intergovernmental Affairs, chaired by Senator Baker, which is scheduled to hold a public hearing on the Intergovernmental Cooperation Authority that was to begin at 11:00 a.m. has been delayed until 11:30 a.m. That public hearing meeting will commence at 11:30 a.m. in Room 8E-B with its scheduled agenda to proceed from there.

### RECESS

Senator LOEPER. Mr. President, I would ask at this time for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules Committee room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has asked for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules Committee room to the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. O'Hara, Jr., 2336 South Pewter Drive, Macungie 18062, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified, vice Charles J. Potter, Ph.D., Indiana, deceased.

ROBERT P. CASEY.

#### MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Glover M. Beh, 729 Monroe Avenue, Scranton 18510-1710, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

#### MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David H. Widmer, 100 Widmer Lane, Rochester 15074, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jesse C. Achenbach, P. O. Box 1359, 1819 Howard Avenue, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice William J. Grim, Devon, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph M. Benish, 1521 Meadowlark Way, Harrisburg 17110-2957, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until his successor is appointed and qualified, vice Louise P. Ross, Philadelphia, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Capello, 310 East Grant Street, Lebanon 17042, Lebanon County, Forty-Eighth Senatorial District, for appointment as District Justice in and for the County of Lebanon, Magisterial District 52-2-01, to serve until the first Monday of January, 1992, vice Catherine M. Coyle, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

## COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE BOARD OF CLAIMS

May 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 16, 1991 for the reappointment of Louis G. O'Brien, 3431 Alinda Circle, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Claims, to serve until November 15, 1998 and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the reappointment of Joseph C. Toland, M.D., 1271 Mill Road, Meadowbrook 19046, Montgomery County, Twelfth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 11, 1991 for the reappointment of Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF KUTZTOWN UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 1991 for the appointment of Barbara H. Stratton, 321 East Walnut Street, Kutztown 19530, Berks County, Forty-eighth Senatorial District, as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Kermit Kistler, M.D., Allentown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE STATE REAL  
ESTATE COMMISSION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Howard J. Hanna, Jr., 4737 Bavard Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel K. Lamb, Pittsburgh, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 53, 323 and 431 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 14 (Pr. No. 1466) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the arrest and detention of persons wanted in other counties; and further providing for sentencing and for intermediate punishment.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 25 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 52 (Pr. No. 41) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P.L. 242, No. 86), referred to as the "Cosmetology Law," further providing for shared shops.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**HB 53 (Pr. No. 1559)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P.L. 589, No. 202), referred to as the "Barbers' License Law," further providing for barber shop licensees who employ licensed cosmetologists; and making editorial changes.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 157, SB 197, 243 and 263** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL LAID ON THE TABLE

**SB 347 (Pr. No. 1141)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL OVER IN ORDER

**SB 364** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 521 (Pr. No. 550)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment, the operation and the powers and duties of the Department of Mental Health and Mental Retardation; transferring certain powers and duties of the Department of Public Welfare; and making repeals.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 552 and 642** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 647 (Pr. No. 677)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), entitled "Public Official Compensation Law," providing compensation for a Secretary of Mental Health and Mental Retardation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 778 and 801** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 821 (Pr. No. 1138)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," requiring State correctional institutions to comply with drug and alcohol treatment standards.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 851 and 962** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### REPORT FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

##### **SB 304 (Pr. No. 1052)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for detention of children.

#### RESOLUTION REPORTED FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolution:

##### **SR 65 (Pr. No. 1151)**

A Resolution declaring May 15, 1991, as "Peace Officers Memorial Day" in Pennsylvania; designating the week of May 12, 1991, as "Police Week" in Pennsylvania; and urging the Governor to order that the flags of the United States and this Commonwealth be flown at half-mast on May 15, 1991.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. George Wolfgang by Senator Bortner.

Congratulations of the Senate were extended to Adam Carton by Senator Corman.

Congratulations of the Senate were extended to Michael Harwood by Senator Fumo.

Congratulations of the Senate were extended to Ray Short and to Sister Clare Carty by Senator Greenwood.

Congratulations of the Senate were extended to Walter Matthew Leonard by Senator Hart.

Congratulations of the Senate were extended to Salford Hills Elementary School of Harleysville and to AEL Industries, Incorporated, of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Caldwell Consistory, Ancient Accepted Scottish Rite, Valley of Bloomsburg by Senator Lemmond.

Congratulations of the Senate were extended to John R. O'Hara by Senator Mellow.

Congratulations of the Senate were extended to George and Joan Freeman by Senator Peterson.

Congratulations of the Senate were extended to Nick J. Etze by Senator Porterfield.

Congratulations of the Senate were extended to Vada Eleanor Waterfield by Senator Punt.

Congratulations of the Senate were extended to the Girls Basketball Team of Nativity of the Blessed Virgin Mary High School of Pottsville by Senator Rhoades.

Congratulations of the Senate were extended to Amy Jo Raber and to the Fifth and Sixth Grade Classes of Saint Michael's School of Greenville by Senator Robbins.

Congratulations of the Senate were extended to Barbara A. Brown by Senator Shumaker.

Congratulations of the Senate were extended to Fred S. Engle Middle School of West Grove by Senator Wenger.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, May 14, 1991

10:00 A.M.	BANKING AND INSURANCE	Room 461
	(to consider Senate	4th Floor
	Bills No. 568, 583,	North Wing
	676, 748, 865, 969	
	and House Bill No. 739)	
10:30 A.M.	LOCAL GOVERNMENT	Room 460
	(to consider Senate	4th Floor
	Bills No. 356, 539,	North Wing
	752, 916, 985 and	
	House Bills No. 146	
	and 171)	
10:30 A.M.	PUBLIC HEALTH AND	Room 461
	WELFARE (to consider	4th Floor
	Senate Bill No. 3)	North Wing
11:30 A.M.	MILITARY AND	Room 460
	VETERANS AFFAIRS	4th Floor
	(to consider House	North Wing
	Bill No. 10)	

WEDNESDAY, MAY 15, 1991

9:30 A.M.	CONSUMER PROTECTION	Room 8E-B
	AND PROFESSIONAL	Hearing Room
	LICENSURE (to consider	East Wing
	Senate Bill No. 629)	

### RECESS

Senator LOEPER. Mr. President, in keeping with our schedule for today, at this time I would ask for a recess of the Senate until 2:00 p.m., at which time I believe we have a bill coming over to be signed and then we will have the adjournment for today.

The PRESIDENT pro tempore. Senator Loeper requests that the Senate stand in recess until 2:00 p.m. this afternoon. Without objection, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

**HB 1274.**

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Holl and Senator Hopper and their temporary Capitol leaves will be cancelled.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, May 14, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 2:27 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MAY 14, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 30

### SENATE

TUESDAY, May 14, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend Mr. HARRY F. RAY, Pastor of Faith United Church of Christ, Philadelphia, offered the following prayer:

Let us pray.

Lord, we Your servants stand before You this day, very much aware that You have created and You have challenged us to preserve. You have given us, O God, servants who have said, yes, to be about caring for others as they implement legislation.

So we would ask of God that Thy divine guidance and blessings would come upon these folks. Be with them as they legislate and deliberate. Help us to be compassionate to all the needs and the diversities around which we see each other. We see before us homeless, crack babies, AIDS, elderly, education, and the list goes on. God, help us to be stewards of Your goodness upon this earth that we may care about all of Your people amidst all of the diversities, that we may be aware that You have charged us as we have accepted our responsibilities to be stewards of the goodness of life.

So, O Lord, come and visit this, Thy Body. Be present guiding and directing, and we will be careful to give You the praise.

In the Lord's name we pray. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Ray who is the guest this week of Senator Schwartz.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 13, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE CIVIL SERVICE COMMISSION

May 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Lieberth, 106 Pointvue Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Therese Lemelle Mitchell, Harrisburg, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

May 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony R. Barone, 9575 Walley Avenue, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 14 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard L. Orwig, Esquire, 404 Lynne Avenue, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Kermit Kistler, M.D., Allentown, resigned.

ROBERT P. CASEY.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess Adjournment.

## BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

May 13, 1991

Senators STEWART, JONES, AFFLERBACH, WILLIAMS, BELAN, LYNCH and PORTERFIELD presented to the Chair **SB 1041**, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045, No. 397), entitled, as amended, "The Support Law," providing for the release of judgment liens.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 13, 1991.

Senators STEWART, PORTERFIELD and LYNCH presented to the Chair **SB 1042**, entitled:

An Act amending the act of February 9, 1988 (P. L. 31, No. 12), entitled "Low-Level Radioactive Waste Disposal Act," further providing for the powers and duties of the Department of Environmental Resources.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 13, 1991.

Senators STEWART, SALVATORE, LAVALLE, PORTERFIELD, AFFLERBACH and RHOADES presented to the Chair **SB 1043**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for purchase of credit for creditable nonstate service in the State Employees' Retirement Code.

Which was committed to the Committee on FINANCE, May 13, 1991.

Senators STEWART, LYNCH, BELAN, WILLIAMS, PORTERFIELD, SCHWARTZ and RHOADES presented to the Chair **SB 1044**, entitled:

An Act providing for Insurance Department jurisdiction over the providers of health care benefits; and providing penalties.

Which was committed to the Committee on BANKING AND INSURANCE, May 13, 1991.

Senators STEWART, BELAN, SCHWARTZ, JONES, AFFLERBACH, PORTERFIELD and RHOADES presented to the Chair **SB 1045**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for tax credits for investments in certain business and industrial development corporations.

Which was committed to the Committee on FINANCE, May 13, 1991.

Senators STEWART, BELAN, SCHWARTZ, JONES, AFFLERBACH, PORTERFIELD and RHOADES presented to the Chair **SB 1046**, entitled:

An Act providing for the licensing and regulation of business and industrial development corporations; and providing penalties.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, May 13, 1991.

Senators BORTNER, MELLOW, JONES, AFFLERBACH, MUSTO, SCHWARTZ, LEWIS and ANDREZESKI presented to the Chair **SB 1047**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for reporting by candidate and political committees and other persons.

Which was committed to the Committee on STATE GOVERNMENT, May 13, 1991.

Senators BORTNER, JONES, AFFLERBACH, MUSTO, SCHWARTZ, LEWIS and ANDREZESKI presented to the Chair **SB 1048**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for reporting by candidate and political committees and other persons.

Which was committed to the Committee on STATE GOVERNMENT, May 13, 1991.

Senators BORTNER, MELLOW, MUSTO, STAPLETON, AFFLERBACH, DAWIDA, REIBMAN, LEWIS and ANDREZESKI presented to the Chair **SB 1049**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," limiting expenditures for legislative campaigns.

Which was committed to the Committee on STATE GOVERNMENT, May 13, 1991.

Senators BORTNER, BELAN, REIBMAN, HELFRICK, PORTERFIELD and AFFLERBACH presented to the Chair **SB 1050**, entitled:

An Act amending the act of July 15, 1957 (P. L. 901, No. 399), entitled "Optional Third Class City Charter Law," further providing for the powers and duties of the mayor and of the city manager.



Which was committed to the Committee on LOCAL GOVERNMENT, May 13, 1991.

Senators ARMSTRONG and HELFRICK presented to the Chair **SB 1051**, entitled:

An Act amending the act of February 2, 1966 (P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose" to include cave exploration.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 13, 1991.

Senators O'PAKE, BRIGHTBILL and BELAN presented to the Chair **SB 1052**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," regulating location of criminal records.

Which was committed to the Committee on LOCAL GOVERNMENT, May 13, 1991.

Senators TILGHMAN, LOEPER, JUBELIRER, WENGER, HOPPER, FISHER and SALVATORE presented to the Chair **SB 1053**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly.

Which was committed to the Committee on FINANCE, May 13, 1991.

Senators REIBMAN, MUSTO, BRIGHTBILL, AFFLERBACH, DAWIDA, WILLIAMS, ANDREZESKI, PORTERFIELD, BELAN, TILGHMAN, HELFRICK, SHAFFER and FISHER presented to the Chair **SB 1054**, entitled:

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, providing for water resources planning and emergency management; creating the State Water Resources Board and regional water resources boards and giving them powers and duties; providing penalties; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 13, 1991.

Senators MELLOW and O'PAKE presented to the Chair **SB 1055**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for requirements of a voluntary act.

Which was committed to the Committee on JUDICIARY, May 13, 1991.

Senators RHOADES, SHAFFER, AFFLERBACH, MUSTO, CORMAN and HELFRICK presented to the Chair **SB 1056**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," establishing the State Right-of-Way Donation Tax Credit Law.

Which was committed to the Committee on FINANCE, May 13, 1991.

Senators GREENWOOD, LYNCH, AFFLERBACH and GREENLEAF presented to the Chair **SB 1057**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," granting pupils the right to refuse to dissect, vivisection or otherwise harm or destroy animals.

Which was committed to the Committee on EDUCATION, May 13, 1991.

Senators MELLOW, LAVALLE, PUNT and MUSTO presented to the Chair **SB 1058**, entitled:

An Act authorizing the State Armory Board, with the approval of the Governor, to purchase a parcel of land located in the Borough of Taylor, Lackawanna County, Pennsylvania; and making an appropriation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, May 13, 1991.

Senators FISHER, TILGHMAN, GREENLEAF, LOEPER, HART, SALVATORE, PETERSON, SHUMAKER, CORMAN, BELL, JUBELIRER, HELFRICK, ARMSTRONG, ROBBINS, LEMMOND, RHOADES, REIBMAN, LAVALLE, BELAN, STEWART, WENGER, MELLOW, LEWIS, AFFLERBACH, SCHWARTZ, SCANLON and STOUT presented to the Chair **SB 1059**, entitled:

An Act authorizing the Secretary of Revenue to establish a period during which interest and penalties on certain unpaid taxes will be waived if the taxes are paid in full; authorizing political subdivisions to adopt similar provisions; and providing for penalties.

Which was committed to the Committee on FINANCE, May 13, 1991.

Senators HOPPER, GREENWOOD, JUBELIRER, PETERSON, MADIGAN, SHUMAKER, BELAN, WENGER, REIBMAN, SCANLON, SALVATORE, SCHWARTZ, STOUT, RHOADES, HART, O'PAKE, LAVALLE, CORMAN, BELL, LYNCH, ANDREZESKI and PUNT presented to the Chair **SB 1060**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments to counties for services for children; and making editorial changes.

Which was committed to the Committee on AGING AND YOUTH, May 13, 1991.

## REPORTS FROM COMMITTEES

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

### **SB 568 (Pr. No. 597)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a police officer investigating an accident to request financial responsibility information from each driver; and making an accident reportable if a driver is unable to provide financial responsibility information.

**SB 583 (Pr. No. 612)**

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

**SB 676 (Pr. No. 709)**

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," providing for refusal to write or renew a police of insurance in the case of a member of the reserve component of the armed forces.

**SB 748 (Pr. No. 793)**

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the licensing and regulation of agents and brokers; and imposing penalties.

**SB 865 (Pr. No. 925)**

An Act regulating credit services; prohibiting certain activities; and providing for certain information to be given to buyers, for the contents of contracts and for enforcement.

**SB 969 (Pr. No. 1054)**

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for health insurance claim forms.

Senator PUNT, from the Committee on Military and Veterans Affairs, reported the following bill:

**HB 10 (Pr. No. 923)**

An Act requiring the superintendent of every public school district to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

**SB 3 (Pr. No. 1173) (Amended)**

An Act establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; and providing penalties.

Senator PECORA, from the Committee on Local Government, reported the following bills:

**SB 356 (Pr. No. 365)**

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," extending the time period from receipt of tax duplicates to mailing of the duplicates to the respective taxpayers.

**SB 539 (Pr. No. 568)**

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing the mayor to employ outside counsel where a legal dispute exists between the mayor and council.

**SB 752 (Pr. No. 797)**

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for administrative expenses.

**SB 916 (Pr. No. 1172) (Amended)**

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for manner of filling appointments.

**SB 985 (Pr. No. 1079)**

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," further providing for membership on retirement boards; and authorizing cost-of-living increases.

**HB 146 (Pr. No. 772)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the jurisdiction of second class township supervisors over its police force.

**HB 171 (Pr. No. 456)**

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," providing for residence requirements for borough officers.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The leaders have consented for the Committee on Rules and Executive Nominations to consider certain nominations during today's Session and for the Committee on Intergovernmental Affairs to consider House Bill No. 209.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for the day for Senator Helfrick.

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Williams.

The PRESIDENT pro tempore. Senator Fisher requests a legislative leave for today for Senator Helfrick. Senator Stapleton requests a temporary Capitol leave for Senator Williams. The Chair hears no objection. Those leaves will be granted.

## LEAVE OF ABSENCE

Senator STAPLETON asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR ROY C. AFFLERBACH PRESENTED TO SENATE**

Senator AFFLERBACH. Mr. President, it is my pleasure to present to the Senate six visitors who are with me today. They are representatives of Meridian Bank and they are Sheryl Hawk, Anthony Sodi, Susan McCann, Lonnie Green, Carson Sell and Kathy Wolfe. Of particular interest is the fact that these individuals are here because they were the high bidders in a charity auction in order to come here and shadow me throughout the processes of the Legislature today. I think that is becoming a trend in Pennsylvania for public officials to be able to offer that kind of a guided tour and a shadow, if you will, in helping to meet some of the charitable needs out there. I would commend Meridian and these individuals specifically for taking advantage of that opportunity.

The PRESIDENT pro tempore. Would those guests of Senator Afflerbach who are in the gallery please rise so the Senate may give you a warm welcome.

(Applause.)

**GUESTS OF SENATOR JOHN J. SHUMAKER PRESENTED TO SENATE**

Senator SHUMAKER. Mr. President, it is my pleasure to have in the gallery today the talented and beautiful young ladies who won the 1990-1991 District III Class A Girls Basketball Championship. They are from the Millersburg Area School District. With them today is coach Tim Sanville and, unfortunately, coach Scott Klinger could not be present because of a prior conflict. I am privileged to have them here today, and I would ask the Senate to extend to them its usual warm welcome.

The PRESIDENT pro tempore. Would those guests of Senator Shumaker who are in the gallery please rise so we may extend you a warm welcome.

(Applause.)

**CALENDAR****SENATE RESOLUTION NO. 65,  
CALLED UP OUT OF ORDER**

Senator LOEPER, without objection, called up out of order from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 65**, entitled:

A Resolution declaring May 15, 1991, as "Peace Officers Memorial Day" in Pennsylvania; designating the week of May 12, 1991, as "Police Week" in Pennsylvania; and urging the Governor to order that the flags of the United States and this Commonwealth be flown at half-mast on May 15, 1991.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 65, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 65.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR TIM SHAFFER  
PRESENTED TO SENATE**

Senator SHAFFER. Mr. President, you know it is not often that those of us who represent the far western part of this great Commonwealth have visitors from home. It is with a great deal of pride that I am pleased to introduce to my colleagues here today a number of juniors and seniors from Seneca Valley High School in the Cranberry Area of Butler County. They are here today as part of a student trip, and their teacher/leader is Mrs. Glenda Kostlich. I would ask, Mr. President, that you and the other Members of the Pennsylvania State Senate recognize these individuals.

The PRESIDENT pro tempore. Would those guests of Senator Shaffer who are here today in the gallery please rise so the Senate can give you its usual warm welcome.

(Applause.)

**GUESTS OF SENATOR ROXANNE H. JONES  
PRESENTED TO SENATE**

Senator JONES. Mr. President, today I have some special guests here whom I am very proud of. They are from the Pennsylvania College of Optometry. We have 100 students here along with some staff and the president of the school, Mr. Thomas Lewis, and along with him is one of the students who will be graduating in 1993, Marshall Field. The Pennsylvania College of Optometry has provided more than two million free eye examinations in my district. We are very proud of them. Nearly 75,000 patient visits were made to the

eye institute last year, and I am so proud to have them here. Thank you, Mr. President, for giving them the usual warm welcome.

The PRESIDENT pro tempore. Would those guests of Senator Jones who are in the gallery please rise so we may extend our welcome to you.

(Applause.)

### **GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE**

Senator O'PAKE. Mr. President, from the eastern part of Pennsylvania we are very proud to welcome a group of fourth grade students from the district, Topton Elementary School, a fast growing section of Berks County in the Brandywine Area School District. They are here with their teacher, Jean Orlando, and several of the parents, and I would ask the Chair to welcome the fourth grade of the Topton Elementary School, near Topton, Pennsylvania.

The PRESIDENT pro tempore. Would those guests of Senator O'Pake who are in the gallery please rise so we may extend our welcome to you today.

(Applause.)

The PRESIDENT pro tempore. The Chair welcomes all the guests in the gallery. We are pleased that you have taken time out of your schedule to visit our beautiful Chamber here in the State Capitol in Harrisburg.

### **RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate, first, for purposes of convening the Committee on Intergovernmental Affairs in the Rules room at the rear of the Senate Chamber and then, secondly, to be followed by a Republican caucus to begin immediately following conclusion of the meeting of the Committee on Intergovernmental Affairs in the Majority caucus room on the first floor, with an expectation of returning to the floor at approximately 2:45 p.m.

Senator MELLOW. Mr. President, I would just ask the Democrat Members upon conclusion of the committee meeting that they report to our caucus in the caucus room in the rear of the Chamber.

The PRESIDENT pro tempore. Members of the Senate who are on the Committee on Intergovernmental Affairs, would you, upon completion of this announcement, report to the Rules Committee room to the rear of the Senate Chamber for a very important meeting of the Committee on Intergovernmental Affairs. Immediately following that meeting, would the Republican and Democratic Members of the Senate report to their respective caucus rooms. It is our expectation, at least the expectation of the Majority Leader, that we return at approximately 2:45 p.m. For those purposes, the Senate will stand in recess.

### **AFTER RECESS**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### **LEGISLATIVE LEAVES**

Senator LOEPER. Mr. President, Senator Pecora has been called from the floor and I would request a legislative leave for the balance of today's Session for him.

Senator STAPLETON. Mr. President, I ask for a temporary Capitol leave for Senator Jones.

The PRESIDENT pro tempore. Senator Loeper requests a legislative leave for Senator Pecora. Senator Stapleton requests a temporary Capitol leave for Senator Jones. The Chair hears no objection. The leaves will be granted.

### **SB 347 TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I move that Senate Bill No. 347, Printer's No. 1141, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

### **CONSIDERATION OF CALENDAR RESUMED**

#### **BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

#### **BILL OVER IN ORDER**

**SB 304** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### **THIRD CONSIDERATION CALENDAR**

#### **BILL OVER IN ORDER**

**HB 14** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### **BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 52 (Pr. No. 41)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," further providing for shared shops.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

### **LEGISLATIVE LEAVES**

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Fattah, Senator Fumo, Senator Mellow, Senator Porterfield and Senator Scanlon.

Senator LOEPER. Mr. President, I would also request a temporary Capitol leave on behalf of Senator Shaffer who has been called to his office.

The PRESIDENT pro tempore. Temporary Capitol leaves have been requested for Senator Fattah, Senator Fumo, Senator Mellow, Senator Porterfield, Senator Scanlon and Senator Shaffer. The Chair hears no objection to any of those requests. Those leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Williams. His temporary Capitol leave is cancelled.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 53 (Pr. No. 1143)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on certain interstate highways; and providing for the use of speed timing devices.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator CORMAN, by unanimous consent, offered the following amendment No. A0844:

Amend Title, page 1, lines 3 and 4, by striking out “; and providing for the use of speed timing devices”

Amend Sec. 1, page 1, line 7, by striking out “, 3363 and 3368(c)” and inserting: and 3363

Amend Sec. 1 (Sec. 3362), page 2, line 4, by striking out “65” and inserting: 60

Amend Sec. 1 (Sec. 3363), page 3, line 19, by striking out “65” and inserting: 60

Amend Sec. 1, page 3, lines 20 through 30; page 4, lines 1 through 22, by striking out all of said lines on said pages

On the question,  
Will the Senate agree to the amendment?

Senator CORMAN. Mr. President, this amendment is being offered to try to strike a balance between those who would like to maintain the tolerance that is given in speed timing devices to check speed on our rural interstates in Pennsylvania and yet establish a speed that is truly in compliance with the speed that is being traveled on those rural interstates and, I think, would not be causing any additional unsafe conditions on the highway. It would change the speed for automobiles driving on rural interstates in the State of Pennsylvania from the current 55 miles per hour to 60 miles per hour, keeping in place all the speed timing tolerances, which are 6 miles per hour, before one would receive a citation from Pennsylvania's finest, the State Police, for those who would exceed that speed limit.

Senator STOUT. Mr. President, I also wanted to remind the Members of my caucus that I explained the amendment of the gentleman from Centre, Senator Corman. The amendment I had offered previously, when the bill called for 65 miles per hour, was taken out the other day on reconsideration, and if Senator Corman's amendment were to be adopted I would not be offering my amendment. Again, this is a decision that individual Members should make, if they feel that this is proper to increase the speed for automobiles from the current 55 miles per hour to 60 miles per hour on the rural interstate system. My amendment which was offered last week—it is still in—would have trucks of Class 4 and higher to be retained at the 55 miles per hour. I just wanted to call the attention of the Members of my caucus to that. This bill does make it 60 miles per hour for automobiles, and we would keep the other part of the bill in at 55 miles per hour.

### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Lewis and Senator Schwartz.

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Baker and Senator Shumaker.

The PRESIDENT pro tempore. Senator Stapleton has requested temporary Capitol leaves for Senator Lewis and Senator Schwartz. Senator Fisher has requested temporary Capitol leaves for Senator Baker and Senator Shumaker. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

#### YEAS—27

Armstrong	Greenleaf	Lincoln	Rhoades
Baker	Greenwood	Loeper	Robbins
Bell	Hart	Madigan	Salvatore
Brightbill	Helfrick	Musto	Shaffer
Corman	Holl	Pecora	Tilghman
Fisher	Hopper	Peterson	Wenger
Fumo	Lemmond	Punt	

## NAYS—22

Afflerbach	Fattah	O'Pake	Shumaker
Andrezeski	Jones	Porterfield	Stapleton
Belan	Jubelirer	Reibman	Stewart
Bodack	LaValle	Scanlon	Stout
Bortner	Lewis	Schwartz	Williams
Dawida	Mellow		

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator LOEPER. Mr. President, I move that Senate Bill No. 53, as amended, go over in its order.

The PRESIDENT pro tempore. Without objection, Senate Bill No. 53, as amended, will go over in its order.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 53 (Pr. No. 1559)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," further providing for the shampooing of hair and for barber shop licensees who employ licensed cosmetologists; and making editorial changes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## BILLS OVER IN ORDER

**SB 323 and 431** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

## BILL LAID ON THE TABLE

**HB 25 (Pr. No. 15)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for penalties to conform with Federal requirements.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

## BILL OVER IN ORDER

**HB 157** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 197 (Pr. No. 206)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," providing for the commitment of certain children; prohibiting the expenditure of State funds outside this Commonwealth; and providing a negligence standard relating to assessment and treatment of certain children.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A0683:

Amend Sec. 1 (Sec. 12.1), page 2, line 20, by inserting after "incurred.": The single county authority shall not authorize the assessment or the placement of a child under this section if one parent, guardian or person having legal custody of the child objects to the assessment or placement.

On the question,

Will the Senate agree to the amendment?

Senator AFFLERBACH. Mr. President, as I read the amendment, it is very straightforward and would prevent a single county authority from authorizing either the assessment or the placement of a child for drug and alcohol treatment if one parent, guardian or person having legal custody objects to such assessment or placement.

Mr. President, I would point out that many children who are in need of this particular kind of assessment or placement to deal with an alcohol abuse problem or a drug abuse problem, in fact, come from households where the parents are separated but may not be divorced and may well not have gone through any sort of custodial adjudication. It seems to me we are denying the very people who need help the ability to get that help if we now make the requirement so stringent that we will require both parents to approve of the placement or of the assessment of the child for such treatment. I think it is a very bad amendment in the sense it flies against the very intent of the bill, and it flies against the ability of us to put children into treatment who desperately need it and who, in many



cases, would not go if, in fact, the parents are disputing among themselves whether that treatment should take place.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT pro tempore. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator AFFLERBACH. Mr. President, having just made the statement that I did, I would ask the sponsor of the amendment why he would believe it necessary to place this amendment into the bill that would make it exceedingly difficult to provide the assessment and placement of a child who needs treatment for drug or alcohol problems?

Senator GREENLEAF. Mr. President, this is an issue that was raised in the Committee on Judiciary by our colleague, the gentleman from Bucks County, Senator Lewis, and other Members of the Committee who had some concern that in a situation involving a separation of the parties they felt, and I agreed with them, they would prefer to have both parties agree to the treatment rather than have only one of the parents agree, and that is the purpose of the amendment.

Senator AFFLERBACH. Mr. President, my next question would be, what sort of a time period would we be looking at to obtain an agreement from both parents? Let us assume that the parents are indeed separated. One parent wishes the child placed in treatment or placed under assessment and the other parent is not easily located. What do we do in a situation of that nature?

Senator GREENLEAF. Mr. President, that is not going to be subject to this legislation. You have to have both parents' permission to do it. I think one of the concerns was that in some custody matters many times the child becomes a pawn in that battle, and we wanted to make sure no child was caught up in that gamesmanship during a domestic relations battle by allowing just one parent providing or agreeing to the treatment. This legislation now provides that both parents have to agree, and I think if this situation warrants the treatment, then I do not think there should be any difficulty in obtaining both parents' agreement.

Senator AFFLERBACH. Mr. President, let me restate the question. I posed the situation that the parents are separated, not legally divorced and, in fact, no custody adjudication has been made. The child is living with one parent. That parent believes the child needs to be assessed and placed in treatment. The second parent is not easily located. How long do we keep the child out of treatment and out of assessment as we try to find that second parent?

Senator GREENLEAF. Mr. President, until we find the second parent and get that parent's permission.

Senator AFFLERBACH. The sponsor of the amendment has answered the precise point that I wanted to make. If we adopt this amendment, we will, in fact, be denying the opportunity for children who need assessment and treatment to receive that assessment and treatment indefinitely, because if we cannot locate the second parent, we cannot place that child

into the treatment that they need. That is the first reason I would oppose the amendment. The second reason the sponsor again touched upon and that was the concern that the child becomes a pawn between two parents who are separated and perhaps are seeking divorce and custody. It is my belief that the fact that the child may need assessment or treatment places that child in a more vulnerable position to be, in fact, used as a pawn by these adults, and that is the second reason that I would oppose this amendment and ask this Chamber to defeat it.

#### LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, Senator Andrezeski has been called to his office, and I ask for temporary Capitol leave.

The PRESIDENT pro tempore. Senator Stapleton requests temporary Capitol leave for Senator Andrezeski. The Chair hears no objection and that leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator WILLIAMS. Mr. President, I would also oppose the amendment. The points so well brought out by the gentleman from Lehigh, Senator Afflerbach, call to mind two specific circumstances. Mr. President, I think the issue is one of big importance, and as we act on it I think we really ought to hear all sides of this issue regarding children in trouble because of drugs or alcohol. There is nothing more fundamental than a trouble that is going right across our society.

I was saying that the amendment does call to mind a circumstance that would indeed almost guarantee that children can become a pawn. First of all, if you take the corresponding parent who is required to agree, let us suppose that parent is on disability or drugs, which is not uncommon. Therefore, their willingness to face it for their children certainly would not obtain.

The second circumstance is one that also is not psychologically uncommon in the behavior of our country, and that is there are some parents who just cannot accept the fact that children of their own can have disabilities, whether it be drugs or psychological problems, all the things that proliferate in our society, and that is a profile which is quite apparent. Those parents who just cannot accept that would not be willing to agree for a protective reason, and the whole issue here is to try to get children into treatment who need help. So I agree with Senator Afflerbach that to require an additional parent prevents one concerned parent to put that before a judge who would decide, hopefully, fairly and judiciously, and so my objection and urge to vote "no" on this amendment is because the specter, obviously, raises a disability and guarantees a disability for children in a circumstance where we are trying to extricate them from the problem, and I would urge a "no" vote on that.

#### AMENDMENT WITHDRAWN

Senator GREENLEAF. Mr. President, I would at this time withdraw the amendment and then move to have the bill put



into the Committee on Appropriations, and if there are further amendments that have to be offered to it, it can be done at that time.

The PRESIDENT pro tempore. The prime sponsor of the amendment has asked that the amendment be withdrawn and moves that the bill be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 197 will be rereferred to the Committee on Appropriations.

**SB 243 (Pr. No. 1142)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the compensation and expenses of witnesses.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Shumaker. His temporary Capitol leave will be cancelled.

### SECOND CONSIDERATION CALENDAR RESUMED

#### BILLS OVER IN ORDER

**SB 263 and 364** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 552 (Pr. No. 581)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), entitled "Municipal Claim and Tax Lien Law," further providing for sale upon judgment in cities of the first class; and providing for registration of interested parties, service of notice and statute of limitations in cities of the first class.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SALVATORE offered the following amendment No. A0805 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 2 (Sec. 39.4), page 6, line 15, by inserting after "claimant": The finance director of the city may preclude the sale of a property on a case-by-case basis if the sale would create an undue hardship on the property owner or occupant.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 642 (Pr. No. 672)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring manufacturers of products sold in this Commonwealth to submit copies of use, instruction or safety manuals to the State Library of Pennsylvania.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

**SB 778 (Pr. No. 823)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," prohibiting a landlord from charging a tenant more than the actual cost of cable television service; and imposing a penalty.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 801, 851 and 962** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules Committee room in the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper requests a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room to the rear of the Senate Chamber. Would all Members of the Committee on Rules and Executive Nominations please report to that meeting, and for that purpose, the Senate stands in recess.

#### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING**

January 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret M. Jonas, P. O. Box 84, Dingmans Ferry 18328, Pike County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993, and until her successor is appointed and qualified, vice Robert J. Powell, Bensalem, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CALIFORNIA UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven P. Stout, R. D. 2, Box 328, Brehm Road, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Adam Besch (Public Member), 209 Willow Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Gallagher, 709 Elgin Road, Newtown Heights 19073, Delaware County, Ninth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified, vice Eugene C. Fish, Jenkintown, resigned.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Glover M. Beh, 729 Monroe Avenue, Scranton 18510-1710, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

**MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David H. Widmer, 100 Widmer Lane, Rochester 15074, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

January 28, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. O'Hara, Jr., 2336 South Pewter Drive, Macungie 18062, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph M. Benish, 1521 Meadowlark Way, Harrisburg 17110-2957, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice Louise P. Ross, Philadelphia, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Capello, 310 East Grant Street, Lebanon 17042, Lebanon County, Forty-Eighth Senatorial District, for appointment as District Justice in and for the County of Lebanon, Magisterial District 52-2-01, to serve until the first Monday of January, 1992, vice Catherine M. Coyle, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

January 31, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret M. Jonas, P. O. Box 84, Dingmans Ferry 18328, Pike County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993, and until her successor is appointed and qualified, vice Robert J. Powell, Bensalem, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CALIFORNIA UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven P. Stout, R. D. 2, Box 328, Brehm Road, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Adam Besch (Public Member), 209 Willow Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON  
CROSSING PARK COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Gallagher, 709 Elgin Road, Newtown Heights 19073, Delaware County, Ninth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified, vice Eugene C. Fish, Jenkintown, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

### UNFINISHED BUSINESS

#### REPORT FROM COMMITTEE

Senator BAKER, from the Committee on Intergovernmental Affairs, reported the following bill:

#### HB 209 (Pr. No. 1467)

An Act providing for the financial stability of cities of the first class; establishing an authority empowered to assist cities of the first class in their financial affairs and to issue findings and recommendations to cities of the first class and to the General Assembly; creating the authority and providing for its powers and duties; authorizing each city of the first class and the authority to enter into intergovernmental cooperation agreements and specifying certain terms of such agreements and ordinances whereby cities of the first class enter into such agreements; empowering the authority to incur indebtedness, receive revenues, acquire the obligations of assisted cities, make loans and offer other financial assistance to such cities subject to conditions; establishing procedures for the preparation and review of financial plans of cities of the first class while bonds of the authority are outstanding and providing remedies for failure to adhere to such plans; requiring certain contracts to be consistent with the financial plan; making certain provisions with respect to short-term borrowing by cities of the first class; establishing procedures for handling authority funds, and providing for certain payments to the authority; providing security for bonds and notes issued by the authority; authorizing the creation of a debt service reserve fund and providing for its maintenance; granting to the holders of the authority's indebtedness and to the authority certain remedies in the event of default by the authority or by an assisted city on authorized obligations; authorizing cities of the first class to receive financial assistance from the authority under certain terms and conditions; establishing the method for the appointment and composition of the authority board; prohibiting the authority and assisted cities from filing a petition under Federal bankruptcy statutes; authorizing an appropriation for authority operating expenses; authorizing cities of the first class to impose an optional sales and use tax; authorizing cities of the first class to impose certain taxes for the authority; and providing jurisdiction for challenges to this act.

### SENATE RESOLUTIONS

#### URGING THE GOVERNOR TO DECLARE THE THIRD SUNDAY IN MAY AS "PEACE DAY" IN THIS COMMONWEALTH

Senators GREENWOOD, WENGER, BORTNER, LEWIS, MUSTO, BELAN, HOPPER, CORMAN, TILGHMAN, JUBELIRER, LaVALLE, FUMO, STAPLETON, HART, AFFLERBACH, RHOADES, SHUMAKER, SALVATORE, PETERSON, SCHWARTZ and FISHER offered the following resolution (*Senate Resolution No. 66*), which was read, considered and adopted:

In the Senate, May 14, 1991.

#### A RESOLUTION

Urging the Governor to declare the third Sunday in May as "Peace Day" in this Commonwealth.

WHEREAS, Pennsylvanians and all Americans share the goal of a peaceful world where freedom flourishes and where mutual respect prevails; and

WHEREAS, Peace includes much more than merely the absence of war, but also the existence of individual liberty, democratic rights and free enterprise; and

WHEREAS, Throughout the history of our nation, American men and women have made the ultimate sacrifice on battlefields with names such as Lexington, Normandy Beach, Inchon and Hue to build a peace in which freedom could flourish and justice could prevail; and

WHEREAS, This Commonwealth is currently home to more than 1.5 million veterans who bravely served our country so that we could build a more peaceful, secure and democratic world; and

WHEREAS, The citizens and the leaders of this nation have wisely recognized that the only way to achieve a true and lasting peace has been to maintain a strong America; and

WHEREAS, The policy of peace through strength has recently played a major role in historic breakthroughs on superpower arms control and reductions; and

WHEREAS, The nations of the United Nations have recently voted to protect the peace and sovereignty of one member nation against the aggression of another; and

WHEREAS, America, with her commitment to democratic ideals, is the only nation with the strength to lead the world to a more peaceful world; and

WHEREAS, The citizens of this Commonwealth and the rest of the nation have demonstrated their continuing commitment to peace and security through vast contributions to science, the arts and humanities, education, peaceful economic competition and national defenses; and

WHEREAS, America's diverse people have proven that diversity is not a weakness but a strength that can be directed to peaceful ends; therefore be it

RESOLVED, That the Senate urge the Governor to declare the third Sunday in May as "Peace Day" in this Commonwealth and urge all citizens to engage in activities that will help bring about the conditions necessary to a true and meaningful peace among all nations.

**COMMEMORATING MAY 18, 1991, AS THE  
20th ANNIVERSARY OF THE ADOPTION OF  
THE EQUAL RIGHTS AMENDMENT OF  
THE PENNSYLVANIA CONSTITUTION**

Senators REIBMAN, MELLOW, BORTNER, DAWIDA, MUSTO, LaVALLE, HART, JONES, BELL, GREENWOOD, SHUMAKER, STOUT, AFFLERBACH, SCHWARTZ, WILLIAMS, FUMO, RHOADES and SALVATORE offered the following resolution (**Senate Resolution No. 67**), which was read, considered and adopted:

In the Senate, May 14, 1991.

**A RESOLUTION**

Commemorating May 18, 1991, as the 20th Anniversary of the adoption of the Equal Rights Amendment of the Pennsylvania Constitution.

WHEREAS, Section 28 of (Article I) of the Constitution of Pennsylvania, which provides that: "Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual," was approved by the electorate of this Commonwealth on May 18, 1971; and

WHEREAS, The enactment of this constitutional amendment has made a substantial impact on the citizens of this Commonwealth; and

WHEREAS, Pennsylvania has remained in the forefront in combatting all discrimination that would deny its citizens equality in the eyes of the law; and

WHEREAS, This Commonwealth and all of its citizens should be proud of their accomplishments in furthering the cause of equality among its citizens; therefore be it

RESOLVED, That the Senate commemorate May 18, 1991, as the 20th Anniversary of the adoption of the Equal Rights Amendment to the Constitution of Pennsylvania; and be it further

RESOLVED, That the Senate encourage all citizens of this Commonwealth to join in commemorating May 18, 1991, as the 20th Anniversary of the adoption of the Equal Rights Amendment with programs and observances calling attention to the principles of equality for all the citizens of this Commonwealth and the Nation.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Kevin Meaney, Mike Meaney, Tim Wright and to Roy F. Weston by Senator Baker.

Congratulations of the Senate were extended to Reverend Peter Lynn Ward by Senator Bodack.

Congratulations of the Senate were extended to Myerstown Goodwill Fire Company by Senator Brightbill.

Congratulations of the Senate were extended to Mark Sohn by Senator Corman.

Congratulations of the Senate were extended to Fiona L. Seels by Senator Fisher.

Congratulations of the Senate were extended to Reverend Father John F. Nees, Friends of the Abington Library and to the Triplett Family by Senator Greenleaf.

Congratulations of the Senate were extended to Tyler Sterkel by Senator Greenwood.

Congratulations of the Senate were extended to Major and Mrs. Paul Hardy, Sister Lois Jean Sculco, Marion A. Frabotta, Robert Tatr, Joseph Falsetti, Walter Weber, Jr., C. A. Gentile, Dan Howard, Jr., Laurel Ann T. Skalko, Stella Lucille Corden, Sam Zannetti, James Mazzotta, National Materials, Incorporated, of Arnold and to Keystone Rustproofing Company of Arnold by Senator Hart.

Congratulations of the Senate were extended to the Pennsylvania Wing, Civil Air Patrol, of Philadelphia, the citizens of the Township of Franconia and to Franconia Elementary School of Souderton by Senator Holl.

Congratulations of the Senate were extended to the New Freedom Theatre of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. William Feddock, James E. Cresko and to David N. Seidel by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. James Bomboy, Mr. and Mrs. Robert O. Winkleman, Mr. and Mrs. Clarence Reeder, Mr. and Mrs. Martin Gilette, Matt Zegarski, Blanche Nicholson and to Adam Westover by Senator Madigan.

Congratulations of the Senate were extended to Representative and Mrs. Fred Belardi by Senator Mellow.

Congratulations of the Senate were extended to Fred Mendicino by Senator Pecora.

Congratulations of the Senate were extended to Mr. and Mrs. George M. Hench by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Gardner and to Ralph Blundo by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Wayne Lewis and to Jacob and Mary Grimm by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. George Martinet, Mr. and Mrs. Paul Steffick, Mr. and Mrs. Kenneth Felton, Mr. and Mrs. John Petrisek, Mr. and Mrs. Franklin Hart and to Mr. and Mrs. Alver Espey by Senator Stout.

**POSTHUMOUS CITATION**

The PRESIDENT pro tempore laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Patsy Scanga was extended to the family by Senator Hart.

**BILLS ON FIRST CONSIDERATION**

Senator GREENLEAF. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 3, 356, 539, 568, 583, 676, 748, 752, 865, 916, 969, 985, HB 10, 146 and 171.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

**BILL ON FIRST CONSIDERATION  
AND RECOMMITTED**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**HB 209.**

And said bill having been considered for the first time and agreed to,

Senator LOEPER. Mr. President. I move that House Bill No. 209 be recommitted to the Committee on Intergovernmental Affairs.

The motion was agreed to.

The PRESIDENT pro tempore. Without objection, House Bill No. 209 will be recommitted to the Committee on Intergovernmental Affairs.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, June 3, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 4:00 p.m., Eastern Daylight Saving Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 3, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 31

### SENATE

MONDAY, June 3, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend JOHN H. HOUDESHEL, Pastor of Chestnut Level Presbyterian Church, Lancaster, offered the following prayer:

Let us pray.

Almighty God, Whose wisdom is infinite, eternal and unchangeable, we confess before You our own finite limitations. We remember how Your servants of old, David and Solomon, recognizing their inadequacy and confessing their limitations, prayed for wisdom and insight and understanding. In Your great mercy and love You gave heed to their prayers and taught them Your ways as they were open to Your leading. Even so being faced in these days with matters of great importance in the administration of this Commonwealth and bearing the responsibility of making decisions which will affect the lives of those who live within its borders, we do now earnestly appeal to You for guidance and direction. Help us then to be open to the promptings of Your spirit, to have the courage to do those things which we perceive to be in accordance with Your will, for Your glory and for the good of Your people in this place. For Your name's sake. Amen.

The PRESIDENT. The Chair thanks Reverend Houdeshel who is the guest this week of Senator Wenger.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 14, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 523.

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE MILK MARKETING BOARD

May 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Samuel W. Morris, Box 360, R. D. 2, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 1997 and until his successor is appointed and qualified, vice Leon Wilkinson, Landenberg, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda E. Barbish, R. D. 3, Box 83, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-3-08, to serve until the first Monday of January, 1992, vice Michael Giannini, mandatory retirement.

ROBERT P. CASEY.

SECRETARY OF LABOR AND INDUSTRY

May 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Seventeenth Senatorial District, for appointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Harris L. Wofford, Jr., Bryn Mawr, whose term expired.

ROBERT P. CASEY.  
SECRETARY OF COMMERCE

May 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew T. Greenberg, 931 North Front Street, Apartment 507, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Commerce, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Raymond R. Christman, Pittsburgh, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

May 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Boyle, 2377 Romig Road, Gilbertsville 19525, Montgomery County, Eleventh Senatorial District, for appointment as District Justice in and for the County of Montgomery, Magisterial District 38-2-03, to serve until the first Monday of January, 1992, vice Nancy Moore, deceased.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL

May 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond Sannie, 2638 Columbia Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William Wallish, Shamokin, deceased.

ROBERT P. CASEY.  
DISTRICT JUSTICE

May 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Golden, 2015 Delaware Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as District Justice in and for the County of Lackawanna, Magisterial District 45-1-07, to serve until the first Monday of January, 1992, vice Michael S. Polizzi, resigned.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

May 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis Rossi, 865 Grant Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Paul S. Kelly, Larksville, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Camillo Micolucci, 987 Rocklyn Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Sciorillo, 3301 "G" Street, Philadelphia 19134, Philadelphia County, Second Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cosimo J. Sciortino, 1140 Mount Rose Avenue, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE INDUSTRIAL BOARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin T. Pawlowski, 300 Tioga Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified, vice L. Robert Kimball, Ebensburg, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
INDIANA COUNTY

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Martin, Esquire, 89 Shady Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as Judge of the Court of Common Pleas of Indiana County, to serve until the first Monday of January, 1992, vice The Honorable Robert C. Earley, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael C. Wood, P. O. Box 12, Beach Lake 18405, Wayne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel Henry F. Coyne, 3901 Market Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Brigadier General, Assistant Adjutant General, Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General Allen E. Chandler, reassigned.

ROBERT P. CASEY.

MAJOR GENERAL, PENNSYLVANIA  
NATIONAL GUARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General Allen E. Chandler, 901 West Mount Airy Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Major General, Special Assistant to the Surgeon General of the Army.

ROBERT P. CASEY.

MAJOR GENERAL, PENNSYLVANIA  
NATIONAL GUARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General Joseph F. Perugino, 830 Nandy Drive, Kingston 18704-5608, Luzerne County, Twentieth Senatorial District, for appointment as Major General, Deputy Commander, Headquarters State Area Command, Pennsylvania Army National Guard, to serve until terminated, vice Major General Robert H. Appleby, retired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF SELINGSGROVE CENTER

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Danny J. Martin, P. O. Box 221, Richfield 17086, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Ralph A. Gual, Jr., Mifflintown, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John R. Baublitz (Public Member), 1011 Cranberry Street, Erie 16502, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Felice D. Perlmutter, Ph.D., 634 West Cliveden Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Glenn E. Mellott, 320 Crestline Drive, Willow Street 17584, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Pavlak (Public Member), 45 Constitution Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William D. Williams, Box 215, R. D. 6, Somerset 15501, Somerset County, Thirty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony Lapinto, 1286 Stephano Strait, Clarion 16214, Clarion County, Forty-first Senatorial District, for appointment as District Justice in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January, 1992, vice Alta Laverne Hamilton, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David J. Murphy, Esquire, 1 Scott Lane, Aston, 19014, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-2-38, to serve until the first Monday of January, 1992, vice Henry J. Silva, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark J. Bilik, R. D. 3, Box 7, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-3-08, to serve until the first Monday of January, 1992, vice Michael Giannini, mandatory retirement.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alan G. Naylor, 53 North Main Street, Manchester 17345, York County, Thirty-first Senatorial District, for appointment as District Justice in and for the County of York, Magisterial District 19-02-04, to serve until the first Monday of January, 1992, vice Donald G. Rode, deceased.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY**

May 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 1991 for the reappointment of Robert F. McGinley, 250 Dana Street, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 1991 for the appointment of John P. O'Boyle, 1625 Clay Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, as District Justice in and for the County of Lackawanna, Magisterial District 45-1-07, to serve until the first Monday of January, 1992, vice Michael S. Polizzi, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,  
INDIANA COUNTY**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 20, 1991 for the appointment of M. Jay Earley, Esquire, 95 Bradley Circle, Indiana 15701, Indiana County, Forty-first Senatorial District, as Judge of the Court of Common Pleas of Indiana County, to serve until the first Monday of January, 1992, vice The Honorable Robert C. Earley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 6, 1991 for the appointment of Llewellyn B. Wells, R. D. 1, Box 155C, Corsica 15829 (Clarion Township), Clarion County, Forty-first Senatorial District, as District Justice in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January, 1992, vice Alta Laverne Hamilton, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Ray J. Burow, P. O. Box 125, Mike's Road, Scenery Hill 15380, Washington County, Forty-sixth Senatorial District, as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 15, 1991 for the appointment of Linda E. Barbish, R. D. 3, Box 83, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, as District Justice in and for the County of Westmoreland, Magisterial District 10-3-08, to serve until the first Monday of January, 1992, vice Michael Giannini, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 11, 1991 for the appointment of James M. Plath, 1480 Breezeview Drive, York 17404, York County, Thirty-first Senatorial District, as District Justice in and for the County of York, Magisterial District 19-2-04, to serve until the first Monday of January, 1992, vice Donald G. Rode, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### **CORRECTIONS TO NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### **SECRETARY OF LABOR AND INDUSTRY**

May 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated May 16, 1991 for the appointment of Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Seventeenth Senatorial District, as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice The Honorable Harris L. Wofford, Jr., Bryn Mawr, whose term expired, should be corrected to read:

Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice The Honorable Harris L. Wofford, Jr., Bryn Mawr, whose term expired.

#### **COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY—OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION**

May 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated February 8, 1991 for the appointment of Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Seventeenth Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1994, and until his successor is appointed and qualified, vice Edward F. Mannino, Esq., Philadelphia, whose term expired, should be corrected to read:

Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1994, and until his successor is appointed and qualified, vice Edward F. Mannino, Esq., Philadelphia, whose term expired.

### **HOUSE MESSAGES**

#### **HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 53**.

### **HB 244 PASSED OVER GOVERNOR'S VETO**

The Clerk of the House of Representatives being introduced presented for concurrence **HB 244**, said bill having passed both Houses, and has been returned by His Excellency, the Governor, vetoed, with the information that the House has reconsidered and again passing the same by the necessary two-thirds vote, the objections of the Governor to the contrary notwithstanding.

The PRESIDENT. The bill and the communication will be laid on the table.

### **HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 20, 1991

**HB 344** — Committee on Public Health and Welfare.

**HB 480 and 1020** — Committee on Local Government.

**HB 804** — Committee on Finance.

**HB 1147** — Committee on Intergovernmental Affairs.

**HB 1319, 1320 and 1321** — Committee on Appropriations.

June 3, 1991

**HB 554, 840 and 1055** — Committee on Transportation.

**HB 626 and 1132** — Committee on Military and Veterans Affairs.

**HB 795** — Committee on Environmental Resources and Energy.

**HB 1322** — Committee on Appropriations.

### **HOUSE RESOLUTIONS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following resolutions for concurrence, which were referred to the committees indicated:

June 3, 1991

**House Concurrent Resolution No. 105** — Committee on Intergovernmental Affairs.

**House Concurrent Resolution No. 106** — Committee on Environmental Resources and Energy.

### **BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

May 15, 1991

Senator TILGHMAN presented to the Chair **SB 1061**, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further providing for the shared ride and reduced fare program.

Which was committed to the Committee on TRANSPORTATION, May 15, 1991.

Senators LOEPER and TILGHMAN presented to the Chair **SB 1062**, entitled:

An Act amending the act of October 5, 1984 (P. L. 734, No. 159), entitled "Worker and Community Right-to-Know Act," further providing for suppliers' obligations and for labeling.

Which was committed to the Committee on LABOR AND INDUSTRY, May 15, 1991.

Senators STOUT, MUSTO, BELAN, PECORA, HELFRICK, PORTERFIELD and FISHER presented to the Chair **SB 1063**, entitled:

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto;....," providing for a premium schedule.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 15, 1991.

Senators SALVATORE and FUMO presented to the Chair **SB 1064**, entitled:

An Act providing exemption from liability for persons responding to oil spills.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 15, 1991.

Senators MADIGAN, WENGER, HELFRICK, STAPLETON, PUNT, PETERSON, O'PAKE, BORTNER, JUBELIRER, LOEPER, SALVATORE, BRIGHTBILL, ARMSTRONG, ROBBINS, LEMMOND, CORMAN, BAKER, GREENWOOD, DAWIDA, SCHWARTZ, REIBMAN, MUSTO, RHOADES and AFFLERBACH presented to the Chair **SB 1065**, entitled:

An Act providing for the implementation of a loan program for farmers adopting certain specialized agricultural practices.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 15, 1991.

Senators HELFRICK, WENGER, STAPLETON, MADIGAN, PUNT, O'PAKE, JUBELIRER, LOEPER, PETERSON, DAWIDA, BORTNER, SCHWARTZ, BRIGHTBILL, REIBMAN, MUSTO, SALVATORE, ARMSTRONG, ROBBINS, LEMMOND, CORMAN, BAKER, GREENWOOD, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1066**, entitled:

An Act providing for subsidies for the purchase of multiperil crop insurance; establishing the Multiperil Crop Insurance Subsidy Fund and providing for its administration; conferring powers and duties upon the Department of Agriculture; and making an appropriation.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 15, 1991.

Senators HELFRICK, WENGER, STAPLETON, MADIGAN, PUNT, O'PAKE, PETERSON, BORTNER, RHOADES, JUBELIRER, LOEPER, DAWIDA, SCHWARTZ, BRIGHTBILL, REIBMAN, MUSTO, SALVATORE, ARMSTRONG, ROBBINS, LEMMOND, CORMAN, BAKER, GREENWOOD, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1067**, entitled:

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," further providing for agricultural conservation easements; and making an appropriation.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 15, 1991.

Senators HELFRICK, WENGER, STAPLETON, MADIGAN, PUNT, O'PAKE, PETERSON, BORTNER, RHOADES, JUBELIRER, LOEPER, DAWIDA, SCHWARTZ, BRIGHTBILL, REIBMAN, MUSTO, SALVATORE, ARMSTRONG, ROBBINS, LEMMOND, CORMAN, BAKER, GREENWOOD and AFFLERBACH presented to the Chair **SB 1068**, entitled:

An Act providing for the construction of six anaerobic manure digesters as demonstration projects at select locations in this Commonwealth; and making an appropriation.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 15, 1991.

Senators MADIGAN, WENGER, HELFRICK, STAPLETON, PUNT, PETERSON, O'PAKE, BORTNER, JUBELIRER, LOEPER, SALVATORE, BRIGHTBILL, ARMSTRONG, ROBBINS, LEMMOND, CORMAN, BAKER, GREENWOOD, DAWIDA, SCHWARTZ, REIBMAN, MUSTO, SHAFFER and AFFLERBACH presented to the Chair **SB 1069**, entitled:

An Act providing for the certification of organic food products; providing a civil penalty; and making an appropriation.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 15, 1991.

Senators MADIGAN, WENGER, HELFRICK, STAPLETON, PUNT, PETERSON, O'PAKE, BORTNER, JUBELIRER, LOEPER, SALVATORE, BRIGHTBILL, ARMSTRONG, ROBBINS, LEMMOND, CORMAN, BAKER, GREENWOOD, DAWIDA, SCHWARTZ, REIBMAN, MUSTO and AFFLERBACH presented to the Chair **SB 1070**, entitled:

An Act providing for the regulation of water well construction and pump installation and groundwater quality assessment; licensing well contractors and pump installation contractors; conferring powers and duties on the Department of Environmental Resources and on local agencies; creating a technical advisory committee; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 15, 1991.

#### May 16, 1991

Senators WENGER, HELFRICK, MADIGAN, STAPLETON, JUBELIRER, LOEPER, MUSTO, RHOADES, PETERSON, PUNT, O'PAKE, BORTNER, BELL, ARMSTRONG, REIBMAN, CORMAN, LEMMOND, GREENWOOD, SALVATORE, BRIGHTBILL, BAKER, ROBBINS, DAWIDA, SCHWARTZ and AFFLERBACH presented to the Chair **SB 1071**, entitled:

An Act requiring Commonwealth participation in the Chesapeake Bay Nonpoint Source Pollution Abatement



Program; providing for an additional appropriation to the Financial Assistance Funding Program of the Chesapeake Bay Non-point Source Pollution Abatement Program and for expansion of the Financial Assistance Funding Program to include the entire State.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 16, 1991.

Senators WENGER, HELFRICK, MADIGAN, STAPLETON, JUBELIRER, LOEPER, MUSTO, RHOADES, PETERSON, PUNT, O'PAKE, BORTNER, SHAFFER, ARMSTRONG, REIBMAN, CORMAN, LEMMOND, GREENWOOD, SALVATORE, BRIGHTBILL, BAKER, ROBBINS, DAWIDA, SCHWARTZ and AFFLERBACH presented to the Chair **SB 1072**, entitled:

An Act establishing the Bureau of Sustainable Agriculture and the Sustainable Agriculture Review Panel; defining the powers and duties of the bureau and the review panel; providing for sustainable agriculture loan and grant programs; and making an appropriation.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 16, 1991.

Senators FISHER, GREENLEAF, TILGHMAN, HART, GREENWOOD and BAKER presented to the Chair **SB 1073**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," establishing a private liquor system; and imposing a tax.

Which was committed to the Committee on LAW AND JUSTICE, May 16, 1991.

Senators LYNCH, AFFLERBACH, SALVATORE, ANDREZESKI, SCHWARTZ, WILLIAMS, SCANLON, JONES, FUMO and FATTAH presented to the Chair **SB 1074**, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," requiring item pricing of grocery items.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 16, 1991.

Senators BRIGHTBILL, LYNCH, HELFRICK, AFFLERBACH and SHUMAKER presented to the Chair **SB 1075**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

Which was committed to the Committee on JUDICIARY, May 16, 1991.

Senators WILLIAMS, JONES, LYNCH and STOUT presented to the Chair **SB 1076**, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), entitled, as amended, "Housing Authorities Law," further providing for the security officers of housing authorities by increasing their jurisdiction and by subjecting them to collective bargaining laws.

Which was committed to the Committee on LABOR AND INDUSTRY, May 16, 1991.

Senators WILLIAMS, JONES, LYNCH and STOUT presented to the Chair **SB 1077**, entitled:

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), entitled "Municipal Police Education and Training Law," providing for training of police officers hired by first class city housing authorities; and making a repeal.

Which was committed to the Committee on LAW AND JUSTICE, May 16, 1991.

Senators GREENLEAF, RHOADES, PECORA and HELFRICK presented to the Chair **SB 1078**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the payment of benefits and for customary charges for treatment.

Which was committed to the Committee on BANKING AND INSURANCE, May 16, 1991.

Senators GREENLEAF, SHUMAKER, HELFRICK, GREENWOOD, HART, RHOADES and HOLL presented to the Chair **SB 1079**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the requirement of a voluntary act.

Which was committed to the Committee on JUDICIARY, May 16, 1991.

Senators SHUMAKER, BRIGHTBILL, AFFLERBACH, O'PAKE and HART presented to the Chair **SB 1080**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for appointments to the board of health.

Which was committed to the Committee on LOCAL GOVERNMENT, May 16, 1991.

May 17, 1991

Senator HART presented to the Chair **SB 1081**, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by Allegheny County, in return for the imposition of Project 70 restrictions on certain lands to be conveyed to Allegheny County.

Which was committed to the Committee on STATE GOVERNMENT, May 17, 1991.

Senators HART, LYNCH, CORMAN, LAVALLE, REIBMAN, PECORA, HELFRICK, FISHER, MADIGAN, WENGER, ROBBINS, SALVATORE, STOUT, GREENLEAF, SHUMAKER and PUNT presented to the Chair **SB 1082**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, increasing the number of members of the Public School Employees' Retirement Board.

Which was committed to the Committee on FINANCE, May 17, 1991.

Senators FISHER, LEWIS, LOEPER, MELLOW, BRIGHTBILL and BORTNER presented to the Chair **SB 1083**, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

Which was committed to the Committee on JUDICIARY, May 17, 1991.

Senators PUNT, HELFRICK, MUSTO, LAVALLE, SALVATORE, REIBMAN, HART, GREENWOOD, STEWART, AFFLERBACH, RHOADES and O'PAKE presented to the Chair **SB 1084**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for proof of noncompliance with an order of support.

Which was committed to the Committee on JUDICIARY, May 17, 1991.

Senators BRIGHTBILL, HOPPER, WENGER, AFFLERBACH and RHOADES presented to the Chair **SB 1085**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for involuntary termination of parental rights.

Which was committed to the Committee on JUDICIARY, May 17, 1991.

Senators SCANLON, HOLL, MELLOW, DAWIDA, STOUT, STEWART, CORMAN, MUSTO, MADIGAN, FISHER, HART, STAPLETON, HOPPER, REIBMAN, PECORA, SALVATORE, LEWIS, PETERSON, LEMMOND, O'PAKE and FUMO presented to the Chair **SB 1086**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

Which was committed to the Committee on BANKING AND INSURANCE, May 17, 1991.

Senators SCANLON, HOLL, MELLOW, DAWIDA, STOUT, STEWART, CORMAN, MUSTO, MADIGAN, FISHER, HART, STAPLETON, HOPPER, REIBMAN, PECORA, SALVATORE, LEWIS, PETERSON, LEMMOND, O'PAKE and FUMO presented to the Chair **SB 1087**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for the purposes of incorporation, for capital stock, surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks

located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

Which was committed to the Committee on BANKING AND INSURANCE, May 17, 1991.

Senators LOEPER, BELL, HELFRICK, BRIGHTBILL, WENGER, PETERSON, GREENWOOD, SALVATORE, MADIGAN, ROBBINS, MELLOW, REIBMAN, WILLIAMS, STAPLETON, LYNCH, MUSTO, AFFLERBACH and LAVALLE presented to the Chair **SB 1088**, entitled:

An Act amending the act of December 15, 1986 (P. L. 1610, No. 181), entitled "Rabies Prevention and Control in Domestic Animals and Wildlife Act," providing for additional powers and duties of the Department of Agriculture, for the establishment of a rabies hotline and for the purchase of antirabies vaccines and supplies; and making an appropriation.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 17, 1991.

Senators LOEPER and PECORA presented to the Chair **SB 1089**, entitled:

An Act requiring fiscal notes to be prepared by the Appropriations Committees prior to third consideration by either the Senate or the House of Representatives regarding legislation containing certain mandates to local government; and providing for exceptions.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, May 17, 1991.

Senators O'PAKE, BRIGHTBILL and BAKER presented to the Chair **SB 1090**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account.

Which was committed to the Committee on JUDICIARY, May 17, 1991.

Senators HART, HOLL, AFFLERBACH, LOEPER, ROBBINS, HELFRICK, REIBMAN, SHAFFER, PUNT, CORMAN, STOUT, MADIGAN, SALVATORE and PETERSON presented to the Chair **SB 1091**, entitled:

An Act providing for an economic impact statement for proposed legislation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, May 17, 1991.

Senators TILGHMAN, SALVATORE and LOEPER presented to the Chair **SB 1092**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing expenditure of gasoline and other motor fuel taxes and vehicle registration and operator's license fees for urban and rural public transportation capital projects.

Which was committed to the Committee on TRANSPORTATION, May 17, 1991.

Senators RHOADES, GREENLEAF, REIBMAN, PECORA, SALVATORE, BELL, WILLIAMS, BELAN, LOEPER, LAVALLE, STEWART, AFFLERBACH, PUNT and O'PAKE presented to the Chair **SB 1093**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increases to annuitants.

Which was committed to the Committee on FINANCE, May 17, 1991.

Senators RHOADES, LAVALLE, WILLIAMS, REIBMAN, SHUMAKER, JONES, SCHWARTZ, SALVATORE, AFFLERBACH, HART and STEWART presented to the Chair **SB 1094**, entitled:

An Act amending the act of January 26, 1968 (P. L. 48, No. 9), entitled "An act authorizing grants by the Commonwealth of Pennsylvania to duly constituted community action agencies providing conditions and making an appropriation," further providing for funding eligibility of community action agencies and for increasing the level of appropriation to the Department of Community Affairs for the Employment and Community Conservation Program.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, May 17, 1991.

Senators RHOADES, HOPPER, BELL, LYNCH, JONES, LAVALLE, ROBBINS, BODACK, AFFLERBACH, PECORA, REIBMAN, STOUT, PORTERFIELD, WILLIAMS, O'PAKE and SALVATORE presented to the Chair **SB 1095**, entitled:

An Act prohibiting group medical benefit contracts from requiring the insured to obtain prescription drugs from a mail-order pharmacy.

Which was committed to the Committee on BANKING AND INSURANCE, May 17, 1991.

Senators PETERSON, MADIGAN, CORMAN, SHAFFER, ROBBINS, STAPLETON, HELFRICK, WENGER, PORTERFIELD, AFFLERBACH, RHOADES, FISHER, BRIGHTBILL, MUSTO, PUNT and STOUT presented to the Chair **SB 1096**, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), entitled "Forest Reserves Municipal Financial Relief Law," further providing for the amount and division of the in-lieu-of-tax payments.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 17, 1991.

Senators SHAFFER, HART, SALVATORE, HELFRICK, LAVALLE, SCHWARTZ and BELAN presented to the Chair **SB 1097**, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), entitled "Dog Law," further providing for the disposition of dangerous dogs.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 17, 1991.

Senators FATTAH, MELLOW, PORTERFIELD, JONES, WILLIAMS, DAWIDA, SCANLON, STAPLETON, AFFLERBACH, REIBMAN, STOUT,

LEWIS, BELAN, MUSTO, STEWART, BODACK, LYNCH, SCHWARTZ, LAVALLE, FUMO, ANDREZESKI, BORTNER, LINCOLN and O'PAKE presented to the Chair **SB 1098**, entitled:

An Act providing for the Pennsylvania Children's Literacy Council; imposing duties on the Department of Public Welfare and the Department of Education; and providing for goals.

Which was committed to the Committee on EDUCATION, May 17, 1991.

Senators FATTAH, MELLOW, PORTERFIELD, JONES, WILLIAMS, DAWIDA, SCANLON, STAPLETON, AFFLERBACH, REIBMAN, STOUT, LEWIS, BELAN, MUSTO, STEWART, BODACK, LYNCH, SCHWARTZ, LAVALLE, FUMO, ANDREZESKI, BORTNER, LINCOLN and O'PAKE presented to the Chair **SB 1099**, entitled:

An Act requiring the State Board of Education to conduct an assessment of summer reading within school districts in this Commonwealth; and making an appropriation.

Which was committed to the Committee on EDUCATION, May 17, 1991.

Senators FATTAH, MELLOW, PORTERFIELD, JONES, WILLIAMS, DAWIDA, SCANLON, STAPLETON, AFFLERBACH, REIBMAN, STOUT, LEWIS, BELAN, MUSTO, STEWART, BODACK, LAVALLE, FUMO, ANDREZESKI, BORTNER, LINCOLN, O'PAKE, LYNCH and SCHWARTZ presented to the Chair **SB 1100**, entitled:

An Act providing for a Pennsylvania Education Summit; and providing for a State of Education Address by the Governor.

Which was committed to the Committee on EDUCATION, May 17, 1991.

#### May 20, 1991

Senators FATTAH, MELLOW, PORTERFIELD, JONES, WILLIAMS, DAWIDA, SCANLON, STAPLETON, AFFLERBACH, REIBMAN, STOUT, LEWIS, BELAN, MUSTO, STEWART, BODACK, SCHWARTZ, LYNCH, LAVALLE, FUMO, ANDREZESKI, LINCOLN and O'PAKE presented to the Chair **SB 1101**, entitled:

An Act requiring schools, community colleges and State-owned and State-related colleges and universities to provide higher education forums; and providing for responsibilities of the Department of Education.

Which was committed to the Committee on EDUCATION, May 20, 1991.

Senators FATTAH, MELLOW, PORTERFIELD, JONES, WILLIAMS, DAWIDA, SCANLON, AFFLERBACH, REIBMAN, STOUT, LEWIS, BELAN, MUSTO, STEWART, BODACK, LYNCH, SCHWARTZ, LAVALLE, FUMO, ANDREZESKI, BORTNER and LINCOLN presented to the Chair **SB 1102**, entitled:

An Act creating the Council on Inmate Education and providing for its powers and duties; and requiring prisons to provide space for instructional purposes, library use and audiovisual aids.

Which was committed to the Committee on JUDICIARY, May 20, 1991.

Senators FATTAH, MELLOW, PORTERFIELD, JONES, WILLIAMS, DAWIDA, SCANLON, STAPLETON, AFFLERBACH, REIBMAN, STOUT, LEWIS, BELAN, MUSTO, STEWART, BODACK, LYNCH, SCHWARTZ, LAVALLE, FUMO, ANDREZESKI, LINCOLN and O'PAKE presented to the Chair **SB 1103**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," requiring certified training in literacy techniques for child day-care facility operators.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 20, 1991.

Senators FATTAH, MELLOW, PORTERFIELD, JONES, WILLIAMS, DAWIDA, SCANLON, AFFLERBACH, REIBMAN, STOUT, LEWIS, BELAN, MUSTO, STEWART, BODACK, O'PAKE, LYNCH, SCHWARTZ, LAVALLE, FUMO, ANDREZESKI and LINCOLN presented to the Chair **SB 1104**, entitled:

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," authorizing last dollar assistance to certain applicants.

Which was committed to the Committee on EDUCATION, May 20, 1991.

Senators FISHER, SCANLON, SALVATORE, LOEPER and BELAN presented to the Chair **SB 1105**, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for definitions, for powers and duties of board, for enforcement, for unlawful acts, for grounds of disciplinary proceedings, for application for license and for vehicle shows, off-premise sales and exhibitions; and providing for industry reorganization.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 20, 1991.

Senator BODACK presented to the Chair **SB 1106**, entitled:

An Act amending the act of July 3, 1986 (P. L. 388, No. 84), entitled "Sunshine Act," authorizing executive sessions for security planning.

Which was committed to the Committee on STATE GOVERNMENT, May 20, 1991.

Senators STAPLETON, LINCOLN, MELLOW, STOUT, AFFLERBACH, PORTERFIELD, STEWART, PETERSON, MUSTO and ROBBINS presented to the Chair **SB 1107**, entitled:

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), entitled "Oil and Gas Act," further defining certain terms; providing for plugging abandoned wells; and making appropriations.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 20, 1991.

Senators SHUMAKER, RHOADES, LOEPER, HOPPER, ROBBINS, REIBMAN, HELFRICK, MADIGAN, HART, CORMAN, BELL, FISHER, O'PAKE, JONES, GREENWOOD, AFFLERBACH, PETERSON, BRIGHTBILL and PECORA presented to the Chair **SB 1108**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for reimbursement payments to community colleges.

Which was committed to the Committee on EDUCATION, May 20, 1991.

Senators LEMMOND, PECORA, HOLL, FISHER, GREENLEAF, SALVATORE, PORTERFIELD, LAVALLE, FUMO, ARMSTRONG, O'PAKE, BODACK and BORTNER presented to the Chair **SB 1109**, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

Which was committed to the Committee on LOCAL GOVERNMENT, May 20, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

May 20, 1991

### DIRECTING THE SENATE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE TO MONITOR THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990 AND URGING THE GOVERNOR TO COORDINATE CLEAN AIR ACT PROGRAMS IN PENNSYLVANIA

Senators MUSTO, STAPLETON, MELLOW, REIBMAN, BRIGHTBILL, STOUT, BODACK, LAVALLE, PECORA, LEMMOND, SHAFFER, HOLL, FUMO, AFFLERBACH, O'PAKE, BAKER, SCHWARTZ, ROBBINS, STEWART, DAWIDA, PORTERFIELD, RHOADES, ARMSTRONG, PUNT, SCANLON and PETERSON offered the following resolution (**Senate Resolution No. 68**), which was read and referred to the Committee on Environmental Resources and Energy:

In the Senate, May 20, 1991.

#### A RESOLUTION

Directing the Senate Environmental Resources and Energy Committee to monitor the Federal Clean Air Act Amendments of 1990 and urging the Governor to coordinate Clean Air Act programs in Pennsylvania.

WHEREAS, The Federal Clean Air Act Amendments of 1990 establish significant regulatory responsibilities and strict compliance deadlines for state governments and regulated industries; and

WHEREAS, The Clean Air Act Amendments will have a direct and profound impact on Pennsylvania businesses, industries, consumers and ratepayers; and

WHEREAS, Implementation of the Clean Air Act Amendments mandates will require a high degree of cooperation between regulatory agencies; and

WHEREAS, The Clean Air Act Amendments contain stiff sanctions and penalties for failure to meet compliance deadlines and schedules; and

WHEREAS, The complexity and technical detail of the Clean Air Act Amendments will require extensive communication between regulators and the regulated community; and

WHEREAS, A number of Federal and State agencies are involved in the implementation of the Clean Air Act Amendments; and

WHEREAS, Pennsylvania's interests must be represented on the Northeast Transport Commission, a 13-state organization created by the Clean Air Act Amendments to coordinate air pollution control measures; and

WHEREAS, Interagency cooperation, coordination of regulatory programs and enhanced communication with the regulated community will improve the effectiveness and limit the cost and economic impact of the Clean Air Act Amendments implementation; therefore be it

RESOLVED, That the Senate of Pennsylvania direct the Environmental Resources and Energy Committee to monitor the progress and economic impact of the Clean Air Act Amendments implementation in Pennsylvania; and be it further

RESOLVED, That the committee issue a report to the full Senate every four months and that these reports contain a summary of upcoming Clean Air Act Amendments compliance deadlines, implementation actions undertaken in Pennsylvania and an evaluation of the ongoing progress and economic impacts of the Clean Air Act Amendments implementation; and be it further

RESOLVED, That the Senate urge the Governor to create a special committee to help coordinate the implementation of the Clean Air Act Amendments in Pennsylvania and develop recommendations for future programs and actions that would improve the Commonwealth's ability to meet the Clean Air Act Amendments mandates in a timely fashion and limit the negative economic impacts associated with implementation; and be it further

RESOLVED, That this committee be comprised of representatives of the Department of Environmental Resources, the Department of Transportation, the Department of Commerce, the Pennsylvania Public Utility Commission, the Pennsylvania Energy Office and the Office of Consumer Advocate; the coal, utility and other industries affected by the Clean Air Act Amendments requirements; public interest and environmental organizations; the General Assembly; and local government.

#### **OPPOSING ANY INCREASE IN TRUCK SIZE OR WEIGHT**

Senators CORMAN, HOLL, STOUT, LINCOLN, BELL, SCANLON, LaVALLE, BODACK, PECORA, LYNCH, HOPPER, FUMO, PUNT, STEWART, STAPLETON, HART, JONES, WILLIAMS, REIBMAN, GREENWOOD, SCHWARTZ, AFFLERBACH, MADIGAN, PORTERFIELD, TILGHMAN, LEWIS, LEMMOND, BELAN, DAWIDA, RHOADES, ARMSTRONG, PETERSON, BORTNER, FISHER, SHAFFER, ROBBINS, ANDREZESKI and FATTAH offered the following resolution (*Senate Resolution No. 69*), which was read and referred to the Committee on Transportation:

In the Senate, May 20, 1991.

#### **A RESOLUTION**

Opposing any increase in truck size or weight.

WHEREAS, Under current Federal law, states must allow at least 48-foot semitrailers and 28.5-foot twin trailers on interstate highways; no state weight limit can be less than 80,000 pounds; and states may determine the extent to which they "grandfather" truck weights higher than those allowed under Federal law; and

WHEREAS, The trucking industry is considering seeking Federal statutory increases in truck size and weights which would apply to all states as part of the reauthorization of the Surface Transportation Uniform Relocation Assistance Act of 1987 (Public Law 100-17, 101 Stat. 132); and

WHEREAS, If the statutory increases cannot be obtained, the trucking industry will request a special permitting system that would, given past legislative history, result in future Federal statutory increases; and

WHEREAS, According to the 1988 data from the Fatal Accident Reporting System (FARS), more than 100,000 people were injured and 4,500 others were killed in crashes involving trucks; and

WHEREAS, Passengers of other vehicles were killed in truck-related crashes more often (84% of the truck-related fatalities) than were truck drivers; and

WHEREAS, Studies have shown that longer trucks are more likely to have rear trailer separation, more trailer sway and low speed offtracking than do shorter combination trucks; and

WHEREAS, 76% of the trucks in truck-related crashes had broken, substandard or defective parts, and 41% of them were immediately ordered out of service; and

WHEREAS, The Insurance Institute for Highway Safety has found that double and triple trailers are two to three times more likely to be involved in crashes than standard trucks; and

WHEREAS, Large trucks are not required to have antilock brakes or satisfy many of the safety standards required for passenger vehicles; therefore be it

RESOLVED, That the Senate oppose any increase in truck size or weight until it can be shown that larger, heavier trucks are safe and urge the Federal Government to continue to research the safety of large trucks; and be it further

RESOLVED, That the Senate firmly suggest that this matter be resolved within the Congress and that the Congress retain its responsibility to resolve this matter and not delegate the decision to the individual states through a special permitting process; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

#### **MEMORIALIZING AMTRAK TO RECOGNIZE THE RIGHTFUL NAME OF THE STATION AT 30TH AND MARKET STREETS IN PHILADELPHIA AS THE PENNSYLVANIA STATION**

Senators FUMO, SALVATORE, SCHWARTZ, JONES, LYNCH and WILLIAMS offered the following resolution (*Senate Resolution No. 70*), which was read and referred to the Committee on Transportation:

In the Senate, May 20, 1991.

#### **A RESOLUTION**

Memorializing AMTRAK to recognize the rightful name of the station at 30th and Market Streets in Philadelphia as the Pennsylvania Station.



WHEREAS, The Pennsylvania Station in Philadelphia is symbolic of the role played by the Pennsylvania Railroad in the development of the eastern railroad system, one of the great American industrial adventures of the 20th century; and

WHEREAS, The station located at 30th and Market Streets in Philadelphia does not display sufficient recognition of the historical contribution made by the Pennsylvania Station to the development of transportation in the United States; therefore be it

RESOLVED, That the Senate memorialize AMTRAK to officially recognize the rightful name of the railroad station located at 30th and Market Streets in Philadelphia as the Pennsylvania Station and that appropriate signs and markers be erected showing its official status as the Pennsylvania Station; and be it further

RESOLVED, That a copy of this resolution be forwarded to the President of the National Railroad Passenger Corporation, Washington D.C.

## GENERAL COMMUNICATIONS

### AUDITOR GENERAL'S CERTIFICATE

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE AUDITOR GENERAL  
Harrisburg, PA 17120-0018

May 21, 1991

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII, Section 7 of the Constitution of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, the Governor has requested a certificate relevant to the settlement for the general obligation bond sale of May 7, 1991.

A duplicate original of my certificate is enclosed.

Sincerely,

BARBARA HAFER  
Auditor General

### AUDITOR GENERAL'S CERTIFICATE

Pursuant to

ARTICLE VIII, Section 7(a)(4) and (c)  
of the

CONSTITUTION OF PENNSYLVANIA  
and the

Act of April 9, 1929, No. 176, as amended

To The Governor and The General Assembly:

I, BARBARA HAFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII (Section 7(a) (4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article XVI-B; added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

The amount of the outstanding net debt as of the date of this certificate is.....	3,862,191,696.00
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The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a)(4) of the Constitution of Pennsylvania and the amount of outstanding net debt as of the date of this certificate is. 19,191,165,136.00

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 21st day of May, 1991.

BARBARA HAFER  
Auditor General  
Commonwealth of Pennsylvania

## DEPARTMENT OF LABOR AND INDUSTRY

### ANNUAL ACTUARIAL EVALUATION OF THE UNEMPLOYMENT COMPENSATION TRUST FUND

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR AND INDUSTRY  
Harrisburg, Pennsylvania 17120

May 30, 1991

Honorable Mark R. Corrigan  
Secretary of the Senate  
Senate Post Office  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan,

Attached is a copy of the annual actuarial evaluation of the financial condition of the Unemployment Compensation Trust Fund as required by the Unemployment Compensation Law.

Because of the persistent national recession, which has affected most state and local economies more than had been expected, the Department of Labor and Industry is now projecting for 1992 that the Unemployment Compensation Trigger Determination will result in the assessment of additional unemployment taxes on employers and workers. This was not previously projected to occur until 1993. This Trigger Determination occurs each year on July 1.

The automatic tax adjustments will consist of a 4 percent surcharge on employer contributions, or about \$16 per employee earning at least \$8,000 a year. Workers would pay a .05 percent tax on wages, or 50 cents for each \$1,000 earned. The additional taxes will raise an estimated \$108 million in revenues for the Trust Fund. Both assessments would be effective January 1, 1992.

This updated projection is based on actual data through April 1991 plus estimated data for May and June 1991. These data indicate the national recession is having a deeper and longer adverse impact on Pennsylvania's economy than previously expected. This contrasts with the December 1990 Wharton Econometric Forecast — the basis for the projections in the attached 1990 Actuarial Evaluation of Pennsylvania's Unemployment Compensation Program — which indicated an earlier recovery from the recession and accordingly no additional unemployment tax assessments on employers or workers for 1992.

The enactment of the trigger mechanism by the Legislature three years ago enabled Pennsylvania to use excess funds in the Trust Fund to retire the state's longstanding unemployment debt to the federal government without jeopardizing the Fund's solvency.

Starting in 1989, the early repayment of the federal debt eliminated a federal penalty tax on employers, while the adoption of the trigger mechanism led to the suspension of: a one-half percent flat tax on employers, a one-tenth percent tax on workers and a 5 percent reduction in benefits to claimants.

For the period beginning in 1989 and projected through 1991, employers in Pennsylvania have received tax savings of almost \$1 billion and workers have saved approximately \$350 million, while approximately \$185 million has been restored to claimants filing for jobless benefits.

Sincerely,  
THOMAS P. FOLEY  
Acting Secretary

The PRESIDENT. This report will be filed in the Library.

**DEPARTMENT OF PUBLIC WELFARE  
CHILD WELFARE SERVICES REPORT  
FISCAL YEAR 1989-1990**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
P.O. Box 2675  
Harrisburg, Pennsylvania 17105

May 20, 1991

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

Section 709 of the Public Welfare Code, as amended, requires that the Department of Public Welfare prepare and submit to the General Assembly an annual report on Child Welfare services.

Attached for your information and review is a report on Child Welfare services for Fiscal Year 1989-1990. The data prepared for your review include state reimbursement for Child Welfare expenditures, state share of expenditures for Youth Development Centers and Youth Forestry Camps, and sources of federal funds augmenting the Child Welfare program.

It is the Department's pleasure to prepare this report for Legislative review. If you have any questions or are in need of further information, please feel free to contact me.

Best wishes.

Sincerely,  
JOHN F. WHITE, JR.  
Secretary

The PRESIDENT. This report will be filed in the Library.

**LISTS OF LOBBYISTS AND ORGANIZATIONS**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

June 3, 1991

To the Honorable, the Senate of the  
Commonwealth of Pennsylvania  
To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from May 1, 1991 through May 31, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN  
Secretary  
Senate of Pennsylvania  
JOHN J. ZUBECK  
Chief Clerk  
House of Representatives

(See Appendix for complete list.)

**SENATE COMMITTEE MEMBERS  
APPOINTED PURSUANT TO SENATE  
RESOLUTION NO. 7**

The PRESIDENT. The Chair wishes to announce the President pro tempore has appointed the following Senators to serve as members of the Task Force to investigate and recommend ways to attract and retain volunteer fire, ambulance and rescue personnel and to enhance cooperation from Pennsylvania businesses to support volunteer services:

The gentleman from Montgomery, Senator Edwin G. Holl; the gentleman from Bucks, Senator James C. Greenwood; the gentleman from Centre, Senator J. Doyle Corman; the gentleman from Mercer, Senator Robert D. Robbins; the gentleman from Cambria, Senator William J. Stewart; the gentleman from Allegheny, Senator Albert V. Belan; and the gentleman from Beaver, Senator Gerald J. LaValle.

**SENATE COMMITTEE MEMBERS  
APPOINTED PURSUANT TO HOUSE  
RESOLUTION NO. 72**

The PRESIDENT. The Chair wishes to announce the President pro tempore has appointed the following Senators to serve as members of the Task Force of the Joint State Government Commission to study the impact and feasibility of lengthening the school year:

The gentleman from Montgomery, Senator Edwin G. Holl; the gentleman from Schuylkill, Senator James J. Rhoades; and the lady from Allegheny, Senator Melissa A. Hart.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**HB 52 and 53.**

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I request temporary legislative leave for the day for Senator Punt and legislative leave for the week for Senator Pecora.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Stout.

The PRESIDENT. Senator Fisher requests temporary legislative leave for Senator Punt and a legislative leave for Senator Pecora. Senator Mellow requests temporary Capitol leaves for Senator Fumo and Senator Stout. The Chair hears no objection. All of these leaves will be granted.



**LEAVES OF ABSENCE**

Senator FISHER asked and obtained leaves of absence for Senator HOPPER and Senator BELL, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION****WEEKLY ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, June 3, 1991.

**RESOLVED**, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 10, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

**RESOLVED**, That when the House of Representatives adjourns this week it reconvene on Monday, June 10, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—46**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Madigan	Salvatore
Armstrong	Greenwood	Mellow	Scanlon
Baker	Hart	Musto	Schwartz
Belan	Helfrick	O'Pake	Shaffer
Bodack	Holl	Pecora	Shumaker
Bortner	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—1**

Stewart

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS****SON AND GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO SENATE**

Senator SCHWARTZ. Mr. President, I do have some very special guests with me today visiting from Philadelphia. First I would like to introduce, since he has already taken over leadership there, my son Jordan, who is with me today.

The PRESIDENT. Would the Senate join me, please, in welcoming Jordan Schwartz to the floor of the Senate.

(Applause.)

Senator SCHWARTZ. And with Jordan, should you be concerned that he is playing hooky from school, he is not. He is here with his class, the sixth graders from the Julia R. Masterman School, which is a laboratory and demonstration school. It is part of the public school system in Philadelphia and I would like you to also welcome the sixth grade class from Masterman with their teacher Andrea Vaniver, and they are in the gallery today. Masterman is one of the finest schools in Philadelphia.

The PRESIDENT. Will all of Jordan's classmates please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

Senator SCHWARTZ. If I may have your attention for just one more minute, I would also like to introduce with Masterman, joining them is the Masterminds chess team. The Masterman School actually has won the 1991 National Junior High School Chess Championship and those fine chess players who come out of the public school system in Philadelphia are with us also and I would like them to stand with their chess teacher, Mr. Stephen D. Shutt, who is also with them. They went out to Michigan and they won this championship and they will be traveling to Colorado to compete again. We wish them the best of luck. They are the junior high school chess team, so if you would please welcome the chess team.

The PRESIDENT. Would the chess team please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

**SPECIAL ORDER OF BUSINESS****ANNOUNCEMENTS BY THE SECRETARY**

The SECRETARY. Consent has been given for the following committee meetings during today's Session: The Committee on Intergovernmental Affairs and the Committee on Appropriations will each consider House Bill No. 209 in the Rules room and the Committee on Rules and Executive Nominations will meet to consider certain nominations.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator MELLOW. Mr. President, I would request an immediate caucus for the Democrat Members, please.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stout. His temporary Capitol leave will be cancelled.

### CALENDAR

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 304 (Pr. No. 1052)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for detention of children.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 304.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### THIRD CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**HB 14, SB 53 and 323** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo. His temporary Capitol leave will be cancelled.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL LAID ON THE TABLE

**SB 431 (Pr. No. 1042)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for visitation rights and partial custody.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILLS OVER IN ORDER

**SB 552 and 778** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

### SECOND CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**SB 3** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 10 (Pr. No. 923)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring the superintendent of every public school district to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**HB 146, 157 and 171** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 263 (Pr. No. 272)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for mobile home parks.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 347 and 356** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 364 (Pr. No. 1136)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 25, 1977 (P. L. 95, No. 35), entitled "Mobile Home Titling Act," providing for the transfer of certificates of title or ownership; providing for obtaining new certificates of title or ownership where old certificates have been canceled; making certain contracts voidable; and making a repeal.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 539, 568, 583 and 676** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**SB 748 (Pr. No. 793)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the licensing and regulation of agents and brokers; and imposing penalties.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

**SB 752 (Pr. No. 797)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for administrative expenses.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 801, 851, 865 and 916** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 962 (Pr. No. 1137)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing certain counties to increase the recording fees of deeds and mortgages to support or enhance local affordable housing efforts.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 969 and 985** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin in the Rules room at the rear of the Senate Chamber, the Senate will stand in brief recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

February 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harvey Portner, 7901 Rodgers Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

February 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James T. Atherton, Jr., 42 Crescent Avenue, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Elbern Alkire, Jr., Emmaus, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF COSMETOLOGY

February 12, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia H. Mynick, 545 Bridge Road, Rahns 19426, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE HEALTH CARE  
POLICY BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert William Alexander, M.D., 1417 Old Mill Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until March 11, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA HUMAN  
RELATIONS COMMISSION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel D. Yun, 3903 Somers Drive, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1995, or until his successor is appointed and qualified, vice Rita Clark, Johnstown, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sarah N. Vanderslice, 2838 Fiddlers Green, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul G. Wedel, 203 Riveredge Drive, Leola 17540, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Arwilda L. Haynes, Landisville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Darlene Woody, 708 Fairview Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice James H. Guerin, Manheim, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael D. Marino, 1093 Anders Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Rose Hunsicker, Norristown, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Yvonne Ewing Keairns, Ph.D., 5419 Northumberland Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rodney E. McLaughlin, Ed.D., 65 Brook Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF SHIPPENSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy H. Mark, 605 East Orange Street, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

February 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mildred C. Joyner, 1270 Upton Circle, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Joseph H. Irwin, Jr. (Public Member), 658 West Third Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve until November 15, 1991 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara F. Zsigovits, Whitehall, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry O. Sather, McConnellstown, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlene Ritter (Democrat), 1300 Winfield Avenue, Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan E. Sherman Rosenberg (Republican), 237 Cherry Blossom Drive, Churchville 18966, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

#### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991 for the reappointment of Edgar L. Lawton, 75 Mann Street, Mansfield 16933, Tioga County, Twenty-third Senatorial District, as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### JUDGE, COURT OF COMMON PLEAS, INDIANA COUNTY

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 20, 1991 for the appointment of M. Jay Earley, Esquire, 95 Bradley Circle, Indiana 15701, Indiana County, Forty-first Senatorial District, as Judge of the Court of Common Pleas of Indiana County, to serve until the first Monday of January, 1992, vice The Honorable Robert C. Earley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

May 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 1991 for the reappointment of Robert F. McGinley, 250 Dana Street, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### DISTRICT JUSTICE

May 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 1991 for the appointment of John P. O'Boyle, 1625 Clay Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, as District Justice in and for the County of Lackawanna, Magisterial District 45-1-07, to serve until the first Monday of January, 1992, vice Michael S. Polizzi, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

#### EXECUTIVE NOMINATION

##### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to.

##### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:



**MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS**

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jesse C. Achenbach, P. O. Box 1359, 1819 Howard Avenue, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice William J. Grim, Devon, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—47**

Afflerbach	Fumo	Loeper	Salvatore
Andrezeski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**UNFINISHED BUSINESS**

**RESOLUTION IN PLACE**

Senator MELLOW presented to the Chair a resolution.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Robert Granda, Richard A. Kipp, James LeVan, Salisbury Senior Majorettes, Salisbury Junior Majorettes and to Falcons of Salisbury Winter Color Guard of Allentown by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. John Schaeffer and to Brothers Bowling Association by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Claude Campbell, Mr. and Mrs. Paul F. Diehm, Mr. and Mrs. Alfred M. Gottscho, Mr. and Mrs. John N. Thomas, Mr. and Mrs. Paul Neff, Mr. and Mrs. Charles C. Mueller, Mr. and Mrs. Herbert C. Mearig, Mr. and Mrs. Paul Castello, Dr. and Mrs. Edward K. Knettl, Mr. and Mrs. Abram G. Herr, Drs. Julius and Beatrice Sandhaus, Mary Charles-Forrey Hershey, John E. Young, Jr., Curtis Lloyd Duke, Matthew Knoepfle, First Church of God of Lancaster, Friendship Force of Lancaster, Pennsylvania and Moldavian Friendship Society of Kishinev and to High Industries, Incorporated by Senator Armstrong.

Congratulations of the Senate were extended to Robert M. Goshorn, Ernest C. Eadeh, Mike Kline, Duane Scott Miller, David Matthew Bolster, John Wittle and to Marc A. Kurtz by Senator Baker.

Congratulations of the Senate were extended to Judith Zipay and to the citizens of the City of McKeesport by Senator Belan.

Congratulations of the Senate were extended to Peter Lewandowski by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Reymond, Mr. and Mrs. Anthony Typanski, Mr. and Mrs. Francis Dadowski and to Reverend Father Blaise Fusco by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Dettinger, Mr. and Mrs. Kenneth Zorbaugh, Mr. and Mrs. John Amspacker, Sr., Cora E. Staub, John Sommer, Thelma Keeney Bitzer, Boy Scout Troop 23 of York and to Capel Cymraeg Rehoboth of Delta by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Reed T. Miller, Mr. and Mrs. Max E. Lepley, Dr. and Mrs. David Ulmer, Jason Wert, Travis V. Smith, Heather McLane and to the Philipsburg Elementary School by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Robert H. Gerlach and to Randy Rayl by Senator Dawida.

Congratulations of the Senate were extended to Cloren Hargrove and to Barbara A. Brown by Senator Fattah.

Congratulations of the Senate were extended to Ed Skerbetz, Sr., Helen Dolfi, Raj Chakrabarti, Reverend Zygmunt Szarnicki, William McNelis and to Donald Daugherty by Senator Fisher.

Congratulations of the Senate were extended to Ronald Williams, Paulette Bethea, Irene Imperio, Damon Hudgins, David McChee, Antwynette Manier, Hattie Wright, Lester Brown, Miguel Garcia, Nicole DeKovacs, James Thomas Johansen, Frank Wolf and to Thomas DiPietro by Senator Fumo.

Congratulations of the Senate were extended to Catherine Bullock, Doris Jones, Cheltenham Township and to B'Nai B'rith Council of Greater Philadelphia by Senator Greenleaf.



Congratulations of the Senate were extended to Mr. and Mrs. John Proca, John Szeghy, Christopher Jordan and to Michael Gillespie by Senator Greenwood.

Congratulations of the Senate were extended to Richard J. Bailey, Kevin Cary Mock, Kenneth Martin Duchi, Gregory J. Roberts, Sylvia Linkus and to the citizens of the City of New Kensington by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. William Cope, Mr. and Mrs. Robert Chapin, Mr. and Mrs. Elmer E. Kirkner, Mr. and Mrs. Winston Jarrard, Mr. and Mrs. Walter Kemp, Mr. and Mrs. Neil Swanger, Mr. and Mrs. Lewis Rantz, Mr. and Mrs. Charles L. Beaver, Mr. and Mrs. Boyd Hook, Mr. and Mrs. Walter Troup, Mr. and Mrs. Charles Mackes, Mr. and Mrs. Harold E. Sharrow, Mr. and Mrs. Allen Shoup, Mr. and Mrs. Bowman Roadarmel, Daniel Hayes, Stefanie Williams, John Williams, Greg Remaly, Daniel Gaugler, Pete Dyer, Reverend Dr. Raymond J. Kulwicki, Irene Ikler Sloan, John M. O'Brien, Angela Winn, Bloomsburg YMCA Barracudas' Ten and Under Girls Swim Team and to Regina Rebekah Lodge No. 230 of Shamokin by Senator Helfrick.

Congratulations of the Senate were extended to Joshua David Kuhar, Edward J. Gerrity, Christopher P. Hertzog, Jason Thomas Morgan, Dr. Ray E. Feick, Phillip J. Ohme, Reverend Jesse Deardorff and to North Penn Hospital of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Sanders A. Cortner by Senator Hopper.

Congratulations of the Senate were extended to Regina Scott Layton, Cheryl White, Margaret Battle Winchester, Nadine Correa and to Community Legal Services, Incorporated, of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph R. Franchio by Senator Jubelirer.

Congratulations of the Senate were extended to Thomas Magnifico, Joseph DeSanzo and to Vanport Township Board of Commissioners by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Harland Brown, Mr. and Mrs. Harold Bennett, Mr. and Mrs. Robert Brotzman, Mr. and Mrs. Edward C. Seeben, Mr. and Mrs. John Yurko, Mr. and Mrs. Robert Snover, Mr. and Mrs. Virgil Teeple, Eric Zampedri, Ross A. DeNisco III, Dominick A. Occhiato, Olive E. Knapp, Stroudsburg High School Music Department, Holy Trinity Lutheran Church of Kingston, Warren School Buses of Kingsley and to Saint Michael's School of Tunkhannock by Senator Lemmond.

Congratulations of the Senate were extended to Maximilian Boese by Senator Lewis.

Congratulations of the Senate were extended to Sister Brycelyn Eyler and to Charles Butler, Jr. by Senator Lincoln.

Congratulations of the Senate were extended to Glenolden Fire Company No. 1 by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Merle Kendall, Mr. and Mrs. Harold Bartlett, Mr. and Mrs. Manford Hart, Mr. and Mrs. Edgar Cowan, Mr. and Mrs. Stanley Whitteker, Mr. and Mrs. Herbert Mallory, Mr.

and Mrs. Henry E. Confer, Mr. and Mrs. Charles W. Young and to Shane R. Bastress by Senator Madigan.

Congratulations of the Senate were extended to James Agnew, Kathleen D. Reese, Carole A. Capulish, Louise Ballino and to Archibald Hose Company No. 1 by Senator Mellow.

Congratulations of the Senate were extended to Scott E. Abdo by Senator Musto.

Congratulations of the Senate were extended to Audiology and Speech Pathology Services at the Highland Drive VA Medical Center of Pittsburgh by Senator Pecora.

Congratulations of the Senate were extended to Robert Alan Vanderweele, Dr. Edward J. Roche, Jr. and to Donald C. Raabe by Senator Peterson.

Congratulations of the Senate were extended to Jeffrey R. Smith by Senator Porterfield.

Congratulations of the Senate were extended to David Carter, Daniel A. Howard, David E. Levasseur, James Winkelmann, Brett Ray Beaver and to Mercersburg Lions Club by Senator Punt.

Congratulations of the Senate were extended to Dale Eugene Wolf by Senators Punt and Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Charles M. Sandwick, Sr., Mr. and Mrs. Peter J. Stasko, Mr. and Mrs. Cecil Lipkin, Carolyn Cunningham, Peter C. Kish, Jr., Christopher J. Sieto, Christopher S. Christman, Heidi D. Leedom, Jonathan Mann, Paul F. Mack, Lee Grifo and to the Hungarian Catholic Club of Bethlehem by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. William P. Lynagh, Norma Fetterman, Harry Fetterman, Charles F. Cinamella III and to Ann Keetsock by Senator Rhoades.

Congratulations of the Senate were extended to Eric Jay Hasbrouck by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Jeremiah Hannigan and to Reverend Father James T. McDonnell by Senator Salvatore.

Congratulations of the Senate were extended to Julia R. Masterman School of Philadelphia and to Pennsylvania Association for Health Care Risk Management by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. John Lestyk, Mr. and Mrs. Leroy Kline, Mr. and Mrs. Carl Edmiston, Mr. and Mrs. Wilson Booher, Mr. and Mrs. David M. Anderson, Sr., Mr. and Mrs. Albert J. MacDonald, Scott Weston, John Weston, Doug Shaffer, Arthur Howard Morrow, Andy Trautman, Chad Conrad, Arthur Daellenbaugh, Jeff Cummins, Misha Hill and to Trevor Fawley by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Lewis, Mr. and Mrs. Robert Edman, Mr. and Mrs. Walter R. Smeltz, Genevieve Edmundson, Sara Brooks, Reverend Dr. Leon Xavier Eichelberger I, Herman Kane, Stephanie Krafsgig and to Dorothy Smeltzer by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Harlen C. Grafton, Mr. and Mrs. Russell Schrecengost, Mr. and Mrs. Jack Stormer, Mr. and Mrs. Paul Jewart, Mr. and Mrs. Luther Burkett, Mr. and Mrs. William Stahl, Mr. and Mrs. Harold W. Fish, Mr. and Mrs. Joseph Garvey, Mr. and Mrs. Elmer A. Snyder, Major Victor E. Samanka and to John E. Federinko by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Julius Stehle, Mr. and Mrs. Maurice Patrene, California Area Senior High School Band and to Saint Genevieve Roman Catholic Church of Canonsburg by Senator Stout.

Congratulations of the Senate were extended to Grace Koh by Senator Tilghman.

Congratulations of the Senate were extended to Mr. and Mrs. Harry H. Gring, Mr. and Mrs. Harold A. Wentzel, citizens of the Borough of Ephrata, Kinzer Fire Company and to High Industries, Incorporated, of Lancaster by Senator Wenger.

Congratulations of the Senate were extended to Police Commissioner Willie L. Williams by Senator Williams.

### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late William S. Hartman by Senator Afflerbach.

### POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Robert F. Shellhammer, Jr. was extended to Mrs. Shirley Shellhammer by Senator Rhoades.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

May 29, 1991

Senators HOLL, LOEPER and SALVATORE presented to the Chair **SB 1110**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," regulating exclusions for certificates of authority to do business.

Which was committed to the Committee on BANKING AND INSURANCE, May 29, 1991.

Senator HOLL presented to the Chair **SB 1111**, entitled:

An Act making an appropriation to the Department of Environmental Resources for the repair of the Schuylkill Canal in Montgomery County.

Which was committed to the Committee on APPROPRIATIONS, May 29, 1991.

Senators PUNT, SHUMAKER, LAVALLE, STEWART, SALVATORE, HOPPER, ROBBINS, PECORA, REIBMAN and BELAN presented to the Chair **SB 1112**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans' real estate tax exemption.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, May 29, 1991.

Senators PUNT, SHUMAKER, LAVALLE, AFFLERBACH, BELAN, HOPPER, SALVATORE, REIBMAN and HART presented to the Chair **SB 1113**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, May 29, 1991.

Senators PUNT and AFFLERBACH presented to the Chair **SB 1114**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," changing the fiscal year of school districts of the second, third and fourth classes.

Which was committed to the Committee on EDUCATION, May 29, 1991.

June 3, 1991

Senators GREENLEAF, HOPPER, GREENWOOD, PUNT, SHUMAKER, REIBMAN, LEWIS, AFFLERBACH, FISHER and HART presented to the Chair **SB 1115**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions.

Which was committed to the Committee on JUDICIARY, June 3, 1991.

Senators GREENLEAF, SHUMAKER, PETERSON, ROBBINS, JONES, HOLL, LEWIS, RHOADES, TILGHMAN, HOPPER, HART, O'PAKE, LEMMOND, STEWART and LAVALLE presented to the Chair **SB 1116**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," establishing the Citizens' Advisory Council on Corrections; and providing for its powers and duties.

Which was committed to the Committee on JUDICIARY, June 3, 1991.

Senators GREENLEAF, SHAFFER, AFFLERBACH, WILLIAMS, MADIGAN, REIBMAN and LEWIS presented to the Chair **SB 1117**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, imposing a tax on generation-skipping transfers in an amount equal to the maximum credit allowable under Federal law; and providing a penalty for failure to file a return.

Which was committed to the Committee on FINANCE, June 3, 1991.

Senators GREENLEAF, TILGHMAN, WILLIAMS, LEWIS, O'PAKE, SHUMAKER, AFFLERBACH, REIBMAN, MADIGAN, SHAFFER and FISHER presented to the Chair **SB 1118**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the court regarding testamentary trusts; reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; providing for notice to beneficiaries and heirs; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights and limitations on rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; further providing for the execution, interpretation, effect, form, implementation and operation of powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; authorizing a bank or trust company to invest their fiduciary accounts in mutual funds which they service; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

Which was committed to the Committee on JUDICIARY, June 3, 1991.

Senators SALVATORE and LYNCH presented to the Chair **SB 1119**, entitled:

An Act requiring cities of the first class to have a certain number of police officers.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 3, 1991.

Senator SALVATORE presented to the Chair **SB 1120**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the operation of vehicles in funeral processions and for the offense of interruption of a funeral procession.

Which was committed to the Committee on TRANSPORTATION, June 3, 1991.

Senators SALVATORE, AFFLERBACH and PETERSON presented to the Chair **SB 1121**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," further providing for distribution of moneys retained from pari-mutuel pools.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 3, 1991.

Senator SALVATORE presented to the Chair **SB 1122**, entitled:

An Act amending the act of April 21, 1949 (P. L. 665, No. 155), entitled "First Class City Home Rule Act," prohibiting the expenditure of tax moneys for certain receptions and events involving elected municipal officials.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 3, 1991.

Senators SALVATORE, BELAN and RHOADES presented to the Chair **SB 1123**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for removal of deposited material from highways.

Which was committed to the Committee on TRANSPORTATION, June 3, 1991.

Senators SALVATORE, CORMAN, LYNCH, PETERSON and RHOADES presented to the Chair **SB 1124**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

Which was committed to the Committee on JUDICIARY, June 3, 1991.

Senators SALVATORE, SCHWARTZ and REIBMAN presented to the Chair **SB 1125**, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), entitled "Pennsylvania Commission on Crime and Delinquency Law," further providing for duties of the Pennsylvania Commission on Crime and Delinquency relative to criminal statistics; and further providing for the duties of public agencies and officers in reporting criminal statistics.

Which was committed to the Committee on JUDICIARY, June 3, 1991.

## **SPECIAL ORDER OF BUSINESS**

### **GUESTS OF LIEUTENANT GOVERNOR MARK S. SINGEL PRESENTED TO SENATE**

The PRESIDENT. The Chair interrupts the proceedings at this moment to welcome to the Chamber Representative Keith McCall who is with us in the gallery along with two of his constituents, Miss Debra Wehr and Mr. Michael Mannicci. Would the three of you please rise so we can welcome you to the Chamber.

(Applause.)

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS**

**TUESDAY, JUNE 4, 1991**

10:30 A.M.	<b>PUBLIC HEALTH AND WELFARE</b> (to consider Senate Bills No. 415, 592, 853, 894 and 895)	Room 461 4th Floor North Wing
11:00 A.M.	<b>EDUCATION</b> (to consider the nomination of Donald M. Carroll, Jr. as Secretary of Education)	Room 8E-A Hearing Room East Wing
11:30 A.M.	<b>FINANCE</b> (to consider Senate Bills No. 413, 899 and 1053)	Room 8E-B Hearing Room East Wing

**WEDNESDAY, JUNE 5, 1991**

10:00 A.M.	<b>TRANSPORTATION</b> (to consider Senate Bills No. 93, 189, 451, 485, 559, 872, 877, 881, 984 and Senate Resolutions No. 64 and 69)	Room 8E-A Hearing Room East Wing
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**RECESS**

Senator LOEPER. Mr. President, at this time I was wondering if you would call the Members of the Committee on Intergovernmental Affairs to meet off the floor in the Rules room and also remind the Members of the Committee on Appropriations there will be a meeting of the Committee on Appropriations to follow in the Rules room after the Committee on Intergovernmental Affairs is finished with its business. I would ask that the Senate stand in recess while those meetings take place.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, requests that we recess to the call of the Chair while we await several reports from committee. There being no objection, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**REPORT FROM COMMITTEE**

Senator BAKER, from the Committee on Intergovernmental Affairs, reported the following bill:

**HB 209 (Pr. No. 1799) (Rereported)**

An Act providing for the financial stability of cities of the first class; establishing an authority empowered to assist cities of the first class in their financial affairs and to issue findings and recommendations to cities of the first class and to the General Assembly; creating the authority and providing for its powers and duties; authorizing each city of the first class and the authority to enter into intergovernmental cooperation agreements and specifying certain terms of such agreements and ordinances whereby cities of the first class enter into such agreements; empowering the authority to incur indebtedness, receive revenues, acquire the obligations of assisted cities, make loans and offer other financial assistance to such cities subject to conditions; establishing procedures for the preparation and review of financial plans of cities of the first class while bonds of the authority are outstanding and providing remedies for failure to adhere to such plans; requiring certain contracts to be consistent with the financial plan; making certain provisions with respect to short-term borrowing by cities of the first class; establishing procedures for handling authority funds, and providing for certain payments to the authority; providing security for bonds and notes issued by the authority; authorizing the creation of a debt service reserve fund and providing for its maintenance; granting to the holders of the authority's indebtedness and to the authority certain remedies in the event of default by the authority or by an assisted city on authorized obligations; authorizing cities of the first class to receive financial assistance from the authority under certain terms and conditions; establishing the method for the appointment and composition of the authority board; prohibiting the authority and assisted cities from filing a petition under Federal bankruptcy statutes; authorizing an appropriation for authority operating expenses; authorizing cities of the first class to impose an optional sales and use tax; authorizing cities of the first class to impose certain taxes for the authority; authorizing emergency payment deferral; and providing jurisdiction for challenges to this act.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 1****SECOND CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS  
AMENDED ON SECOND CONSIDERATION  
AND REREFERRED**

**HB 209 (Pr. No. 1799)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the financial stability of cities of the first class; establishing an authority empowered to assist cities of the first class in their financial affairs and to issue findings and recommendations to cities of the first class and to the General Assembly; creating the authority and providing for its powers and duties; authorizing each city of the first class and the authority to enter into intergovernmental cooperation agreements and specifying certain terms of such agreements and ordinances whereby cities of the first class enter into such agreements; empowering the authority to incur indebtedness, receive revenues, acquire the obligations of assisted cities, make loans and offer other financial assistance to such cities subject to conditions; establishing procedures for the preparation and review of financial plans of cities of the first class while bonds of the authority are outstanding and providing remedies for failure to adhere to such plans; requiring certain contracts to be consistent with the financial plan; making certain provisions with respect to

short-term borrowing by cities of the first class; establishing procedures for handling authority funds, and providing for certain payments to the authority; providing security for bonds and notes issued by the authority; authorizing the creation of a debt service reserve fund and providing for its maintenance; granting to the holders of the authority's indebtedness and to the authority certain remedies in the event of default by the authority or by an assisted city on authorized obligations; authorizing cities of the first class to receive financial assistance from the authority under certain terms and conditions; establishing the method for the appointment and composition of the authority board; prohibiting the authority and assisted cities from filing a petition under Federal bankruptcy statutes; authorizing an appropriation for authority operating expenses; authorizing cities of the first class to impose an optional sales and use tax; authorizing cities of the first class to impose certain taxes for the authority; authorizing emergency payment deferral; and providing jurisdiction for challenges to this act.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

### RECESS

Senator LOEPER. Mr. President, I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper requests a brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations to take place in the Rules Committee room to the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### UNFINISHED BUSINESS REPORT FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

#### HB 209 (Pr. No. 1799) (Rereported)

An Act providing for the financial stability of cities of the first class; establishing an authority empowered to assist cities of the first class in their financial affairs and to issue findings and recommendations to cities of the first class and to the General Assembly; creating the authority and providing for its powers and duties; authorizing each city of the first class and the authority to enter into intergovernmental cooperation agreements and specifying certain terms of such agreements and ordinances whereby cities of the first class enter into such agreements; empowering the authority to incur indebtedness, receive revenues, acquire the obligations of assisted cities, make loans and offer other financial assistance to such cities subject to conditions; establishing procedures for the preparation and review of financial plans of cities of the first class while bonds of the

authority are outstanding and providing remedies for failure to adhere to such plans; requiring certain contracts to be consistent with the financial plan; making certain provisions with respect to short-term borrowing by cities of the first class; establishing procedures for handling authority funds, and providing for certain payments to the authority; providing security for bonds and notes issued by the authority; authorizing the creation of a debt service reserve fund and providing for its maintenance; granting to the holders of the authority's indebtedness and to the authority certain remedies in the event of default by the authority or by an assisted city on authorized obligations; authorizing cities of the first class to receive financial assistance from the authority under certain terms and conditions; establishing the method for the appointment and composition of the authority board; prohibiting the authority and assisted cities from filing a petition under Federal bankruptcy statutes; authorizing an appropriation for authority operating expenses; authorizing cities of the first class to impose an optional sales and use tax; authorizing cities of the first class to impose certain taxes for the authority; authorizing emergency payment deferral; and providing jurisdiction for challenges to this act.

### ADJOURNMENT

Senator WENGER. Mr. President, I move the Senate do now adjourn until Tuesday, June 4, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:30 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 4, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 32

### SENATE

TUESDAY, June 4, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend JOHN HOUESHEL, Pastor of Chestnut Level Presbyterian Church, Lancaster, offered the following prayer:

Let us pray.

Bless the Lord, O my soul, and all that is within me, bless His Holy Name;

Bless the Lord, O my soul, and forget not all His benefits.

We stand to thank You, O God, for all of Your goodness and mercy and blessings to us. We confess that it is by Thy Providence that we have a goodly heritage and the lines have fallen unto us in pleasant places.

Help us to be aware of that heritage and may our gratitude for it be shown by the manner in which we discharge the trust which has been given to us in governing Your people in this Commonwealth in these days.

To that end, we do now pray that You will grant unto us wisdom and insight, guidance and direction. May we be sensitive to the promptings of Your Spirit, that our thoughts and words and actions may be in accordance with Your will. So may Your name be glorified and Your people be served. For Your Name's sake. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 3, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator MUSTO, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2 PASSED OVER GOVERNOR'S VETO

The Clerk of the House of Representatives being introduced presented for concurrence **House Concurrent Regulatory Review Resolution No. 2**, said resolution having passed both Houses, and having been returned by His Excellency, the Governor, vetoed, with the information that the House has reconsidered and again passing the same by the necessary two-thirds vote, the objections of the Governor to the contrary notwithstanding.

The PRESIDENT. The resolution will appear on the Calendar.

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

### GENERAL COMMUNICATION

#### REPORT OF THE JOINT STATE GOVERNMENT COMMISSION TASK FORCE AND ADVISORY COMMITTEE ON DECEDENTS' ESTATES LAWS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

JOINT STATE GOVERNMENT COMMISSION  
Room 108 - Finance Building  
Harrisburg 17120

June 3, 1991

To the Honorable, the Senate  
of the General Assembly of the  
Commonwealth of Pennsylvania

On behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication, 1991 Report of the JOINT STATE GOVERNMENT COMMISSION TASK FORCE AND ADVISORY COMMITTEE ON DECEDENTS' ESTATES LAWS.

Copies of this publication for members of the Senate have been placed in their post office boxes.

Respectfully submitted,  
ROGER A. MADIGAN  
Chairman



The PRESIDENT. This report will be filed in the Library.

### BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**SB 304.**

### REPORTS FROM COMMITTEES

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 415 (Pr. No. 440)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments for pharmaceutical services.

**SB 592 (Pr. No. 1249) (Amended)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for services of a hospital-based personal emergency response system to persons eligible for medical assistance.

**SB 853 (Pr. No. 913)**

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further providing for the maximum fees payable to local registrars.

**SB 894 (Pr. No. 1250) (Amended)**

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the use of mutual assistance agreements to satisfy certain licensure requirements.

**SB 895 (Pr. No. 964)**

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the validity of certificates of accreditation.

Senator ARMSTRONG, from the Committee on Finance, reported the following bills:

**SB 413 (Pr. No. 438)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the status of payments received by foster parents.

**SB 899 (Pr. No. 1252) (Amended)**

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; and making technical changes.

**SB 1053 (Pr. No. 1253) (Amended)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for Senator Pecora.

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Jones, Senator Musto, Senator Williams and Senator Porterfield and a legislative leave for Senator Stout.

The PRESIDENT. Senator Fisher asks for a legislative leave for Senator Pecora. Senator Stapleton asks for temporary Capitol leaves for Senator Jones, Senator Musto, Senator Williams and Senator Porterfield and a legislative leave for Senator Stout. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator FISHER asked and obtained leaves of absence for Senator HOPPER and Senator BELL, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR VINCENT J. FUMO PRESENTED TO SENATE

Senator FUMO. Mr. President, I would like to introduce to the Senate the eighth grade class at St. Peter's School in Philadelphia in my district, along with their teachers Mrs. Levy and Miss Barlow, and ask that the Senate give them a warm welcome. They are seated in the gallery.

The PRESIDENT. Would the guests of Senator Fumo please rise so we could welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

### CALENDAR

#### SB 263 CALLED UP OUT OF ORDER

**SB 263 (Pr. No. 272)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 263 (Pr. No. 272)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for mobile home parks.

Considered the third time and agreed to,

On the question,



### Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezeski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SPECIAL ORDER OF BUSINESS

#### AMBASSADOR OF AUSTRIA AND GUESTS OF PRESIDENT PRO TEMPORE PRESENTED TO SENATE

The PRESIDENT. The Chair would ask for cooperation from the Members of the Senate for the purpose of an introduction and a distinguished visitor.

The PRESIDENT pro tempore. Mr. President, indeed, you are correct, we do have a very special visitor here today. In fact, we have several very special visitors, one of whom I would request to have the opportunity to address the Senate. Our special guest today is Dr. Friedrich Hoess who is the Ambassador to the United States from Austria. Before I introduce Dr. Hoess, I would like to introduce some of the people who are here with him, and if I might, Mr. President, introduce at this time John Coma, who is the manager of our European operations for the Pennsylvania Department of Commerce; Peter Launsky, from the Embassy of Austria; Paul Haugland, the Director of the Office of International Development from the Department of Commerce; and Egon Winkler, the Austrian Trade Commissioner in the United States. These people are accompanying our featured guest, Mr. President, who, as I indicated, is the Ambassador of Austria.

Dr. Friedrich Hoess was born in Vienna and has served as Austrian Ambassador to the United States from 1987 to the present. Dr. Hoess received his doctoral degree in 1955 from Vienna University. Prior to his appointment as Austrian Ambassador, he was a member of the Parliamentary Assembly of the Council of Europe and he served as Deputy Chairman of the Senate Foreign Affairs Committee from 1983 to 1987 and in the early 1980s was the Chief of the Styrian Delegation in Vienna. It was during the 1970s that Dr. Hoess served as Consul General and Chief of the Austrian Delegation

in Berlin, Austrian Ambassador to Australia and head of the Division for International Atomic Energy Affairs and the Council of Europe at the Ministry for Foreign Affairs in Vienna.

Mr. President, I had the pleasure of spending a few moments with Dr. Hoess before the Session began. He is indeed a very well-educated, charming individual who I believe will have significant words to offer to this Senate, and if you would be so kind as to give him the opportunity to address our Body, I am sure he will have much information to provide to us about his country and his stay here in the United States. At this time, Mr. President, I am pleased to introduce to you and to the Members of the Senate Dr. Friedrich Hoess, the Ambassador to the United States from Austria.

The PRESIDENT. Would the Members of the Senate please join me in welcoming to the Senate of Pennsylvania His Excellency, the Ambassador of Austria, Friedrich Hoess, and his entourage.

(Applause.)

Dr. HOESS. Mr. President, Mr. President pro tempore, the Members of the Senate of the State of Pennsylvania, ladies and gentlemen: You may well ask yourselves, why is an ambassador from a small European country giving an address, hopefully brief, to a state legislature instead of safely pushing cocktails with some bureaucrats inside the beltway? The answer is very easy. I am convinced that American policies, both domestic and international, are in the last analysis determined by processes which develop in the states and communities. I have not failed to notice that presently ten of the Pennsylvania Members of the U.S. House of Representatives have served in this Legislature. Ten years from now my successor will probably meet at least as many of you at congressional receptions in Washington.

I also have to confess that, although a career foreign service person, I enormously enjoyed my lengthy leave of absence from the tricky environment of diplomacy to serve as a Federal Senator in Vienna representing the Austrian State of Styria, bordering on Yugoslavia, by the way. Now, that was rough and tumble politics all right. You will get the picture if I tell you that the great terminator, Arnold Schwarzenegger, is a native son of that state. Since I am back, in my first incarnation as a diplomat, please permit me a few observations on the international scene. A glorious victory of the United States forces and their allies in the Gulf does not mean that the problems in this volatile region are solved. In addition, the drastic changes in Europe will come back into blaring focus again. A brief look at the rest of this Chamber reveals to me names such as Andrezeski, Bodack and Dawida. This roster dates from before the fall elections. I trust most of them are still here. It tells me there is vivid interest in the fate of east central Europe, and the few words I was happy to exchange with the President shows me that the President knows the region also very well. The situation in the Soviet Union—need I mention the tenuous position of President Gorbachev—the turmoil in the Baltics, the Ukraine and elsewhere, the almost unsolvable economic problems of the nations changing gears

from a command economy to a free market system, the increasing signs of difficulties in Yugoslavia, one of Austria's important neighbors, clearly shows us that we may be seeing a very, very quickly emerging new Europe, hopefully whole and free, but not without major problems.

Mr. President, ever since the end of the Second World War, Austria, a western success story, has served as the easternmost outpost of the defense of our common western pluralistic political values. It now has been suddenly thrust back into its former position exactly in the center of the continent. Obviously, we are affected by the rapid developments on the European continent. The internal market of the European community and the future developments in the new democracies in east central Europe, many of them with close historical ties to my own country, have to be taken into account by our political leaders. Therefore, Austria, a member for the moment of the European Free Trade Association, EFTA, had applied for full membership in the European Common Market in July 1989, already six months before the Iron Curtain fell. I might add in this connection that Austria would be a substantial net contributor to the eastern conference.

Mr. President, I must say that one aspect of this close Austrian cooperation with countries of eastern Europe deserves to be mentioned here. There is a lot of expertise and practical know-how about economic activities in this region. Austria can also provide the necessary infrastructure which could be tapped by U.S. businesses. I have spoken in Philadelphia and today here and tomorrow in Pittsburgh with your business communities and invite your constituents to make use of the Austrian know-how as a gateway to eastern Europe. I am sure they will not regret it.

Now a brief look to you, Mr. President. The historical connections between the great State of Pennsylvania and my native country are more numerous than I originally thought. In this year of 1991, the Mozart bicentenary, I am pleased to report to you that Austria's greatest composer gave his name to a tiny community in Bucks County. I also would like to point out to you that the Moravians derived their name from one of the heartlands of the Hapsburg Monarchy, so those of you who represent the area around Bethlehem should be glad about that piece of information. I also was intrigued by the fact that a member of Pennsylvania's most distinguished political family, Henry A. Muhlenberg, was the first fully accredited diplomatic representative of the United States in Vienna. Drexel and Company, the great banking house of Philadelphia, which helped establish the House of Morgan, was founded a century and a half ago by Franz Martin Drexel from Vorarlberg, a state where our Trade Commissioner, Mr. Lincoln, comes from, from the west. It was Drexel and Company that helped import European capital to support Pennsylvania's young industries. Austrians, many of them victims of the terrible years of Nazi rule, have taught at Pennsylvania institutions of higher learning from the Carnegie Institute of Technology to the University of Pennsylvania, Penn State and Bryn Mawr. My country's loss was Pennsylvania's gain. One of those victims, Henry Ellenbogen, even

became a member of the U.S. House of Representatives from Pittsburgh and a state judge, but the closest connection of all becomes evident if I tell you there are more Austrian Burgenlanders from our eastern province in and around Allentown than in their own capital back in Austria.

Let me conclude, Mr. President, by saying that I am fully aware of the fact that the dreaded census has been completed and redistricting is looming on the horizon. My political persona is with you. May the fates protect all incumbents, and while you are at it, do not make it too difficult for your incumbents in the House of Representatives in Washington to do a great job. I know the Embassy is working with them in the Capitol. Thank you very much.

(Applause.)

## CONSIDERATION OF CALENDAR RESUMED

### HB 209 CALLED UP OUT OF ORDER

**HB 209 (Pr. No. 1799)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL OVER IN ORDER TEMPORARILY

**HB 209 (Pr. No. 1799)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the financial stability of cities of the first class; establishing an authority empowered to assist cities of the first class in their financial affairs and to issue findings and recommendations to cities of the first class and to the General Assembly; creating the authority and providing for its powers and duties; authorizing each city of the first class and the authority to enter into intergovernmental cooperation agreements and specifying certain terms of such agreements and ordinances whereby cities of the first class enter into such agreements; empowering the authority to incur indebtedness, receive revenues, acquire the obligations of assisted cities, make loans and offer other financial assistance to such cities subject to conditions; establishing procedures for the preparation and review of financial plans of cities of the first class while bonds of the authority are outstanding and providing remedies for failure to adhere to such plans; requiring certain contracts to be consistent with the financial plan; making certain provisions with respect to short-term borrowing by cities of the first class; establishing procedures for handling authority funds, and providing for certain payments to the authority; providing security for bonds and notes issued by the authority; authorizing the creation of a debt service reserve fund and providing for its maintenance; granting to the holders of the authority's indebtedness and to the authority certain remedies in the event of default by the authority or by an assisted city on authorized obligations; authorizing cities of the first class to receive financial assistance from the authority under certain terms and conditions; establishing the method for the appointment and composition of the authority board; prohibiting the authority and assisted cities from filing a petition under Federal bankruptcy statutes; authorizing an appropriation for authority operating expenses; authorizing cities of the first class to impose an optional sales and use tax; authorizing cities of the first class to impose certain taxes for the authority; authorizing emergency payment deferral; and providing jurisdiction for challenges to this act.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO. Mr. President, at this time there are not sufficient votes from the Philadelphia delegation to pass this legislation because of the utter failure of the Mayor of the City of Philadelphia to honor his oath before the Committee on Intergovernmental Affairs. Back in early May, on May 13th I believe it was, at a hearing before the Senate committee the Mayor agreed to order the Philadelphia Parking Authority to enter into an agreement with the City Controller to allow its books to be audited. The Mayor made that commitment under oath before this committee and the committee full well expected he would honor his oath. Mr. President, the Philadelphia Parking Authority is an agency rife with waste and political patronage. Millions of Philadelphians in Pennsylvania each year are forced to pay huge ticket fines to keep it going. Philadelphians and Pennsylvanians have a right to know what is going on with their money. Republican Councilman Brian O'Neill brought this matter to the attention of the committee that day. The committee agreed and the Mayor agreed to have this done. As of this time, Mr. President, despite numerous telephone conversations with the Mayor and city representatives, nothing has been done. It is 2:00 p.m. I submit to the Senate that if nothing is done, there are not going to be sufficient votes on this side of the aisle, or from Philadelphia to pass this legislation. Rather than have it go down at this point in time, I would ask that we go over it temporarily and hope and pray the Mayor will honor his oath before the Senate. I have informed him this is not the Philadelphia City Council, that we do not do business in that fashion, that he cannot come here and lie to us and get away with it. Regrettably, the citizens of Philadelphia are at risk, but we are still hopeful that something will happen in the intervening time frame. I would therefore like to ask that we go over this bill temporarily.

The PRESIDENT. Senator Fumo asks that we go over House Bill No. 209 temporarily. Is there an objection?

Senator LOEPER. Mr. President, I believe it is of utmost importance that we consider this bill in a timely fashion. However, in light of the comments of the gentleman from Philadelphia regarding the legislation, I would have no objection to going over the bill temporarily.

The PRESIDENT. There being a request to take this bill over temporarily and there being no objection, this bill will, in fact, go over in its order temporarily.

### **SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet to consider certain nominations during today's Session.

### **RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:15 p.m.

Senator MELLOW. Mr. President, I request an immediate caucus of the Democrat Members.

The PRESIDENT. For purposes of Democrat and Republican caucuses to begin immediately, the Senate will stand in recess.

### **AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### **CONSIDERATION OF CALENDAR RESUMED**

#### **THIRD CONSIDERATION CALENDAR**

#### **BILL OVER IN ORDER**

**HB 14** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### **SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1**

#### **HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2, CALLED UP**

Senator LOEPER, without objection, called up from page 1 of the Calendar, **House Concurrent Regulatory Review Resolution No. 2**, entitled:

Disapproving a medical assistance regulation submitted by the Department of Public Welfare.

#### **MOTION TO PASS HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2 OVER GOVERNOR'S VETO, DEFEATED**

Senator LOEPER. Mr. President, as the Members of the Senate may recall, this resolution was before the Senate some time ago. It was regulations that were promulgated by the Department of Public Welfare basically dealing with two components. One would reduce the amount paid to our hospitals for certain high cost medical assistance patients, and I think, Mr. President, it is important to realize that we are talking about those types of patients who have very highly specialized health care needs, those who need neonatal intensive care services, and particularly burn victim services. These are the people who are going to be severely and significantly affected should this regulation go into effect. I think it is important that these are currently categorized as outlier services because they fall outside the regular DRG classification system. The regulation, if the Governor's veto is sustained, would decrease the current reimbursement levels to those hos-

pitals providing those vital services from 100 percent of actual cost to 80 percent of actual cost, and this, Mr. President, could result in the closure of hospital neonatal intensive care units and particularly burn centers, again, two of our areas that are most at risk in health care to try and improve their affliction.

The second regulation, Mr. President, would require that the veterans aid and attendants and household allowance, which is currently in place as a portion of the federal Veterans Administration pension, be treated as available income. In other words, Mr. President, we are going to change the way that income is treated for our veterans under their Veterans Administration pensions and, therefore, in doing so, would really jeopardize them as far as determining the individual cash grant amounts, and I think, Mr. President, the important part of this is the bottom line that would reduce the monthly cash grant allowance for all of our veterans in Pennsylvania.

Mr. President, in light of that, I would move that the Senate proceed with its reconsideration of House Concurrent Regulatory Review Resolution No. 2 and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

The PRESIDENT. It has been moved by the gentleman from Delaware, Senator Loeper, that the Senate proceed to reconsider HCRRR No. 2 and agree to pass the same, the objections of the Governor to the contrary notwithstanding. The Chair would point out that the vote required for this motion is two-thirds of the Senators, 34 votes.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I would only like to make two points, and I think both of those points are reflected in the Governor's veto message of May 3rd.

First of all, Mr. President, there is not anyone among us here today, or those who are listening to us, who do not realize that this is a very difficult financial year. The cost of this particular proposal, if we do not sustain the veto of the Governor, is going to be somewhere between \$12 million and \$15 million of a fiscal impact in the 1991-92 fiscal year. Furthermore, Mr. President, Pennsylvania right now is the only state in the United States that is not under compliance of a federal mandate to bring this type of a regulation into being. Taking both things into consideration and having discussed this particular resolution thoroughly when the opportunity did present itself several months ago, and prior to the roll call being taken, I would ask for a negative vote and, therefore, a vote to sustain the veto of the Governor.

#### LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I would like to request temporary Capitol leave for Senator Andrezeski.

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Andrezeski. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

Senator PETERSON. Mr. President, I rise to urge an override of the veto. The Committees on Public Health and Welfare of the Senate and the House have both taken their stands on this issue. The Senate has stood on this issue. It has not changed. The items are the same. I am not so sure, but it was almost a unanimous vote by which this joint resolution passed this Senate. This is no time in our history to be trying to solve our budget crisis on veterans. I do not know about you, but just a few days have gone by since we celebrated Memorial Day and honored those who served and honored those who have given their lives. I think annex B is mean spirited. It is not well thought out and it is inappropriate to honor our veterans by taking this paltry bit of income away from them.

On the other issue of hospitals and Medicaid, it is my view that if this General Assembly and this administration do not soon look at the appropriateness of Medicaid payments in this Commonwealth, we are going to in many parts of the Commonwealth lose good medical care. The Medicaid portion of many hospitals is growing and the payments are highly inadequate. This is just one more whack at hospitals, and I am going to tell you, if you have a community that has a hospital and they have a lot of Medicaid, your hospital is at risk because their payments as a whole are certainly not adequate to even begin to cover their costs. This is more narrowly drawn. It is only dealing with certain issues, but it takes a whack out of their budgets. It is an inappropriate way to fix our budget mess. It is not the answer, and I think if we are really thinking about health care and if we are concerned about our veterans, we will override the Governor's veto.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Williams. His temporary Capitol leave will be cancelled.

#### LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, may we place Senator Schwartz on temporary Capitol leave.

The PRESIDENT. Without objection, Senator Schwartz will be recorded as being on temporary Capitol leave.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDENT. For the benefit of the Senators, the Chair would remind the Senators that an "aye" vote is a vote to override the veto and a "no" vote is a vote to sustain the Governor's veto, as a matter of clarification.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—24

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Brightbill	Helfrick	Pecora	Shaffer
Corman	Holl	Peterson	Shumaker
Fisher	Jubelirer	Punt	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger

## NAYS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Porterfield	Stout
Bortner	Lewis	Reibman	Williams
Dawida	Lincoln	Scanlon	

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones. Her temporary Capitol leave will be cancelled.

## LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Shaffer will be called from the floor and I would ask for a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Shaffer. The Chair hears no objection. That leave will be granted.

## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 53 (Pr. No. 1174)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on certain interstate highways.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Senator AFFLERBACH. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator SCANLON. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—26

Andrezeski	Greenleaf	Musto	Scanlon
Armstrong	Greenwood	Pecora	Shaffer
Baker	Hart	Peterson	Stewart
Brightbill	Holl	Rhoades	Tilghman
Corman	Lemmond	Robbins	Wenger
Fisher	Lewis	Salvatore	Williams
Fumo	Loeper		

## NAYS—21

Afflerbach	Helfrick	Madigan	Reibman
Belan	Jones	Mellow	Schwartz
Bodack	Jubelirer	O'Pake	Shumaker
Bortner	LaValle	Porterfield	Stapleton
Dawida	Lincoln	Punt	Stout
Fattah			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Schwartz. Her temporary Capitol leave will be cancelled.

## THIRD CONSIDERATION CALENDAR RESUMED

## HB 209 CALLED UP

**HB 209 (Pr. No. 1799)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

## BILL OVER IN ORDER TEMPORARILY

**HB 209** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

## BILL OVER IN ORDER

**SB 323** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 364 (Pr. No. 1136)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 25, 1977 (P. L. 95, No. 35), entitled "Mobile Home Titling Act," providing for the transfer of certificates of title or ownership; providing for obtaining new certificates of title or ownership where old certificates have been canceled; making certain contracts voidable; and making a repeal.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:



## YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezeski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 552** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 778 (Pr. No. 823)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," prohibiting a landlord from charging a tenant more than the actual cost of cable television service; and imposing a penalty.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezeski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 962** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**SB 3** and **HB 146** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL LAID ON THE TABLE

**HB 157 (Pr. No. 397)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

## BILLS OVER IN ORDER

**HB 171** and **SB 347** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 356 (Pr. No. 365)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," extending the time period from receipt of tax duplicates to mailing of the duplicates to the respective taxpayers.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL ON SECOND CONSIDERATION AMENDED

**SB 539 (Pr. No. 568)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing the mayor to employ outside counsel where a legal dispute exists between the mayor and council.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BORTNER offered the following amendment No. A0896:

Amend Sec. 1 (Sec. 1117), page 2, line 16, by striking out "a year" and inserting: in any twelve-month period

On the question,

Will the Senate agree to the amendment?

Senator BORTNER: Mr. President, this is a purely technical amendment. I believe it is an agreed-to amendment. It is the result of a question that came up during consideration of this bill at the meeting of the Committee on Local Government and it changes the language from one year to any 12 month period.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 539 will go over in its order as amended.

#### BILLS ON SECOND CONSIDERATION

**SB 568 (Pr. No. 597)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a police officer investigating an accident to request financial responsibility information from each driver; and making an accident reportable if a driver is unable to provide financial responsibility information.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 583 (Pr. No. 612)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 676 (Pr. No. 709)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," providing for refusal to write or renew a policy of insurance in the case of a member of the reserve component of the armed forces.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 801 and 851** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 865 (Pr. No. 925)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating credit services; prohibiting certain activities; and providing for certain information to be given to buyers, for the contents of contracts and for enforcement.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 916 (Pr. No. 1172)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for manner of filling appointments.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 969 (Pr. No. 1054)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for health insurance claim forms.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 985** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Musto. His temporary Capitol leave will hereby be cancelled.

#### CONSIDERATION OF CALENDAR RESUMED

##### HB 209 CALLED UP

**HB 209 (Pr. No. 1799)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 209 (Pr. No. 1799)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the financial stability of cities of the first class; establishing an authority empowered to assist cities of the first class in their financial affairs and to issue findings and recommendations to cities of the first class and to the General Assembly; creating the authority and providing for its powers and duties; authorizing each city of the first class and the authority to enter into intergovernmental cooperation agreements and specifying certain terms of such agreements and ordinances whereby cities of the first class enter into such agreements; empowering the authority to incur indebtedness, receive revenues, acquire the obligations of assisted cities, make loans and offer other financial assistance to such cities subject to conditions; establishing procedures for the preparation and review of financial plans of cities of the first class while bonds of the authority are outstanding and providing remedies for failure to adhere to such plans; requiring certain contracts to be consistent with the financial plan; making certain provisions with respect to short-term borrowing by cities of the first class; establishing procedures for handling authority funds, and providing for certain payments to the authority; providing security for bonds and notes issued by the authority; authorizing the creation of a debt service reserve fund and providing for its maintenance; granting to the holders of the authority's indebtedness and to the authority certain remedies in the event of default by the authority or by an assisted city on authorized obligations; authorizing cities of the first class to receive financial assistance from the authority under



certain terms and conditions; establishing the method for the appointment and composition of the authority board; prohibiting the authority and assisted cities from filing a petition under Federal bankruptcy statutes; authorizing an appropriation for authority operating expenses; authorizing cities of the first class to impose an optional sales and use tax; authorizing cities of the first class to impose certain taxes for the authority; authorizing emergency payment deferral; and providing jurisdiction for challenges to this act.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO. Mr. President, earlier today I requested that House Bill No. 209 go over temporarily, and in the intervening time I have received a letter from the Mayor directly as well as a copy of another letter that I want to read into the record. In addition, I have received a telephone call from Councilman Street who has assured me that city council this Thursday will adopt an ordinance requiring that the off-street parking phase be audited by the City Controller, and in addition, the letters of the Mayor I will read and they speak for themselves.

#### CITY OF PHILADELPHIA

June 4, 1991

The Honorable Vincent Fumo  
State Senator  
545 E Capitol Building  
Harrisburg, PA 17120

Dear Senator Fumo,

This is to confirm that I have previously and will again today give instructions to the Finance Director, David Brenner and the Philadelphia Parking Authority, that an independent audit will be performed annually by the City Controller. This is consistent with statements I made before the Senate Intergovernmental Affairs Committee on May 13, 1991.

I expect that the Philadelphia Parking Authority Board will confirm this action at their meeting on Monday, June 10, 1991.

Sincerely,

W. WILSON GOODE  
Mayor

Also, Mr. President, I received a fax copy of a letter that the Mayor has sent to Mr. Herman Wooden, Chairman of the Philadelphia Parking Authority, which states:

#### CITY OF PHILADELPHIA

June 4, 1991

Mr. Herman Wooden, Chairman  
Philadelphia Parking Authority  
2 Penn Center Plaza, Suite 800  
Philadelphia, PA 19102

Dear Mr. Wooden:

This is to confirm the requests made by me and Finance Director David Brenner that annually an independent audit will take place under the auspices of the City Controller.

Sincerely,

W. WILSON GOODE  
Mayor

I am advised, Mr. President, by excellent sources, that, in fact, this will happen on Monday, and because of the clock ticking on the time frames within House Bill No. 209, I will now remove my request that the bill go over and ask that we consider the bill at this time.

Senator LEWIS. Mr. President, it is my intention to vote for this bill and there are many portions of it which I think deserve commendation. Specifically, I think the sections which have proposed to create the oversight authority and the specific objectives which that authority is intended to try to achieve are likely to be fulfilled, given the provisions as they are spelled out in the bill. I am very supportive of those provisions. The bill also contains what I think is a very dramatic additional revenue generating opportunity for the city in that it provides for the first time the authority for the City of Philadelphia to implement a sales tax of either one-half percent or one percent to be collected on top of the state sales tax. Let me make it clear that throughout the involvement I had with the efforts on local tax reform, I was a supporter of extending the opportunity for the use of the sales tax to local governments, so I do not want there to be any confusion about that. There are a number of aspects about this tax proposal, however, which surprise me a great deal. The first is that I am astounded by the virtual lack of discussion or debate about this issue as the whole subject of Philadelphia's financial dilemma has been reviewed on the front pages of our newspapers and in legislative halls here in Harrisburg. If one were to review the newspaper articles one would see that the overwhelming focus of interest and attention has been centered on the authority, and to discover any discussion about this very significant additional provision one would have to wade deeply into the article before in just passing in cursory fashion, oh, by the way, kind of approach, the issue of the Authority to impose a one percent sales tax was disposed of. I am aware that a representative of the Economy League testified before the Philadelphia City Council in objection to the consideration in the implementation of a one percent sales tax, but I am not aware that business leaders, that civic leaders, editorial writers or legislative leaders from within or without the city have bothered to discuss this extremely important aspect of this bill at all.

Secondly, as I have tried to discuss this issue I have frequently been met with the response that there is a crisis upon the city, that this is the solution that has to be implemented now, and, yes, there are concerns that might be privately expressed about the sales tax but that those issues can be dealt with later. I have to smile and chuckle because that is not an unusual response to difficult legislative situations. We will clean up the problems later. It is also not an unusual response to a legislative situation to suggest that the crisis is imminent and that this is the only possible solution at the moment, given the shortness of time. I am astounded that we have allowed ourselves to be convinced that this crisis which has been in the forefront of the news for the last two years has evolved to the point where a proposal to implement what I think will be a devastating new tax within the City of Philadelphia has gone

on undiscussed and will be acceded to, under the guise of the existence of a crisis which somehow did not exist or allow the obligation for the review of this tax proposal in the weeks and months and years that preceded this day today. I looked at the chronology contained in an *Inquirer* article within the last few days and noted with interest their charting of the development of this crisis which clearly spans a period of at least two years. And so with equal amusement as the failure to discuss the sales tax issue, I find myself chuckling at the suggestion that it has to be accepted because there is a crisis which now knows no other solution.

I am also intrigued to hear the comments that have moved forward that this proposal will put no financial obligation upon anyone other than the City of Philadelphia, that there is not going to be any cost to anyone in Pennsylvania outside of the City of Philadelphia and that fundamentally all that this proposal does is to give the City of Philadelphia the opportunity to help itself. Those comments are followed by observations as to the consequences for all Pennsylvanians if the City of Philadelphia, if fact, was unable to meet its bond payments and found itself in some form, legal or practical, of bankruptcy. I agree with the fact that there would be substantial economic consequences for all of us if, in fact, the city's fiscal circumstances were not resolved, but somehow or another there seems to be blind assumption that passing a new sales tax opportunity is going to take care of all of these things, and I will speak more to that in just a moment.

I guess that I am most disappointed about this sales tax situation because of what I see as lost opportunities, lost opportunities for us in the General Assembly to be extremely creative, to be bold in terms of dealing with revenue problems that affect not only Philadelphia but other counties, other cities and other local governments across Pennsylvania. I guess that I am frustrated because we would be defying history to suggest that any conclusion other than the fact that once revenue has become an expected and dependent source for the expenditures of any unit of government, that somehow or another we are going to be able in the future to readjust it and wrap it into some more farsighted proposal. I am frustrated because it seemed to me that the best possible hope for a dedicated source for new funding for mass transit in Pennsylvania laid with the implementation of a sales tax, certainly on a regional basis in southeastern Pennsylvania and probably in a system that might have been emulated in other urban areas around Pennsylvania, and it is my opinion that opportunity will be lost upon the implementation of a sales tax in Philadelphia with the funding going for general revenue purposes. It seemed to me that a sales tax provided the best opportunity to really create the foundation for a much broader scale of regional cooperation for local governments in Pennsylvania, and I believe that opportunity will now be significantly diminished if not lost.

It seems to me that the only way for the City of Philadelphia to be able to reduce its existing tax bases, particularly with regard to the wage taxes but also with regard to some of its business taxes, would be to utilize new revenue sources to

maintain current revenue levels after the reduction of existing taxes, and the only practical new revenue source which could have lent itself to that mechanism for the reduction of existing taxes was the sales tax and that opportunity will be gone.

It also seems to me that given the current financial dilemma within the city, there may have been the opportunity for elected officials to defend some very difficult decisions that would have centered around cost cutting, but the implementation of a sales tax and its new revenues will lose that opportunity which I think could have been to the benefit of all of us, particularly those of us in the region for whom a viable and healthy economic unit within the City of Philadelphia is absolutely obligatory. There has been a great deal written and a fair amount of conversation in this Legislature about the fact that a healthy Philadelphia, a healthy economy within Philadelphia, is an absolute prerequisite to a viable and healthy environment throughout southeastern Pennsylvania and throughout this Commonwealth, and I subscribe to that theory, Mr. President. It is the reason why this sales tax proposal gives me such tremendous concern, because I am of the firm opinion that the implementation unilaterally by the City of Philadelphia of the sales tax opportunity presented within this bill will be a prescription for disaster. It will not be the salvation of the city as some are proposing, and I say that by looking at the history of why the city finds itself in the condition that it does now. A significant portion of the reason for that can be traced through the taxing policies and the consequences of those policies across the last 25 years. The city has experienced a declining tax base, and as the revenue sources have dwindled, the response historically has been to increase taxes. Now I am fully aware of the integration in the city's problems of the reduction of federal funding, of the increases in programs, the demands for new services, the human service obligations that none of us would have anticipated before, and I do not mean to suggest that they have not played a role collectively in the dilemma faced by the city, but one factor which, to me, seems to be preeminent and sticks out like no other is the continuing policy across the years of increasing the taxes that were in place within the city, and what has happened as the result of that? It has been, in effect, a self-defeating kind of spiral. The tax disparity between the city and its suburban neighbors has grown to the point where individuals have sought to flee the city in substantial numbers. Jobs have moved out of the city into the suburban areas. A four and five-sixteenths percent wage tax on nonresidents has been laid as the base cause for the removal of nearly 200,000 jobs within the last 25 years, and the corresponding businesses that have moved into Bucks, Montgomery, Chester and Delaware Counties are legion as well. So what we have seen as the city's taxes on business and individuals have increased are that those people who could, in fact, remove themselves from the burden of those taxes have done so. The taxes have gone up. More people and more businesses have left and the problems have gotten worse, and so it is I fear that the same is going to occur once the sales tax is implemented. The disparity in the taxing circumstances between the city and its suburban neigh-

bors will increase again. Individuals have been driven out. Businesses have been driven out and now the commercial side of the equation will follow, not overnight because businesses cannot get out from under leases nearly that quickly. It is going to take a little bit longer than that for this whole thing to unfold, but the consequences, in my opinion, will be real, they will be measurable and they will occur in the very, very near future. I think what is likely to happen, first of all, is that sales tax revenues are going to be significantly below any state revenue experiences simply because people are going to be making purchases outside of the city. To begin with, the amount of revenue that is anticipated to be generated I think will be less than the projected numbers.

Secondly, the next consequence will be that wage tax revenues will fall because as the commercial sector finds that its sales are decreasing, commercial activities are going to move outside of the city and that means jobs are going to move out of the city and you will find wage tax revenues being reduced as well as declines in anticipated sales tax revenues. And then the next step is that the variety of business taxes which are imposed upon those enterprises that locate within the city will also experience declines or at least fail to keep pace with the anticipated increases because of a decline in the commercial activity, and so it is going to go on and on and on. I think that history makes clear to us that there is no other likely conclusion that any reasonable person can expect as a consequence of the implementation of a new tax unilaterally in the City of Philadelphia. And so, if this prediction is anywhere near accurate and things do get worse, where are we going to find ourselves? The answer to that question is not a very bright picture to paint because I am afraid what we are going to find is that two or three or four years from now we are going to be right back here again. We are going to find that instead of helping the city to help itself, what we have really done is to help the city dig its own financial grave. Problems will not get better until and unless very drastic actions are taken that reshape the economic interrelationship with the city, its suburban neighbors and the entire Commonwealth of Pennsylvania. So I say to you that I think that we are kidding ourselves. I think we are pulling a very cruel hoax on the people of the City of Philadelphia and, yes, on all the suburban neighbors and the Commonwealth of Pennsylvania by suggesting for a moment that our action here today is really the step that is going to bail out the city from its financial dilemma. I think the only thing we are doing is cruelly postponing and worsening the inevitable reckoning with the fundamentals that have created this problem.

Having said all of that, Mr. President, I come back to the point at which I began which is that I am, nevertheless, going to vote for this proposal because although I know that the City Council in an action that has gone virtually unspoken and unnoticed by the public, has adopted the sales tax, I am hopeful that they might reconsider their action or that the mayor will understand the consequences of the implementation of this tax or that somehow or another, through some device which might not yet be known to me, we might find a

reversal of the portion of this proposal that seeks to implement the new sales tax. I do agree that putting the authority in place to provide the financial oversight is necessary, it is desirable and something we have to be a part of doing. So I find myself in this dilemma with the one fear as expressed and the other hope which I think we have to have in place. I would have been remiss with regard to my concerns about the financial future for the entire southeast Pennsylvania area without calling to the attention of my colleagues the very deep concern I have about the negative impact of the implementation of a sales tax within the City of Philadelphia.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator ARMSTRONG. Mr. President, I feel it is unconscionable to give Philadelphia a temporary solution to a major, major crisis. I think we owe it to the 12 million Pennsylvanians, the residents of Philadelphia, to solve this problem and let us solve it now. We are putting a Band-Aid on a gaping wound and we all know it. The more I read about this problem the sicker I become—the contracts, the sick pay, three-year salaries for injured on duty, absolutely no incentive to go back to work. We need an impartial committee to step in and solve these problems. It is obvious that City Council has no backbone whatsoever. A SEPTA driver gets \$60,000. A bus driver gets \$60,000 to drive a bus. The buses and the trains are full of graffiti. If you go to Atlanta or you go to Baltimore, some of these other cities like Washington, the undergrounds do not have any graffiti on them. You go to Philadelphia and it is terrible. They are dirty, they are filthy and no one wants to go near them. I was down in Philadelphia a little while ago and I took my family down and got on a SEPTA bus. We rode around the city. During the time I was on that bus we were the only people who put money in the till. No one else paid. The bus driver never even looked at the people getting on board. I could not believe it. They just do not seem to care about finances at all. That is just one little example of the fiscal management in that city. One Sunday I flew from Philadelphia to Atlanta. I left the Philadelphia airport, there were maybe 500 people around. I flew into Atlanta, there were over 10,000 people in the airport. That is a city that is booming. They have problems just as similar as Philadelphia, but they have conventions, they have development, they have a vitality in that city that we are not even close to approaching. It is the same with Baltimore. Baltimore had similar problems. They got their waterfront, they developed it, they showed leadership down there. Why can we not do it in Philadelphia? We have more going for us in Philadelphia than any other city in the United States. I am proud to take, particularly, foreign guests that come to my home and go down to Philadelphia and show them the cradle of democracy. There is

so much going on down there and yet we are just not taking advantage of it. I was also told that a garbage collector gets \$60,000. When you hear these types of dollars, we cannot afford it, we cannot pay it. The sales tax idea, that is great for a while. The people are going to have to pay it until they can get out. So it will raise some money, but we are just exacerbating the problem. The problem is only going to get worse. We have an opportunity to correct a problem right now. I was just following Senator Lewis' remarks when I found out he is going to vote for the bill. We have a chance to solve the problem. Let us hang tough. Let us do it now; let us get it solved now. If not, I guarantee in two years we are going to be right back here with some other—to quote the gentleman from Philadelphia, Senator Fumo—cockamamie solution to this problem. That is exactly what we are going to do, another solution to get us through two years. Let us do it now, let us do it right and let us vote this down and get to business and make Philadelphia a city we can be proud of.

Senator BAKER. Mr. President, I rise to speak in favor of House Bill No. 209 which is before us at this time. There is an ancient Chinese proverb which is relevant to our discussion of this precedent-setting and important measure. It says, "Give a man a fish, you will feed him for a day. Teach a man to fish, he will eat for a lifetime." The City of Philadelphia is seeking from the Commonwealth a unique and special authority which, if everything goes as planned, will allow the city to attempt to resolve the deep fiscal crisis that has been developing for a number of years. There are those among us who believe that the City of Philadelphia should bear the responsibility for its own actions. The city enacted the policies and made the decisions which led to this dire condition and the need for our action today. While I can understand this feeling, Mr. President, I do not completely share it for these reasons: Philadelphia does bear responsibility for many of the problems that afflict the city today. There have been irresponsible and unrealistic city budgets which continue to this moment, as a matter of fact. There have been abuses of the contract negotiating process and undue concessions to labor. The lists of irresponsible acts including excessive benefits, patronage and personnel abuses have been well documented and I will try not to repeat them at this time. When the Mayor and numerous other city officials appeared before the Committee on Intergovernmental Affairs on May 13th, they admitted they had made mistakes and that their decisions have helped contribute to the city's constantly worsening fiscal condition. What they are now asking us for is time, time to discipline themselves, time to correct their errors, time to take the stringent actions which they have until now avoided. Many city officials have been willing to accept safeguards in the form of oversight responsibility by the Intergovernmental Cooperation Authority which this act would create. The city officials pleaded with us to give them one more opportunity before a board with strict oversight or control would be created. Make no mistake about it, Mr. President, this is a major piece of legislation. This legislation represents a fundamental change, one might say a revolutionary change, in the

way the Commonwealth of Pennsylvania and its municipalities enact their fiscal procedures and policies. In some respects this legislation is an experiment. It is not the state bailout that many of us have feared. In fact, this bill may help prevent a bailout. It is not a state takeover of a sovereign city's fiscal affairs. This bill creates the mechanism by which the City of Philadelphia, hopefully, can learn to catch its own fish rather than merely wait to be fed from the fiscal table of the state's taxpayers. It is an unconventional step, Mr. President. The bill attempts to combine relatively slight control procedures with the major responsibility of floating bonds to pay off the city's debts. Deficit budgets have proven to be an unhealthy public policy in the city, but we must add at the same time it is certainly an unhealthy policy at the federal level and, as we know from our own situation here in the state, at the state level as well. Our State Constitution prohibits deficits. Our General Assembly has even passed a resolution advising Congress to pass a balanced budget amendment. So now we are asked to create an entity, an authority, whose job it is to raise money to help institutionalized deficits. It is no wonder that people question the wisdom of what we are doing today. Are we sanctioning deficit budgets? I hope we are not. I fear that possibly we are. Certainly the control mechanisms, the so-called teeth of the fiscal authority created by House Bill No. 209, are not as strong or as comprehensive as I would have preferred. In many hours spent considering these questions, I realize that the bill with the amendments that were added yesterday in the Committee on Intergovernmental Affairs is as strong as the present circumstances and as time constraints will permit.

I would like to point out that in 1988, 70,000 Philadelphians issued a cry for help to the Commonwealth of Pennsylvania, led by the gentlemen from Philadelphia, Senator Salvatore and Senator Rocks, asking the state to declare Philadelphia a distressed municipality. Many of the signs of the stringent conditions we are now in were known at that time, and it could well be predicted that we might be just where we are now without action on the part of the state. This could have prevented us from being where we are today if the Secretary of Community Affairs had fulfilled her obligations and taken action on these citizens' cries for help—70,000 Philadelphians. Instead, on the basis of a notarization technicality, she closed her ears to this cry for help from these Philadelphians who desperately cared about their city, and that failure today is a monument to the Casey Administration's blindness to the impending crisis in Philadelphia. Well, Mr. President, that crisis is now upon us. Perhaps we should not spend inordinate time reviewing past history, but if we do not ask any questions about how we got where we are now, we cannot prevent ourselves from being right where we are today in the future.

Briefly, Mr. President, the authority created by this legislation consists of five members who will either live or work in the City of Philadelphia and who have experience in finance or management. They will have the responsibility of ensuring that the city tries to comply with regularly submitted fiscal



plans. In return, the authority will issue bonds to eliminate the current deficit and provide some relief for the anticipated deficit in next year's budget. Under the legislation, the city is permitted to levy a one percent sales tax and as a companion action, to dedicate one percent of the city's wage tax to finance the debt service on the authority's bonds. I might point out, coincidentally, Mr. President, the gentleman from Bucks, Senator Lewis, who is amused by the inclusion of this permissive tax in this legislation, raises an interesting point about the effect that having a one percent sales tax in Philadelphia will have on his plans for wider regional taxes. I might say that I think taxation is something where the first one who moves into the area can occupy that area and if the City of Philadelphia chooses to exercise their request for this tax in this way, I think we have to respond to local officials. I daresay we will be approached by officials from other counties and/or cities in the future who may wish to receive a similar type of authority. If every piece of this legislation falls into place, this plan may actually work. I have serious reservations about the authority's power, however, to force fiscal integrity upon the City of Philadelphia. The authority's so-called power, which some have described as meaningful, to withhold state revenues to the city is nothing more than a paper tiger. To begin with, the intercept exemptions bring the amount which can be withheld from the city down to a minuscule figure, but, more importantly, one can hardly imagine an authority created to prevent the City of Philadelphia from going bankrupt would then withhold monies and force the city into fiscal insolvency. What appears to be a very firm sanction turns out not to be very strong at all. As far as bond proceeds being withheld, once the bond proceeds are raised and distributed, obviously they cannot be withheld for any further sanction. We might then ask what power the authority has to bring about wise and prudent fiscal decisions. Here I find what could be a fundamental weakness of House Bill No. 209. In this act there is nothing that gives the authority the ability to actually regulate or impose fiscal sanctions on the city. What can they do? They can guide, they can publicize, they can recommend and they can direct the city to do the right thing, but I am sure loopholes will be found in this legislation and we may well have a situation in which the authority, even though we have tried to strengthen its powers, will be unable to stem the flow of problems we face in the city's fiscal management. Ironically, we have heard much about the undesirability of having the state interfere with the decisions of local elected officials and that such actions might somehow be unconstitutional. Of course, under normal circumstances local elected officials have the ability, the opportunity, the right to pursue their own decisions. On the other hand, when elected officials come to the state with a request for special treatment to avoid a fiscal catastrophe brought on in large part by their own actions, it is not remiss for us to give them a special arrangement, but nonetheless to question what criteria might be established that would help them restore their own fiscal integrity. This authority will have a big job ahead of them, these five individuals, and they must take their respon-

sibility seriously. We have included in one of the Senate amendments a set of criteria which will help the authority determine what actions of the city might improve the fiscal management of itself, such as—and here I am reading—increased managerial accountability, consolidation or elimination of inefficient city programs, the recertification of tax exempt properties, increased collection of existing tax revenues, privatization of appropriate city services, sale of city assets as appropriate, improvement of procurement practices, including competitive bidding and a review of compensation and benefits of a number of city employees. I think all of these, Mr. President, are what any good manager would apply to any business that has found itself in the failing condition that the city currently exists.

We have been asked, what did the Senate add to this bill? I can say, Mr. President, with a lot of negotiation and hard work with representatives of the city and other interested parties, we have done the following: We have given the authority the criteria I just read so it would have a standard for judgment. We have given the authority the power to do management reviews in pursuing those aims. We have strengthened the powers of the members of the authority in requiring that it meet at least four times a year. We have limited extraneous financing and the possibility of doing extraneous financing under this act in terms of limiting and holding of real estate and requiring the time limit during which the authority can act be shortened to three years. We have required that before the dispersal of a bond issue's proceeds can occur there must be an agreement between the authority and the city based on the approval by the authority of the city's five-year plan. The authority's budget has been strengthened and removed from the political process. Accounting and auditing procedures have been expanded, including the matter referred to by the gentleman from Philadelphia, Senator Fumo, today, and made sure that the various entities that come under the city's fiscal picture are included. Specifically, we have required that they provide their accounting under principles that have been established by knowledgeable fiscal authorities rather than the loose language we received from the House. In addition, the one provision that helps the city by getting more of the flow from the proceeds has been by decreasing the amount of time that the state would hold the money. Finally, we have changed the language so that Act 47, the Distressed Municipalities Act, is suspended rather than repealed as far as the City of Philadelphia is concerned. I am not going into detail here, Mr. President, either as to the amendments or to the basic Act, but to say, what are they all going to do? All I can say is that when I was asked the question, Is this plan in House Bill No. 209 workable? My response was, it could work. In this age of federalism where we need self-responsibility from individuals, from communities, from states, I think what we have given Philadelphia here is a period of time in which they can pull themselves up by their own bootstraps. The laws of physics make that very difficult. Maybe they will not be able to do it, but I think under this legislation they will have the opportunity to follow

through on what they say they would like to do and, in that sense then, we will have been giving them the opportunity to learn to fish rather than simply to be given a fish for a day.

Senator FATTAH. Mr. President, I was not going to speak on this bill, but the comments of several of my colleagues have caused me to rise and I will attempt to be brief. First, it was suggested by my good colleague from Lancaster, Senator Armstrong, that you could ride the bus for free in Philadelphia and that we pay trashmen \$60,000 a year. Both of those comments are inaccurate and irresponsible, I would think, at this point in the debate. I would challenge him at any point to come to Philadelphia and if he can find a bus he can ride for free, you know, then we can examine that, but it is not the reality, nor do we pay trashmen \$60,000 a year. The reality is that every major city in this country is in financial distress in 41 of 50 states. We sit here in our own sea of red ink casting aspersions on the greatest city in this state that are not based in fact but based in just the nonchalant comments of the Members of the Senate, and that is unfortunate. The national government, President Bush, promises urban policy. When he ran for office we had none, but what we have at the national level now is no urban policy, no aid for cities. The U.S. Conference of Mayors, the National League of Cities have come forward and called upon the federal administration to do something. Philadelphia lost as much in federal funds last year as this deficit is in last year's budget. Here at the state level, in a consent decree from the court, it was acknowledged that the state has not supplied Philadelphia the appropriate amount of funds vis-a-vis its mandates related to Children and Youth Services in a number of years. If we would add those dollars up, we would be approaching again almost the amount of last year's deficit in Philadelphia's budget. So we have in one way kind of colored up the situation in a way in which we do not really deal with the facts, but I will suggest that this bill is important and it is important because notwithstanding all that has been mentioned, we must go forward and we must have a situation in which in Philadelphia we can respond to the double whammy of lack of federal support and a lack of appropriate state support and appropriate and responsible action by officials like us here in the Senate. I think as we cast around these notions we should be a little more careful and I think a little more responsible.

Senator CORMAN. Mr. President, I do not rise to bash the City of Philadelphia, and I suspect there are many in the city who think we in rural Pennsylvania get as much fun out of bashing Philadelphia as we do out of fishing and hunting. That is not true. We truly are normally proud of the City of Philadelphia and are very happy that it is part of Pennsylvania. We think it is a very important city in Pennsylvania as it is a very important city in the United States, and we want to help it. I truly believe that, and I truly believe, as the John Donne poem goes, "No man is an island, entire of itself; every man is a piece of the continent, a part of the main...." I believe that and I want to help the City of Philadelphia. For that reason I will vote against House Bill No. 209 and I will encourage all of my colleagues to vote against it as well.

House Bill No. 209 does nothing to solve the problems of Philadelphia. Philadelphia begging for more money is like an alcoholic or a drug addict asking for one more fix. You know, they truly know they must change their habits if they are going to correct the problems of Philadelphia, but they cannot do it by themselves. They have to have strong medicine. They have to have help if, in fact, they are going to make it happen, and it is my belief they need more than just an overseer. They need a strong authority that has the power to trim budgets and the power to take fat from the patronage systems of the government that is Philadelphia.

The gentleman from Philadelphia, Senator Fumo, spoke earlier today about the excesses in the Philadelphia Parking Authority. We have all read in the newspaper about the excesses in the court systems when a Supreme Court Justice told a Common Pleas Judge in Philadelphia to fire 59 employees. Patronage just seems to flourish in the City of Philadelphia as they seemingly overstaff everything. Who could question that SEPTA has problems so it is truly out of control, and will they face the music of what they have to do to clean up their act? No. They are always here in Harrisburg saying, we need more money to solve our problem. Well, throwing money at Philadelphia just will not solve the problems, Mr. President. They need our help, that is for sure, and I am plenty willing to give that help but they need strong medicine as well. House Bill No. 209 just is not strong medicine, it is just one more quick fix. I urge a "no" vote on House Bill No. 209 and say, let us create an authority of non-Philadelphians who can, in fact, examine the problems and the solutions that will help the City of Philadelphia and get on with truly cleaning up their problem.

Senator WILLIAMS. Mr. President, I rise to support House Bill No. 209. I would just like to comment on some of the remarks of the people who are for or against it, and it makes me wonder why we have to go through this process of ridicule. Very frankly, I do not understand why those who are going to vote for it find so much wrong with it, and those who are not going to vote for it, what alternatives they have. Indeed, the last Senator gave as one of the examples of ridicule and irresponsibility by the fact that a Democratic Supreme Court Justice ordered a Republican judge to get rid of some people and he did not want to do it. Now, maybe this is not a partisan thing, and maybe it is not a local thing either. The gentleman from Philadelphia, Senator Fattah, has very well laid out the fact that the cities of this country are in trouble, and Philadelphia is not unlike that. It is clear as to fundamentally why. He did not dwell on the fact that the Republican-led national government is no better either with the trillions of dollars in deficit and overruns we have there. So who is talking about the kettle being black? I think we ought to disabuse ourselves of the notion that the need for legislation like this is anything unusual in these times, or that, indeed, Democrats or Republicans have any patent on how you are going to get a handle on those things. I do think it would be a disservice, however, for us to go home and think that we self-righteously did something very special for little

old historic Philadelphia, little old annex of a town that we are sort of ashamed of. Well, very frankly, history indicates how proud Philadelphia is in its history and its contribution not only to the state but to this country and the need for it to be preserved and to thrive in all of those areas—cultural, economic, business and the like, Republicans and Democrats, and all that. I do not think there is anybody responsible in this Chamber who does not recognize that if this city did go belly-up that the state would go belly-up and it is almost belly-up already and we are responsible for the state. If anybody here can show me how much better off the State of Pennsylvania is than the City of Philadelphia, then I will sit down and shut up. We are in charge of that. We are the legislative Body for that, and we are sitting here twiddling our thumbs on how we are going to handle that. All I am suggesting is let us not be so self-righteous. I do not say that Philadelphia's problems are not great, and certainly the record is clear that there are abuses by Democrats and Republicans, and that is the way this game has been for years. But the problems are clearly and fundamentally there, and I just cannot sit here and act as though we are doing something special for Philadelphia when, indeed, some of the Republican Senators from Philadelphia recognize the need for us to do this responsible act to benefit Democrats, to benefit Republicans, and all that.

Mr. President, I would suggest we go ahead and pass this thing if we are going to do that so that, indeed, we will not get into a precarious position of time, or if we are not going to pass it, to vote it down.

Senator LINCOLN. Mr. President, I rise to support this legislative effort to help a major portion of Pennsylvania. I have been in the General Assembly now for 19 years, and I have to say I am a little bit amazed at some of the criticism I have heard and the manner in which that criticism is being put on the record. Years ago, when I first came into the General Assembly, we would never have seen an effort this open and this honest and this much debated by people for a couple of months to put us in this position. This is actually a breath of fresh air. When I came here, if the Herb Finemans and the Buddy Cianfranis of the Philadelphia world came into the General Assembly and said \$75 million in a block fund grant to the school district, there was never any discussion. They did it, and if you did not go along with that vote when you were in the House, then you never seemed to have any of the chairmanships or vice-chairmanships or anything else that came along. At that point in time there was probably about 18 percent of the population of this state who lived in Philadelphia. Unfortunately, over the past 15 to 18 years that population has shifted somewhat down to maybe 16 percent. That means that 16 out of every 100 people who live in this Commonwealth live in the City of Philadelphia and they have always been a major part of this state. They have always been major contributors to this state, and it seemed like the only time we ever debated was when somebody got up and was being critical. Over the years when we did school subsidies, when I was in the House and in my early days in the Senate, the major influence that helped my school districts to get

money was the influence coming out of the Philadelphia effort to get money for their school districts because my school districts were similar to theirs in the types of problems we had. We just did not have as many people. I cannot imagine anyone who could stand today in this Senate Chamber and not be able to say there is something that is not being told about this bill, and I believe there is nothing in this bill that has not been discussed. There is nothing in this bill that has hidden costs to the state. There is nothing in this bill that does not address itself to the Philadelphia problem with the people of Philadelphia solving that problem. The only thing we are doing, the rest of us Pennsylvanians, and we are the same as the Philadelphians, they are Pennsylvanians, is we are allowing them to make an effort to solve very serious problems. I heard someone earlier today talk about Baltimore and talk about Atlanta. Well, friends, let me tell you something. You can gloss over all you want, but I do not know of a major city in this country that does not suffer the same types of problems that Philadelphia is addressing in this legislation. They may be a little bit further advanced in their problems or they may be a little bit further behind in their problems, but the major cities in this country have problems and a lot of it comes because the federal government has forsaken them on many occasions. I cannot believe we have talked this long about this. It is a very simple vote. You are either going to vote to support this effort, to allow the people who live in Philadelphia who are Pennsylvanians to go about their business and try to salvage what is left of that great city and to rebuild it to where there may be people moving back in in the next five years because of this effort, or you are just going to be very parochial and very partisan, very political and say no. Now that is to me the bottom line. There are only two choices and you can couch it in any words, any manner or any shape or any form, but we are to the point now where we are going to say to the people of Philadelphia, we are going to allow you this opportunity to bail yourselves out, we are not bailing you out. The only thing I am going to do with my vote is put into law the opportunity for them to help themselves. No matter how you put it, no matter how you say it, these are Pennsylvanians. We are giving fellow Pennsylvanians the opportunity to show that they have the fortitude to go forth and help themselves. I would say this bill should pass unanimously, and, I would think that would be a really good gesture on the part of the Senate for it to have 49 votes or 47, or whatever we have here today. It is a good bill, it is a good effort and I think we will see a lot of good come out of it.

Senator SCHWARTZ. Mr. President, I would just like to add my comments to those of my colleagues and I am pleased to follow on the comments of the gentleman from Fayette, Senator Lincoln, because I do think this is an opportunity for those of us in the State Senate to stand up with Philadelphia. As both a Philadelphian and a State Senator, I want to say that this bill provides the best opportunity that we have at this point in time to do what it is that we have a responsibility to do, and that is to give Philadelphia the tools it needs to move ahead and begin to solve its own problems. We have already



done that. I think the fact that the Senators have stood up and talked about Philadelphia in the great tradition of Philadelphia-bashing does not serve either the Commonwealth or the city well and, in fact, much of what is said is untrue. The facts show Philadelphia does not spend anything more per capita than any of the other cities or counties in this state, except in the areas of police and fire. In fact, we have a Republican nominee for mayor who would like to do more of that, but the fact is that we are trying increasingly to be responsible, that what this authority does is to provide a source of repaying of debts and increasing assets and provide a chance for an authority to work with the City Council and with the Mayor and to come up with what I hope are good management and fiscal solutions to some of the dilemmas that Philadelphia along with many other large cities across the state are facing. We also say that we should not think that not only is this not a bailout because Philadelphians are paying for this and not the rest of the Commonwealth, but it also does not get us off the hook of having to meet the problems of Pennsylvanians who happen to live in Philadelphia. There are critical financial problems that, in fact, rest with the state and will be on us to face not only in the next month but in the course of the next years. It is on the state to begin to look more seriously at the health and human service needs, education needs, public transit needs of Philadelphians and the rest of the Commonwealth. If we do not do that, then Philadelphia, in fact, will not be able to get out from under the situation it is in because it cannot do it alone. So I call on my colleagues to support this bill and then to continue to work with those of us in Philadelphia and across the state on some of the very many common problems we have, not just as Philadelphians but as Pennsylvanians.

Senator PETERSON. Mr. President, I rise sadly today. I wish we had a bill I could support. I wish we had a bill that would help Philadelphia solve its problems. I guess if I looked at this issue over the last six months I would say, state government, please do not help me. Our first effort to help Philadelphia was to give them a \$150 million loan a few months ago at a 27 percent interest rate. You do not have to be very bright financially, you do not have to be very good with mathematics to know that a 27 percent loan is the quickest way to go broke, and if you and I got those rates we would be put in jail for usury. Today we are going to give them a one percent sales tax which will bring in \$80 million to \$90 million a year if the figures are correct that I have been given.

I will read for you from a recent AP story in my papers on Saturday. "City Council unanimously approved a \$2.3 billion budget that would raise the city sales tax and counts on loans from a yet-to-be-formed authority to bring it out of its financial troubles.

"The budget represents a 9 percent increase of last year's budget of \$2.1 billion.

"It includes a 1 percent increase in the city sales tax, and \$261 million in loans from the independent authority that doesn't yet exist. The budget would also give 1,000 new employees to the city, which has imposed a hiring freeze since last September."

I do not know about you but it looks to me like they have more than spent already what this sales tax can bring in, and if we do not have a change in the spending habits, if we do not have a change in how that city is managed, it will continue to be a distressed city and its people will not have the kind of good public services they need. I would like to share with you—and if you want to dispute these figures, I would dispute them with Mike Hershock because they are his—the following notes from an address that Mike gave in Philadelphia on March 2, 1990.

The Philadelphia ratio to state aid is 4.03, Pittsburgh's is 3.13. Does that mean Philadelphia receives one half more state aid than Pittsburgh?

A special \$24 million grant was given to Philadelphia to save St. Christopher's Children's Hospital, to prevent movement out of the city.

The Pennsylvania Housing Finance Authority refinanced Philadelphia Hospital Authority with bonds to keep them from being defaulted.

The Philadelphia Port Authority was transferred in toto from the city to the state. \$25 million in operating expenses was picked up by the state and \$24.4 million in capital assistance assets that were already under way. Another \$33 million commitment for 1990-91 is also under consideration. Port Authority received a 32 percent increase since 1986-87 from general funds with an additional 4.5 percent committed this year. This compares with 2.3 percent overall statewide.

Reference is made to a legislative funding initiative to keep the Flyers in Philadelphia.

The 1990-91 General Fund increase across the state was projected at 2.3 percent. Philadelphia was at 7 percent, three times greater than the typical fund across the counties.

1990-91 will provide an 18.5 percent increase for Philadelphia in Health and Human Services. The commitment for 1990-91 was \$477.7 million for Philadelphia, \$74.7 million over \$403 million in 1989-90.

Children and Youth Services has received a 51.5 percent increase thus far in the Casey Administration.

Over the life of the Casey Administration Community Mental Health has received a 43 percent increase. \$39 million has been earmarked to expand Community Mental Health, including \$10 million for 220 new beds associated with the Philadelphia State Hospital closing.

\$14 million added to the Norristown Hospital budget to accommodate 148 patients so they would not have to go out of Philadelphia. Mental Retardation received a 40 percent increase over the life of the Casey Administration. In addition, ICF/MR funding in Philadelphia has gone up 91 percent.

Day care is up 60 percent during the Casey Administration.

Seventy percent of all municipal police training funds in the Commonwealth are spent in Philadelphia.

For AIDS, the money has gone up \$15.7 million in the last three years. 80 percent of all HIV infant care funds are spent in Philadelphia.

In 1989-90 homelessness was funded at \$16.8 million. Increase in the Casey Administration money for homelessness in Philadelphia to date is 367 percent.

The Pennsylvania Housing Finance Authority has invested \$13 million in Philadelphia for constructing 385 new housing units.

Fifty-three percent of all drug and all alcohol law enforcement monies go to Philadelphia.

The Casey Administration has increased Adult Probation by 68 percent.

Philadelphia will receive 22 percent of all state funding for special education and 20 percent of all funding for higher education.

Emergency food allowances have gone up 48 percent in Philadelphia over the life of the Casey Administration.

Secretary Hershock went on to point out that Philadelphia does not use all of its available money and goes on with some of the monies they have lapsed. In 1987-88 audits challenged a drug and alcohol program. The city never applied for \$200,000 of the million they were allocated.

Philadelphia did not use \$53,000 of the \$106,000 Student Assistance Program grant.

The Secretary noted they lost \$1 million in late and unsubmitted reimbursement requests by the Department of Human Services. The city failed to spend 11 percent of the allocation for the homeless, failed to spend 16 percent of the Housing Assistance money, lapsed funds for lead poisoning given to the Health Department and was two years late in submitting invoices for reimbursement by Children and Youth Services.

Also, Philadelphia used \$5 million from state child support funding to demolish a new building for the Department of Justice that was never built. The city failed to collect \$1 million in child support payments to offset the cost of CYS.

An 1988-89 audit of MH/MR indicated there were no fiscal controls, no budget reflecting need, no cost controls. Providers were given lump sums, often 12 months in advance, with no agreement on the level of service to the provider. There is no audit trail to the providers and no explanation of cost variances. Reportedly, the city did not even bother to dispute the audit findings.

I believe if we really want to help Philadelphia we will devise a program. This is what a banker does if he really wants to help you. He looks at your finances and helps you find a way out of them. If you read the article from the Associated Press of the fiscal budget of the Philadelphia City Council, it is another recipe for disaster. I know the Mayor says he is going to veto it, but until City Council and the management of that city are willing to sit down with state government, we are doing them an injustice by giving them the ability to borrow more money. I have said it to the Casey Administration, I will say it to the City of Philadelphia. You cannot borrow your way out of debt. Debt costs money. Debt increases costs. We should have a program designed that would say, Philadelphia, you accomplish a, b and c in building controls, in setting standards, in running your city in a businesslike manner and we will do x, y and z, and I will be

there to vote for that. It is time for Philadelphia to forget that padded payrolls are a way of life, that patronage is something that should be carried on, that plum contracts can go on forever and that unaccountability will be accepted. I feel badly that the fine City of Brotherly Love, Philadelphia, is struggling and that its people services are not being provided like they ought to be and they never will be until that city is managed fiscally and prudently, until we have some kind of controls there that state dollars, federal dollars and local dollars are spent prudently and wisely and there is some kind of a management system. If we really want to help Philadelphia we will put that kind of a program in place and not a continued loan program because, as I said previously, you cannot borrow your way out of debt.

Senator FUMO. Mr. President, I rise as a Philadelphian and have been, in fact, a member of the National Rifle Association. I know how to hunt. I know how to fish. I even own a four-wheel drive vehicle. I have hunted in Pennsylvania. I have been to the rural areas. Mr. President, first of all, I would wish that the last speaker and so many others would first sit down and read this bill. I recognize sometimes that is a difficult thing to do, to read the bill that you are going to vote upon, but there seems to be a great misconception here. I have heard the gentleman from Chester, Senator Baker, say that Governor Casey did nothing for the City of Philadelphia, and yet I hear our latest speaker, the gentleman from Venango, Senator Peterson, saying Casey did phenomenal things for the City of Philadelphia. I submit that the two of them in their caucus can debate that and let me know where it comes out.

Mr. President, this bill sets up an authority and, as was said by Senator Baker, there are five members of that authority, one appointed by each of the legislative caucuses and one appointed by the Governor. There is a thing in this bill that is talked about that is called "the qualified majority," and that was put in at the insistence of the Republican Party in Pennsylvania and its spokespeople, and what that is for is to make sure the Democrats on this board did not give away the store and also that they did not get their hands on all that patronage, that it had to be share and share alike. When these bonds are issued, there will be Republican bond counsel as well as Democratic bond counsel. Senator Baker talked about the amendments. Somebody forgot to include the bank, so Republicans will participate in the pin-striped patronage of what bank will be chosen.

Mr. President, we in Philadelphia are willing to give all that up to solve our problems. Also, this bill requires that there be a second step, and that second step is the Intergovernmental Cooperation Act. This bill does not mandate anything. All this bill says is that we will be setting up an authority that the City of Philadelphia can use, if it so desires, and it must enter into a contractual agreement with that authority, and a qualified majority of members of that authority must sign off to that agreement. So if, in fact, there are other things that the Republican Senate caucus would like, I submit to them to talk to their appointee, and I am sure the House Republican appointee would be supportive, but I, quite frankly, have to

laugh when I hear people talk about Philadelphia having to look at, for example, improved procurement practices, including competitive bidding procedures. One of the problems in Philadelphia under the Home Rule Charter is that we competitive-bid everything—anything over \$2,000. I have heard people at the airport complain that it takes 200 days for the airport, under the city's bidding procedures, to buy anything that costs more than \$2,000, and that is if everybody agrees. Do not tell us about competitive bidding. We have so much of it, it does not work anymore. We have a bureaucracy that now shows it cannot work. In fact, those people enlightened in political science are telling us to rid ourselves of some of this nonsense. Then I, quite frankly, have to gloat when I hear the other side of the aisle talk to me about review of compensation and benefits of city employees. It is their now candidate for mayor, Frank Rizzo, the former Democrat, who gave away the kitchen sink and everything he could get his hands on to the city unions to get reelected as mayor when he was a Democrat. We cannot negotiate contracts. We cannot fire people because of the contractual arrangements he entered into. He is your candidate, reluctantly, but he is the candidate of the people of the Republican Party, albeit not their leadership.

Mr. President, during this mayoral campaign which is coming up, Frank Rizzo says there is nothing wrong with city contracts. He is going to solve it all. It is Ed Rendell, the Democratic candidate, who steps up to the plate and says, I will take a strike. I suggest to the Republican Members that they go talk to their mayoral candidate and let them help Philadelphia.

Mr. President, you are talking about the birthplace of America, the place where, when you wrap yourselves in the flag as you have done so many times on that side of the aisle, the flag was born, about Independence Hall, the first capitol of this Commonwealth. You are talking about a city you want to kick when it is down, but it is a city that decided to build an airport that everybody else uses. It is a city that invested money in an art museum that everyone comes to see. It is a city that invested money in an orchestra that everyone comes to listen to from around the world. It is a city that dumped millions and millions of dollars into sports facilities so the region and the state could be proud of some teams. In fact, it is a place where the gentleman from Lancaster, Senator Armstrong, comes with me to be with his son at the Army-Navy game. That is all in Philadelphia, but you can kick it when it is down. I heard statements here about regional sales tax, about regionalization. Who is kidding who? We will wait for the next 100 years for the surrounding counties to enter into regionalization agreements. The only thing you want to regionalize are our assets. You do not want to help us with our problems, and we have a right to come here and demand help.

You know, it was in 1987 that the Senate Democratic caucus—and I was involved, I was one of the authors—put together the Distressed Municipalities Act and the program. It was \$5 million of our initiative at the request of Senator Zemprelli that was put into that pot, and we were not in big

trouble in 1987 in Philadelphia but we pushed that initiative because we recognized that the communities of Clairton and all those places in western Pennsylvania and the coal regions were having trouble. Did we stand up here and beat them up for it? No. We helped them. When you talk about interest on loans, our fund said they could borrow from zero to two percent interest, but when Philadelphia needed money, we had to pay 27 percent. You cannot have it both ways. What does this bill do? This bill allows Philadelphia back into the capital markets so it no longer has to pay 27 percent to the State Teacher's Retirement Board. Mr. President, you cannot have it both ways. Yes, we have problems in Philadelphia and most of them are caused by mandated programs that we at the Commonwealth have foisted upon Philadelphia. You talk about the courts. Do you think the courts were set up by the government of Philadelphia? They are a state program, and it took a Supreme Court to come in and have to constrain those costs. As was said by one of the speakers, it was a Democratic justice talking to a Republican judge, telling him to fire 59 Republican hacks. Do not look at me like I invented the system. The City Council in Philadelphia consistently fought with the court system and what happened? They would go off and mandate more money. We talk about programs like Children and Youth. Philadelphia did not dream up the program of Children and Youth. It is a state mandate. In fact, next year they will be short-changed by the Commonwealth of Pennsylvania some \$50 million in overmatch money. Whose fault is that? If you take away the obligations of Children and Youth and the court, just two state mandated programs, Philadelphia's budget is not only balanced, it has a surplus. Yes, Philadelphia has problems. So does every city in America have problems. It is almost part of the definition of a city. Cities are magnets for society's problems. They attract them. Poor people come to the cities in search of hope. They do not go to the rural areas of Pennsylvania because they do not think there are jobs there. They come to the cities, and with them comes population density and all the problems that causes. We have the problems of AIDS. We have crack addiction and crack-addicted babies. Did the citizens of Philadelphia cause that? No. They have kept alive a city which gave birth to this nation, and they are living with the problems of it. What happened to our friends in Washington? They, too, have abandoned us. I heard someone talk about graffiti in Philadelphia. I have had bills in the last Session and the Session before that to fight graffiti in Philadelphia. They do not move anywhere. They sit in Republican-controlled committees. We have a vendor problem in Philadelphia. We have introduced bills. They sit in Republican-controlled committees. We come and ask this Chamber to help solve our problems. Let us do it, and they say no, and then they criticize us because we have those problems.

Mr. President, you cannot talk out of both sides of your mouth and, regrettably, that side of the aisle is stuck with a rocket scientist of a candidate for Mayor in Philadelphia that will talk about a lot between now and then, and I will ask you to defend his claims and I will ask the gentleman from Phila-

delphia, Senator Salvatore, today to defend his claim that there is nothing wrong with the union contracts in Philadelphia. Maybe you can call your new candidate and try and convince him that there might be. Mr. President, we are all in this boat together. We have to help solve Philadelphia's problems. This is only one step. This is not a bailout. There is not one dime in here for Philadelphia. Yes, we need a fiscal control board to help, but we also need that control board to be the excuse of any mayor to say I cannot help you. The control board is a problem. I do not think Frank Rizzo will say that. He will say, I will take care of those guys. Eddie Rendell, at least, will listen, I think. I did not want this to be a campaign speech, but I cannot sit here and listen to this nonsense. Do not beat us up because we have problems that are not of our making. Yes, we have had problems in Philadelphia with mismanagement. I do not come here to defend that, but strip it all away. What is the abuse? Is it \$10 million, \$20 million? I will be generous. It does not explain the downward spiral of Philadelphia, New York, Cleveland, Detroit, Chicago and Los Angeles. Every major city in America is facing these problems. Do not just blame it on us. It is a national problem. It is a national disgrace, if you will, brought about by our good friend Ronald Reagan who is riding a horse somewhere in California when he is not busy going to Japan getting \$3 million for saying hello. That is where it started, Mr. President, so let us not criticize what is going on now. Let us get something done and let us help Philadelphia and every county.

Let us talk about mandates. You tabled our bills, the bill of the gentleman from Allegheny, Senator Pecora, and mine to stop the mandates. You tabled it in here. Let us get serious. Philadelphia's problems on children and youth are only matched by Delaware County's and others, maybe not in quantity but in percentage. When we talk about a SEPTA driver getting paid \$60,000, I do not know what he gets paid, but I will tell you this, he gets that pay because there is an eleven-member board, eight of which come from outside of Philadelphia. Talk to your Senators from Delaware, Montgomery, Chester and Bucks Counties. Tell them you do not like that. Do not tell us. We have two votes out of eleven. Let us get real about this. That same SEPTA driver gets paid that same salary for driving a bus in Philadelphia as well as he does driving a bus in Delaware County, Montgomery, Bucks and Chester. Talk to your colleagues if you have a complaint about that, not us. We do not control SEPTA. SEPTA is the suburban Pennsylvania patronage bill. Talk to them about pin-striped patronage if you want to know where the money goes. Do not ask us and do not criticize us for the problem.

Mr. President, we should move forward with this bill and then maybe come back and start to really address Philadelphia's problems and every city in Pennsylvania that is facing these problems, albeit to a lesser dollar amount, but not a lesser percentage.

Senator SALVATORE. Mr. President, I think it is that Austrian Ambassador who was here. It is his fault, because we have gone around the world in blaming people. He just

left, I guess, that poor son-of-a-gun. He is the guy who caused all the problems that we have in Philadelphia. In my 19 years in the Legislature, Mr. President, I have not gotten up too many times and made speeches, but today I just wanted to talk about House Bill No. 209. The circumstances that brought this legislation before us were years in the making. There is no question about that. But I am not going to go back over them, and I am not even going to try to point the finger of blame on anyone because I do not think it will serve any purpose. The reasons we are faced with legislation like this are many and complex, and it is important to point out that House Bill No. 209 is not a cure-all. It is, however, a positive opportunity for change. Philadelphia needs help, and before us, Mr. President, is legislation that can provide that help. Providing that help and making it work are two different things. The real obligation in this legislation falls on the administration and the City Council of Philadelphia. It provides them with an opportunity to make the changes the city needs to survive. It means that people have to change the ways they have been doing business in Philadelphia. It means politics must take a back seat to the common good. It means sweetheart consulting contracts are a thing of the past. It means that everyone who works for the city has to understand that they have a stake in the future of the city, and that means everyone. If the city goes under, they all lose. It means that everyone has to go that extra step, and that includes us, Mr. President. We cannot continue to mandate programs on cities like Philadelphia when there is no longer a tax base to support those programs. Almost half of the residential property owners in Philadelphia live at or below the federal poverty level. In a 20-year span the population of Philadelphia has dropped by almost a half million people. That means simply that the cost of running the city has increased and there are fewer people to pay the bills. Maybe, Mr. President, with the opportunities that this legislation offers, Philadelphia can look for ways to face and deal with its many social problems. Maybe we can find a way to get back on the tax rolls many of those empty and abandoned buildings that were left behind by those who have run away from a city that no longer seems governable. Philadelphia is my city. I know my Philadelphia colleagues feel the same way. We have not always agreed on a lot of issues, but I know we agree on this one. As I said, passage of this bill sends a clear message to the Mayor of Philadelphia and to City Council. Constitutionally we cannot mandate what they must do, but it is clear that the City Charter needs revision and they can do that. They can rise to the challenge, to the fiscal planning, both long and short term. We know that the only real answer in saving Philadelphia is them. This legislation is an opportunity for the city and its leadership to get Philadelphia moving again. We are past that point of trying to fix blame and, as I said, it would serve no purpose. What we need to do now is look at the present and the future and, I repeat, Mr. President, not look at the past because the past is something we cannot change. The present is before us and the future is ahead of us. That is what this legislation does. It gives the Mayor, it gives City Council

and the people of Philadelphia a chance to try to do the job that is set forth for them by this legislation. I want to thank each and every one of you in advance who are going to vote for this bill, and the ones who do not vote for it, I thank you too. I understand where you come from. I understand you have parochial views and you run against Philadelphia, and that is fine, because if that is going to help you get elected, fine, be it so. I do not have any qualms with you on that, but remember one thing: If the City of Philadelphia would go bankrupt it would cost each and every one of you in Pennsylvania more money than this is going to cost Philadelphians. I say to all of you, thank you, to the people who have worked hard on this bill to try to make it a reality, I say thank you, and to the people of Pennsylvania, I say I hope we do not come back to you and say we failed.

### LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I would like to ask that Senator Afflerbach, Senator Belan, Senator Bodack and Senator Dawida be granted temporary Capitol leaves, having been called to their offices.

Senator LOEPER. Mr. President, I would request temporary Capitol leaves on behalf of Senator Lemmond, Senator Rhoades and Senator Robbins.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Afflerbach, Senator Belan, Senator Bodack and Senator Dawida. Senator Loeper requests temporary Capitol leaves for Senator Lemmond, Senator Rhoades and Senator Robbins. The Chair hears no objection. Those requests will be granted.

And the question recurring,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, for the last several hours there has been an extensive amount of debate on the Senate floor relative to House Bill No. 209, and I do not intend to prolong that debate to any great extent, but I do feel compelled to make some brief remarks concerning the legislation pending before us. I think, Mr. President, it is important to recognize that the Senate Republicans have long been cognizant and have strongly advocated efforts to objectively analyze and address the City of Philadelphia's financial condition. Unfortunately, in many cases our pleas in the past have gone unheeded by this current administration generally, as well as the rejection of the Act 47 petitions by the general leadership of the city and also the Secretary of Community Affairs when the concerns of our Republican caucus were brought before those officials. Mr. President, as a result of the past history, I think we find ourselves today where the City of Philadelphia is being faced with the prospect of imminent financial disaster and a potential collapse of city services, and such dire consequences could, Mr. President, in my opinion, have been avoided with the proper level of scrutiny and concern over the past several years, and we have heard many of the previous speakers address that situation today. But I think it is most important as we stand here today and discuss the legislation and debate the legislation that is before

us, that we are clearly confronted with a question of the imminent crisis that the City of Philadelphia is facing today rather than the failures and track record of the past. I think that it is important, Mr. President, that the gentleman from Philadelphia, Senator Salvatore, be recognized because of the instrumental role he has played in bringing forward in this Senate consideration of House Bill No. 209. It is his leadership on this issue as well as the gentleman's tenacity and diligence that have brought us to this moment of consideration of the legislation before the Senate. I was going to go into a little bit of the history of what we have been able to do amendment-wise to strengthen the bill and improve it, but I think the gentleman from Chester, Senator Baker, earlier in his remarks, pretty well covered the intent and what this committee under his leadership has done to try to make sure this authority bill is as strong as we can possibly make it. I would like to take just one moment to commend Senator Baker, as Chairman of the Committee on Intergovernmental Affairs who along with his staff and the rest of our staff put in long and hard hours to try to make this bill the best possible bill we could do. I think that, obviously, the authority's success is going to be measured not by our approval of this bill and a concurrence in the House, but it is going to be measured by how the city is going to be able to put its proverbial house in order with this authority in place. I think if that is not accomplished, I truly hesitate to ponder what the consequences may be and the actions we may have to face here in the future. Nevertheless, Mr. President, I plan to vote in the affirmative on House Bill No. 209 today because it is my view that the creation of the Pennsylvania Intergovernmental Cooperation Authority represents structure for the development of a solution to the City of Philadelphia's fiscal problems. Let me strongly emphasize, however, that this is simply a framework or a structure for reform. It is certainly not a financial panacea, and it is going to take everybody's cooperation and dedication to make it work.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

### YEAS—30

Afflerbach	Fisher	Loeper	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Baker	Greenleaf	Musto	Stapleton
Belan	Holl	O'Pake	Stewart
Bodack	Jones	Porterfield	Stout
Bortner	LaValle	Reibman	Tilghman
Dawida	Lewis	Salvatore	Williams
Fattah	Lincoln		

### NAYS—17

Armstrong	Helfrick	Pecora	Robbins
Brightbill	Jubelirer	Peterson	Shaffer
Corman	Lemmond	Punt	Shumaker
Greenwood	Madigan	Rhoades	Wenger
Hart			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.



Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### RECESS

Senator LOEPER. Mr. President, I would ask at this point in time for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

### AFTER RECESS

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William F. Barry, 425 Morgantown Street, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. McGoff, 103 Jonslea Lane, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Adrian Samojlowicz, Ph.D., Waverly, deceased.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

March 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joyce C. Wilhelm, 6490 Fair Oaks Circle, Fairview 16415, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Karen Buhler Wilkerson, Ph.D., Philadelphia, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF EAST STROUDSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Genevieve C. Huffman, 604 East Broad Street, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jeffrey S. Craig, 8 Ellsworth Terrace, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Werner Fricker, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

February 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kurt Zwikl, 620 North 25th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Aubra Gaston, 1420 Locust Street, Academy House 9K, Philadelphia 19102, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1996, or until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

February 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles R. Eshleman (Public Member), 54 West Sheridan Avenue, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Smith, Box 12, Bear Creek 18602, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lee A. Stickler, Lebanon, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

February 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda J. Mich, 807 Stones Crossing, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Helen L. Hopkins, Philadelphia, whose term expired.

ROBERT P. CASEY.

SECRETARY OF REVENUE

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen Healy McNulty, 523 Harding Street, New Cumberland 17070-1237, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice David L. Donahoe, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eugene J. Schlanger, 506 Colfax Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank P. Belmonte (Republican), 11 Glen Road, Levittown 19057, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jess E. Rollin (Republican), P. O. Box 385, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Bernyce A. Dufton, Clearfield, resigned.

ROBERT P. CASEY.

MEMBER OF THE LEHIGH COUNTY  
BOARD OF ASSISTANCE

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore Fine (Democrat), 1237 Bulwer Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald J. Bonner (Democrat), 48 Walden Drive, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Rita B. Casey, Kingston, deceased.

ROBERT P. CASEY.

MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon Beckner Ritenour (Democrat), R. D. 6, Box 226A, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Matos, 632 Pawnee Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Magisterial District 3-2-10, to serve until the first Monday of January, 1992, vice John Gombosi, mandatory retirement.

ROBERT P. CASEY.

SHERIFF, WESTMORELAND COUNTY

February 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary Uhrin, R. D. 3, Box 267AA, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Sheriff, in and for the County of Westmoreland, to serve until the first Monday of January, 1992, vice Regis Kelley, Sr., deceased.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 6, 1991 for the appointment of Llewellyn B. Wells, R. D. 1, Box 155C, Corsica 15829 (Clarion Township), Clarion County, Forty-first Senatorial District, as District Justice in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January, 1992, vice Alta Laverne Hamilton, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 15, 1991 for the appointment of Linda E. Barbish, R. D. 3, Box 83, New Alexandria 15670, Westmoreland

County, Thirty-ninth Senatorial District, as District Justice in and for the County of Westmoreland, Magisterial District 10-3-08, to serve until the first Monday of January, 1992, vice Michael Giannini, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Ray J. Burow, P. O. Box 125, Mike's Road, Scenery Hill 15380, Washington County, Forty-sixth Senatorial District, as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 11, 1991 for the appointment of James M. Plath, 1480 Breezeview Drive, York 17404, York County, Thirty-first Senatorial District, as District Justice in and for the County of York, Magisterial District 19-2-04, to serve until the first Monday of January, 1992, vice Donald G. Rode, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

#### EXECUTIVE NOMINATIONS

##### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

##### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

February 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harvey Portner, 7901 Rodgers Road, Elkins Park 19117, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF BLOOMSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James T. Atherton, Jr., 42 Crescent Avenue, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Elbern Alkire, Jr., Emmaus, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF COSMETOLOGY

February 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia H. Mynick, 545 Bridge Road, Rahns 19426, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE HEALTH CARE POLICY BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert William Alexander, M.D., 1417 Old Mill Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until March 11, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HUMAN  
RELATIONS COMMISSION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel D. Yun, 3903 Somers Drive, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1995, or until his successor is appointed and qualified, vice Rita Clark, Johnstown, resigned.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sarah N. Vanderslice, 2838 Fiddlers Green, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul G. Wedel, 203 Riveredge Drive, Leola 17540, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Arwilda L. Haynes, Landisville, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Darlene Woody, 708 Fairview Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice James H. Guerin, Manheim, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael D. Marino, 1093 Anders Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Rose Hunsicker, Norristown, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Yvonne Ewing Keairns, Ph.D., 5419 Northumberland Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rodney E. McLaughlin, Ed.D., 65 Brook Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SHIPPENSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

March 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy H. Mark, 605 East Orange Street, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

February 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mildred C. Joyner, 1270 Upton Circle, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Joseph H. Irwin, Jr. (Public Member), 658 West Third Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve until November 15, 1991 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara F. Zsigovits, Whitehall, resigned.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlene Ritter (Democrat), 1300 Winfield Avenue, Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan E. Sherman Rosenberg (Republican), 237 Cherry Blossom Drive, Churchville 18966, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

UNFINISHED BUSINESS

SENATE RESOLUTIONS

HONORING THE PITTSBURGH PENGUINS

Senators FISHER, BODACK, HART, PECORA, SCANLON, JUBELIRER, DAWIDA, STEWART, FATTAH, BELAN, LaVALLE, LEWIS, O'PAKE, LINCOLN, BORTNER, MELLOW, WILLIAMS, FUMO, STAPLETON, AFFLERBACH and REIBMAN offered the following resolution (**Senate Resolution No. 71**), which was read as follows:

In the Senate, June 4, 1991.

A RESOLUTION

Honoring the Pittsburgh Penguins.

WHEREAS, The Pittsburgh Penguins capped the greatest season in their 24-year history by bringing home the Stanley Cup to Pittsburgh, Pennsylvania; and

WHEREAS, The team achieved a series of amazing "firsts," all in one season — the first Patrick division title, first Wales conference championship, first finals appearance, first Stanley Cup; and

WHEREAS, The Pens "fired up" the city with their amazing grit and determination and surpassed all expectations on their road to the cup; and

WHEREAS, The Pens overcame overwhelming adversity and injuries in their quest for victory; and

WHEREAS, Demonstrating the strong work ethic and character that exemplifies the city of Pittsburgh, the team rallied back after losing the first game of each of their four playoff series to New Jersey, Washington, Boston and Minnesota; and

WHEREAS, Their commitment to being the best culminated in a decisive four game to two victory over the Minnesota North Stars in the final round; and

WHEREAS, The team won its final game by a score of eight to zero, the largest margin in a cup final in this century; and

WHEREAS, Mario Lemieux, the series MVP and winner of the Conn Smythe Trophy, helped to lead his team to victory by scoring 44 points in the playoffs, including five goals and seven assists in the championship series; and

WHEREAS, The Penguins captured the heart and enthusiasm of the city and the State and gained respect for a franchise that has seen hard times; and

WHEREAS, The Penguins added their names to a long list of sports champions from Pittsburgh, including the Pirates and Steelers; and

WHEREAS, The team has brought honor and recognition to the city and enshrined its name forever on the Stanley Cup; and

WHEREAS, The Pens have emerged as the best hockey team in the National Hockey League and brought recognition and respect to the city of Pittsburgh and Commonwealth of Pennsylvania; therefore be it

RESOLVED, That the Senate of Pennsylvania congratulate the Pittsburgh Penguins on their decisive victory in the Stanley Cup Championship and wish them continued success in the next season.

Senator FISHER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 71, ADOPTED

Senator FISHER. Mr. President, I move that the Senate do adopt Senate Resolution No. 71.

On the question,

Will the Senate agree to the motion?

Senator FISHER. Mr. President, I guess the introduction of this resolution is sort of a sign of the times here in Pennsylvania. It was not too many years ago that the Pens were the doormat of not only state hockey but also of the entire National Hockey League. Obviously, today as we debated in contrasting style the misfortunes of Philadelphia and you also note the misfortunes of their hockey franchise, we are very pleased, those of us from western Pennsylvania, to have seen our Pens for the first time in 24 years become the champions of the National Hockey League in winning the Stanley Cup last week. It is interesting that when Bonnie, our Clerk, was reading the resolution, she made a few pronunciation mistakes. I might say maybe even six to eight weeks ago some people who thought of themselves as sports fans in the Pittsburgh area had not really yet gotten on the hockey bandwagon. I can tell you that over the last two months the Pens' success really captured the hearts of the entire western Pennsylvania populace. It gave the people of Pittsburgh a lot of reason to be proud of another champion to join the city of

champions with the Steelers and the Pirates. I know all who have been hockey fans for a number of years are justifiably proud of the very strong performance by a great team, and I am just pleased to be able to sponsor this resolution today to honor that fine organization.

The PRESIDENT pro tempore. The Chair thanks the gentleman and I am sure Mario Lemieux would join with you in his special thanks as well.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

#### COMMEMORATING THE INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN ON ITS 50th ANNIVERSARY

Senators BORTNER, MELLOW, STAPLETON, SHUMAKER, O'PAKE, LaVALLE, SCHWARTZ, STEWART, BELAN, SCANLON, DAWIDA, AFFLERBACH, LEWIS, BODACK and LINCOLN offered the following resolution (Senate Resolution No. 72), which was read as follows:

In the Senate, June 4, 1991.

#### A RESOLUTION

Commemorating the Interstate Commission on the Potomac River Basin on its 50th anniversary.

WHEREAS, The Commonwealth of Pennsylvania is proud to be a member of the Interstate Commission on the Potomac River Basin; and

WHEREAS, The General Assembly enacted Act No. 405 of 1945, creating a commission to act jointly with commissions appointed for like purposes by the states of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia; and

WHEREAS, The mission and purpose of the commission has been to cooperate in the abatement of existing water pollution and control future water pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia and the District of Columbia; and

WHEREAS, The regulation, control and prevention of water pollution requires integration and coordination of Federal, State, local and private agencies, groups and interested citizens; and

WHEREAS, The states of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia and the District of Columbia, as signatory bodies, created the Potomac Valley Conservancy District; and

WHEREAS, The commission has been committed to restoring and protecting our cherished natural resources over the last 50 years in supporting the highly successful "Healing of Rivers, 50 Years in the Life of the Potomac," a campaign to clean up the Potomac River Basin; and

WHEREAS, The "Healing of the Rivers" exhibit contains more than 100 color and black and white photographs which are now on display at the East Wing of the Pennsylvania State Capitol from June 3 through June 21, 1991; therefore be it

RESOLVED, That the Senate congratulate the Interstate Commission on the Potomac River Basin and its members on its 50th anniversary; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Executive Director of the Interstate Commission on the Potomac River Basin, 6110 Executive Boulevard, Suite 300, Rockville, Maryland 20852.

Senator BORTNER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 72, ADOPTED

Senator BORTNER. Mr. President, I move that the Senate do adopt Senate Resolution No. 72.

On the question,

Will the Senate agree to the motion?

Senator BORTNER. Mr. President, I serve as the Governor's appointee on the Interstate Commission on the Potomac River Basin. It is an organization that has shown that various states can cooperate to solve environmental problems. There is an exhibit I would like to call to the attention of all Senate Members down in the east wing of the Capitol and I hope you might have a chance to look at it. I would also ask that you keep the desk open so any other Members of the Senate who did not have a chance to respond to the memo can join as cosponsors of the resolution.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Lisa Fusco, Kathleen Verdi Fusco and Monica Fusco by Senator Baker.

Congratulations of the Senate were extended to Amy M. Miller by Senator Corman.

Congratulations of the Senate were extended to Margaret A. Kelleher by Senator Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. James E. Scanlon by Senators Dawida and Scanlon.

Congratulations of the Senate were extended to Mercer Museum of Doylestown by Senator Greenwood.

Congratulations of the Senate were extended to Christopher Hook, Adam Hoffman, Arcola Intermediate School of Norristown and to North Penn High School of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Dr. Marvin Kivitz and to Donald F. Haffelfinger by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Gene Fellows, Sr., Mr. and Mrs. Alex Bartkowski, Carol Coroniti and to Lieutenant Colonel Peter Getzie by Senator Mellow.

Congratulations of the Senate were extended to the Western Pennsylvania DARE Police Departments by Senator Pecora.

Congratulations of the Senate were extended to Lieutenant Brian D. Whitten, NMCB5 Gregg A. Morrison, SA Cynthia K. Jamieson, Captain Bruce Schwab, Adan Nikolas S. Bajorek and SPC Daniel E. Campisano by Senator Peterson.

Congratulations of the Senate were extended to Mark Palerino by Senator Rhoades.

Congratulations of the Senate were extended to David C. James, Kevin Hammerschmidt, Jonathan D. Boggs, Corey Reagle and to the Farrell High School Relay Team by Senator Robbins.

Congratulations of the Senate were extended to Reverend Dr. Francis A. Shearer by Senator Schwartz.

Congratulations of the Senate were extended to Lloyd and Ruby Harris by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Phillip Doyle and to Snyder Associated Companies, Incorporated of Kittanning by Senator Stapleton.

#### CONDOLENCE RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late former State Senator Henry C. Messenger by Senator Afflerbach.

#### BILLS ON FIRST CONSIDERATION

Senator LINCOLN. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 413, 415, 592, 853, 894, 895, 899 and 1053.**

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

#### COMMUNICATIONS FROM THE GOVERNOR

##### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

##### MEMBER OF THE STATE BOARD OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bernard E. Anderson, Ph.D., 906 Croton Road, Wayne 19087, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified, vice Dr. Paul R. Vochko, Ambridge, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sister M. Lawreace Antoun, Ph.D., Villa Maria College, Erie 16505, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1996 or until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward R. Donley, 326 North 27th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified, vice Henry C. Messinger, Allentown, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James P. Gallagher, Ph.D., 3400 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John C. Pittenger, Esquire, Pittwillow Farm, 85 Willow Road, Nottingham 19362, Bucks County, Sixth Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1996 or until his successor is appointed and qualified, vice Dr. Fred E. Bryan, Wormleysburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Smith, 1079 Meadowlark Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1996 or until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, S. Keith Spalding, P. O. Box 206, Hopeland 17533, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1994 or until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lydia Hernandez Velez, Esquire, 2010 Parrish Street, Philadelphia 19130, Philadelphia County, Second Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1994 or until her successor is appointed and qualified, vice Elizabeth J. Harper, Monroeville, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angelo Caruso, 224 Irving Avenue, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-02-08, to serve until the first Monday of January, 1992, vice Anthony Angelo, resigned.

ROBERT P. CASEY.



**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 21, 1991 for the appointment of Raymond Sannie, 2638 Columbia Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William Wallish, Shamokin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**ANNOUNCEMENT BY THE SECRETARY**

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

WEDNESDAY, JUNE 5, 1991

10:00 A.M.	TRANSPORTATION (to	Room 8E-A
	consider Senate Bills No.	Hearing Room
	93, 189, 451, 485, 559,	East Wing
	872, 877, 881, 984 and	
	Senate Resolutions No.	
	64 and 69)	

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, June 5, 1991, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:00 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 5, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 33

### SENATE

WEDNESDAY, June 5, 1991.

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

God, our Father, grant us Your wisdom and strength that we may successfully face the difficult problems which confront us. Bless this chosen group of women and men and assist them in addressing the work which You have entrusted to them. Make them conscious of the awesome responsibilities which are theirs and of the numbers of people whose lives, fortunes and well-being depend so greatly on their decisions. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 4, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider House Bill No. 548.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Shaffer and Senator Robbins and a legislative leave for Senator Pecora.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Shaffer and Senator Robbins and a legislative leave for Senator Pecora. Are there any objections to the leave requests? The Chair hears none. The leaves will be granted.

### LEAVES OF ABSENCE

Senator FISHER asked and obtained leaves of absence for Senator BELL and Senator HOPPER, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILL OVER IN ORDER

**HB 14** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 323 (Pr. No. 333)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to certain organizations.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, I would just remind the Members that Senate Bill No. 323 deals with the issue of electric rates to county fairs and was discussed in our caucus with some debate, and I would just remind the Members that is the issue we are voting upon.

### LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Bortner.

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Bortner. The Chair hears no objection. That leave will be granted.

And the question recurring,  
Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Senator BODACK. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator DAWIDA. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—38

Afflerbach	Greenleaf	Madigan	Salvatore
Andrezeski	Helfrick	Mellow	Schwartz
Armstrong	Holl	O'Pake	Shaffer
Baker	Jones	Pecora	Shumaker
Belan	Jubelirer	Peterson	Stapleton
Bortner	LaValle	Punt	Stout
Brightbill	Lemmond	Reibman	Tilghman
Corman	Lewis	Rhoades	Wenger
Fattah	Lincoln	Robbins	Williams
Fumo	Loeper		

#### NAYS—9

Bodack	Greenwood	Musto	Scanlon
Dawida	Hart	Porterfield	Stewart
Fisher			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Bortner and Senator Robbins. Their temporary Capitol leaves will be cancelled.

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILL OVER IN ORDER

**SB 356** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 539 (Pr. No. 1254)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing the mayor to employ outside counsel where a legal dispute exists between the mayor and council.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezeski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton

Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

##### BILL OVER IN ORDER

**SB 552** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 568 (Pr. No. 597)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a police officer investigating an accident to request financial responsibility information from each driver; and making an accident reportable if a driver is unable to provide financial responsibility information.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezeski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

##### BILL OVER IN ORDER

**SB 583** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 676 (Pr. No. 709)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," providing for refusal to write or renew a police of insurance in the case of a member of the reserve component of the armed forces.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL REREFERRED

**SB 865 (Pr. No. 925)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating credit services; prohibiting certain activities; and providing for certain information to be given to buyers, for the contents of contracts and for enforcement.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 916 and 962** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 969 (Pr. No. 1054)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for health insurance claim forms.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### SECOND CONSIDERATION CALENDAR

##### BILL ON SECOND CONSIDERATION

**SB 3 (Pr. No. 1173)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; and providing penalties.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 146, 171, SB 347, 413, 415, 592, 801, 851, 853, 894, 895, 899, 985 and 1053** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### REPORTS FROM COMMITTEE

Senator CORMAN, from the Committee on Transportation, reported the following bills:

##### SB 93 (Pr. No. 93)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the identification of lessees of motor vehicles.

##### SB 189 (Pr. No. 198)

An Act designating a bridge which straddles the border between Norristown and Bridgeport Boroughs in Montgomery County as the DeKalb Veterans' Memorial Bridge.

##### SB 451 (Pr. No. 478)

An Act dedicating a section of Interstate Highway 279 within the City of Pittsburgh to the residents whose removal permitted its construction.

##### SB 485 (Pr. No. 514)

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

**SB 559 (Pr. No. 1257) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting driving of pedalcycles on limited access highways; further providing for reports by police and for an exception for maximum wheel weights and for the determination of average fuel consumption for the motor carrier road tax; authorizing the Secretary of Transportation and the Secretary of Revenue to enter into road tax agreements; providing for the enforcement of liquid fuels and fuel use taxes; imposing a motorbus road tax; providing penalties; and making repeals.

**SB 872 (Pr. No. 1258) (Amended)**

An Act establishing the Public Transportation Consumer Protection Act; and requiring public transportation companies to seek competitive proposals from private transportation companies to operate at least 10% of their lines.

**SB 877 (Pr. No. 946)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing handicapped and disabled veteran plates for motorcycles.

**SB 881 (Pr. No. 1259) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding a definition of "motorized wheelchair"; and further providing for the definition of "motor vehicle" and for driving upon sidewalk.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator CORMAN, from the Committee on Transportation, reported the following resolution:

**SR 64 (Pr. No. 1150)**

A Concurrent Resolution expressing the opposition of the General Assembly of the Commonwealth of Pennsylvania to the provisions of the Department of Transportation and Related Agencies Appropriation Act, 1991, providing for mandatory reductions in certain State permitted obligations.

The PRESIDENT. The resolution will be placed on the Calendar.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CALIFORNIA UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William F. Barry, 425 Morgantown Street, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA CANCER  
CONTROL, PREVENTION AND RESEARCH  
ADVISORY BOARD**

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. McGoff, 103 Jonslea Lane, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Adrian Samojlowicz, Ph.D., Waverly, deceased.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA CANCER  
CONTROL, PREVENTION AND RESEARCH  
ADVISORY BOARD**

March 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joyce C. Wilhelm, 6490 Fair Oaks Circle, Fairview 16415, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Karen Buhler Wilkerson, Ph.D., Philadelphia, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Genevieve C. Huffman, 604 East Broad Street, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
ENERGY DEVELOPMENT AUTHORITY

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jeffrey S. Craig, 8 Ellsworth Terrace, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Werner Fricker, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION

February 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kurt Zwikl, 620 North 25th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Aubra Gaston, 1420 Locust Street, Academy House 9K, Philadelphia 19102, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1996, or until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

February 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles R. Eshleman (Public Member), 54 West Sheridan Avenue, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Smith, Box 12, Bear Creek 18602, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lee A. Stickler, Lebanon, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

February 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda J. Mich, 807 Stones Crossing, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Helen L. Hopkins, Philadelphia, whose term expired.

ROBERT P. CASEY.

SECRETARY OF REVENUE

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen Healy McNulty, 523 Harding Street, New Cumberland 17070-1237, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice David L. Donahoe, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eugene J. Schlanger, 506 Colfax Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank P. Belmonte (Republican), 11 Glen Road, Levittown 19057, Bucks County, Sixth Senatorial District, for reappointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jess E. Rollin (Republican), P. O. Box 385, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Bernyce A. Dufton, Clearfield, resigned.

ROBERT P. CASEY.  
MEMBER OF THE LEHIGH COUNTY  
BOARD OF ASSISTANCE

February 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore Fine (Democrat), 1237 Bulwer Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.  
MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald J. Bonner (Democrat), 48 Walden Drive, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Rita B. Casey, Kingston, deceased.

ROBERT P. CASEY.  
MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon Beckner Ritenour (Democrat), R. D. 6, Box 226A, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.  
DISTRICT JUSTICE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Matos, 632 Pawnee Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Northampton, Magisterial District 3-2-10, to serve until the first Monday of January, 1992, vice John Gombosi, mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

### SHERIFF, WESTMORELAND COUNTY

February 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary Uhrin, R. D. 3, Box 267AA, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Sheriff, in and for the County of Westmoreland, to serve until the first Monday of January, 1992, vice Regis Kelley, Sr., deceased.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Loeper	Salvatore
Andrezski	Greenleaf	Madigan	Scanlon
Armstrong	Greenwood	Mellow	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### UNFINISHED BUSINESS

##### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Paul Flick by Senator Andrezski.

Congratulations of the Senate were extended to King of Prussia Volunteer Fire Company No. 1 by Senator Baker.

Congratulations of the Senate were extended to Dr. Kenneth L. Perrin by Senators Baker and Wenger.

Congratulations of the Senate were extended to the Media Fire & Hook & Ladder Company, No. 1 by Senator Bell.

Congratulations of the Senate were extended to Arthur J. Glatfelter, Becky Mummert and to Susan Workinger by Senator Bortner.

Congratulations of the Senate were extended to James Murphy, Jr. by Senator Corman.

Congratulations of the Senate were extended to Howard Roth by Senator Fisher.

Congratulations of the Senate were extended to Lakeya Smith, Paul Taylor, Jennifer Assmann, Sir Guy Epps, Edward Ashburn, Hoang Ngo, Melissa Magliocco, Salvador Convento, Clifford Parson, Shaneen Kelly, Paul Bendetti, Jessica O'Connor, Evamaria DeAngelo, Sandy Sanchez, Nichole Williams, Sharon Hickson and to Norman H. Loudenslager by Senator Fumo.

Congratulations of the Senate were extended to Robert Bubeck by Senator Greenleaf.

Congratulations of the Senate were extended to Benjamin Z. Pezzillo by Senator Hart.

Congratulations of the Senate were extended to Gerald A. Lessard, Jr. and to Home Run Derby, Incorporated of Gwynedd by Senator Holl.

Congratulations of the Senate were extended to John V. Thomas by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Donald E. Wilt and to Roy E. Deremer by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Eldore Sebastianelli and to Saint John the Baptist Russian Orthodox Church of Mayfield by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Charles George, Colonel John O. Woods and to Thiel College of Greenville by Senator Robbins.

Congratulations of the Senate were extended to John E. Kuhn by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. James Bain by Senator Stout.

Congratulations of the Senate were extended to Reverend Nicholas A. Lazarro by Senator Tilghman.

Congratulations of the Senate were extended to Reverend Russell Gerard Appleby by Senator Wenger.

#### BILLS ON FIRST CONSIDERATION

Senator AFFLERBACH. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 93, 189, 451, 485, 559, 872, 877 and 881.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**HOUSE MESSAGE****HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 209**.

**BILL SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**HB 209.**

**ANNOUNCEMENT BY MAJORITY LEADER**

Senator LOEPER. Mr. President, before we make a motion to adjourn today, I would ask that the meeting of the Committee on Appropriations be called off the floor in the Rules room at the rear of the Senate Chamber immediately.

The PRESIDENT. Would the Members of the Committee on Appropriations please report to the Rules room at the rear of the Senate Chamber for a reconvening of the meeting of the Committee on Appropriations.

**RECESS**

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to be held immediately, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

**UNFINISHED BUSINESS****REPORT FROM COMMITTEE**

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

**HB 548 (Pr. No. 600)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

**BILL ON FIRST CONSIDERATION**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**HB 548.**

And said bill having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, June 10, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:20 a.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 10, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 34

### SENATE

MONDAY, June 10, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend Dr. MYRNA KYSAR, Pastor of Upper Dublin Lutheran Church, Ambler, offered the following prayer:

God of the universe, You have created us to live together in societies of peace and justice. Thank You for those who are assembled who are striving for concern for all people. Yet You know that we have failed to achieve Your desire for us, and our lives together are filled with violence and injustice, hunger and need, addiction and alienation and anger and disregard of others.

Grant, O God, that Your holy and life-giving Spirit may move every human heart that the barriers which divide us may crumble, suspicions disappear and hatred cease, and that, with our divisions healed, we might live in justice and peace.

Quiet now our hurried and busy minds and spirits. Empower this assembly with a vision of the possible, even amid the skepticism and fatalism that would limit what seems possible. Grant us a determination to right the wrongs of our Commonwealth, to correct the inequities of our history and to rectify the injuries done to any within our society.

Let Your divine justice, and not our own puny sense of the right, rule amid the deliberations of this assembly. Bless it with Your guiding presence and Your supreme wisdom that justice and peace might prevail and that we might be obedient to what You have commanded for Your creation. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Dr. Kysar who is the guest this day of Senator Greenleaf.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 5, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE CRIME VICTIM'S COMPENSATION BOARD

June 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William M. Parker, III, 9 Fairview Avenue, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1997 and until his successor is appointed and qualified, vice Patricia Crawford, Mechanicsburg, whose term expired.

ROBERT P. CASEY.

#### SECRETARY OF HEALTH

June 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald David, M.D., 4121 Beaufort Hunt Drive, Harrisburg, 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Health, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice N. Mark Richard, M.D., Mount Lebanon, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John I. Enck, Jr., V.M.D., 120 Garfield Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert T. Gabel, R. D. 4, Box 235, Gable Road, Newport 17074, Perry County, Thirty-third Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas E. McIlwain, Star Route, Box 91, Spring Church 15686, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Chris D. Kimmel, Shelocta, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, C. Scott McNamara, R. D. 1, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sherbyn W. Ostrich, V.M.D., Eagle's Peak Farm, R. D. 2, Box 208, Robesonia 19551, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE  
CONSERVATION COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George B. Wolff, 486 Houtztown Road, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 1995 and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William L. Sheperd, V.M.D., R. D. 1, Box 394A, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Susan McDonough, V.M.D., Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Madge Finney, 105 Gibson Road, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Alice Goldberg, Monongahela, resigned.

ROBERT P. CASEY.

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Nancy Lewis, 201 Long Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992 and until her successor is appointed and qualified, vice Joan H. Cadwalader, Unionville, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**COMMONWEALTH TRUSTEE OF  
LINCOLN UNIVERSITY—OF  
THE COMMONWEALTH SYSTEM  
OF HIGHER EDUCATION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Darrell R. Gordon, 275 Melrose Avenue, Merion Station 19066, Montgomery County, Seventeenth Senatorial District, as a Commonwealth Trustee of Lincoln University - of the Commonwealth System of Higher Education, to serve until August 31, 1993 and until his successor is appointed and qualified, vice Spencer J. Address, Oxford, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the reappointment of Reginald H. Bethel, 3326 Webster Avenue, Pittsburgh 15219-3916, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Lewis Degennaro, M.D., Medical Arts Building, 327 North Washington Avenue, Scranton 18503, Lackawanna County, Twenty-second Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Neal E. Mann, North East, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of G. Davis Greene, Jr., 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice James Scheiner, Harrisburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of The Honorable Sarah W. Hargrove, 423 Walnut Street, Apartment 124, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term of four years and until her successor is appointed and qualified, vice Christine Crist, Camp Hill, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE PLANNING BOARD**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Joanne R. Denworth, 310 South Second Street, Philadelphia 19106, Philadelphia County, First Senatorial District, as a member of The State Planning Board, to serve for a term of four years, and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 7, 1991, for the appointment of James R. Duffy, HC 1, Box 2247, Lynndale, Tafton 18464, Pike County, Twentieth Senatorial District, as a member of the State Tax Equalization Board, to serve until November 14, 1991, and until his successor is appointed and qualified, vice Martha B. Schoeninger, Wayne, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Augusta A. Clark, Esquire, 1313 Lafayette Place, Philadelphia 19122, Philadelphia County, Second Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1991, and until her successor is appointed and qualified, vice Edward H. Rose, Narberth, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1994, and until his successor is appointed and qualified, vice Edward F. Mannino, Esquire, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

TREASURER, MONTGOMERY COUNTY

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomina-

tion dated February 8, 1991, for the appointment of James W. Maza, Breeze Hill Farm, Box 47, R. D. 2, Pennsburg 18073, Montgomery County, Twenty-fourth Senatorial District, as Treasurer, in and for the County of Montgomery, to serve until the first Monday of January, 1992, vice Floriana Bloss, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 7, 1991, for the appointment of Regina Ryan Rodriquez (Democrat), R. D. 1, Box 163, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Mary Patricia Finan (Democrat), Box 151, Lake Winola 18625, Wyoming County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the reappointment of Ruth Hug (Democrat), R. D. 1, Box 93, Factoryville 18419, Wyoming County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.



**RECALL COMMUNICATION****LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

**MEMBER OF THE STATE  
TRANSPORTATION COMMISSION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry L. Sather, McConnellstown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

**HOUSE MESSAGES****SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 653**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 10, 1991

**HB 107** — Committee on State Government.

**HB 221** and **1075** — Committee on Education.

**HB 246** — Committee on Environmental Resources and Energy.

**HB 661** — Committee on Consumer Protection and Professional Licensure.

**HB 1536** — Committee on Appropriations.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

June 5, 1991

Senators SALVATORE and REIBMAN presented to the Chair **SB 1126**, entitled:

An Act establishing a residential program for probation and parole; and making an appropriation.

Which was committed to the Committee on LAW AND JUSTICE, June 5, 1991.

Senators SALVATORE, AFFLERBACH, BELAN and REIBMAN presented to the Chair **SB 1127**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing amnesty for certain claimants.

Which was committed to the Committee on AGING AND YOUTH, June 5, 1991.

Senators SALVATORE, AFFLERBACH, BELAN, WENGER and PETERSON presented to the Chair **SB 1128**, entitled:

An Act requiring the Department of Public Welfare to provide and increase a State supplement to the Federal Supplemental Security Income Program for individuals requiring personal-care services who reside in licensed personal-care homes; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 5, 1991.

Senators CORMAN, HOPPER, SHUMAKER, SHAFFER, STAPLETON, PUNT, RHOADES, ROBBINS, MADIGAN, PETERSON and HELFRICK presented to the Chair **SB 1129**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the selection of justices and judges of the Supreme, Superior and Commonwealth Courts from established judicial districts.

Which was committed to the Committee on JUDICIARY, June 5, 1991.

Senator STEWART presented to the Chair **SB 1130**, entitled:

An Act apportioning the Commonwealth into congressional districts; and making repeals.

Which was committed to the Committee on STATE GOVERNMENT, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1131**, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1132**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1133**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1134**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1135**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1136**, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1137**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

Senator TILGHMAN presented to the Chair **SB 1138**, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Which was committed to the Committee on APPROPRIATIONS, June 5, 1991.

June 10, 1991

Senators TILGHMAN, WENGER, LEWIS, LINCOLN, GREENWOOD, SHAFFER, REIBMAN and BRIGHTBILL presented to the Chair **SB 1139**, entitled:

An Act regulating and requiring the licensure of plumbers; establishing the State Plumbing Board and providing for its powers and duties; providing for minimum Statewide plumbing standards, including those for water conservation; providing penalties; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 10, 1991.

Senators DAWIDA, BELAN, STOUT, MUSTO and ANDREZESKI presented to the Chair **SB 1140**, entitled:

An Act requiring certain information to be solicited in connection with the consideration of legislation by the General Assembly; and providing for the licensing, registration and certification of members of an occupation or profession.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 10, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which was read by the Clerk:

June 5, 1991

### DESIGNATING JULY 3, 1991, AS "NONDEPENDENCE DAY"

Senators MELLOW, REIBMAN, LEMMOND, MADIGAN and BODACK offered the following resolution (**Senate Resolution No. 73**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 5, 1991.

#### A RESOLUTION

Designating July 3, 1991, as "Nondependence Day."

WHEREAS, More than 434,000 Americans die each year from tobacco-related diseases including lung cancer, emphysema and heart disease; and

WHEREAS, Nearly 18,000 Pennsylvania citizens die each year due to the use of tobacco products; and

WHEREAS, Fifty-three thousand nonsmokers die each year due to illnesses caused by passive smoke; and

WHEREAS, Tobacco use kills more people each year than alcohol, cocaine, crack, heroin, homicide, suicide, car accidents, fires and AIDS combined; and

WHEREAS, Nicotine is one of the most addictive drugs in our society; and

WHEREAS, Nine out of ten smokers want to quit smoking; and

WHEREAS, Ninety percent of all smokers begin by the age of 19; and

WHEREAS, The American Lung Association has, since 1904, combated lung disease and is dedicated to the prevention, cure and control of all lung diseases and their related causes, such as smoking; and

WHEREAS, The American Lung Association of Pennsylvania hopes that on "Nondependence Day," July 3, 1991, smokers will begin to break the chains of addiction to tobacco; therefore be it

RESOLVED, That the Senate hereby designate July 3, 1991, as "Nondependence Day."

### **MEMORIALIZING THE COMMISSION ON SENTENCING TO INCREASE THE OFFENSE GRAVITY SCORE OF INSURANCE FRAUD**

Senator HOLL offered the following resolution (**Senate Resolution No. 74**), which was read and referred to the Committee on Judiciary:

In the Senate, June 5, 1991.

#### **A RESOLUTION**

Memorializing the Commission on Sentencing to increase the offense gravity score of insurance fraud.

WHEREAS, Insurance fraud is a serious problem in this Commonwealth and one of the major factors in the increasing cost of automobile and other types of insurance; and

WHEREAS, Insurance fraud is thus deserving of a substantial criminal penalty; and

WHEREAS, The offense gravity score for insurance fraud ranks at the same level as the score for receiving stolen property valued at less than \$2,000; therefore be it

RESOLVED, That the Commission on Sentencing be memorialized to revise its sentencing guidelines to increase the penalty for insurance fraud to reflect the seriousness of the crime and its effects on the cost of insurance to the citizens of this Commonwealth.

### **APPOINTMENT BY MINORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Ms. Carol Gassert Carroll to serve as a member of the newly established Pennsylvania Intergovernmental Cooperation Authority for Cities of the First Class.

### **REPORTS FROM COMMITTEE**

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

#### **SB 1131 (Pr. No. 1265)**

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

#### **SB 1132 (Pr. No. 1266)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

#### **SB 1133 (Pr. No. 1267)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

#### **SB 1134 (Pr. No. 1268)**

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

#### **SB 1135 (Pr. No. 1269)**

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

#### **SB 1136 (Pr. No. 1270)**

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

#### **SB 1137 (Pr. No. 1271)**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

#### **SB 1138 (Pr. No. 1272)**

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

#### **HB 547 (Pr. No. 599)**

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

#### **HB 1319 (Pr. No. 1631)**

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

#### **HB 1320 (Pr. No. 1523)**

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

#### **HB 1321 (Pr. No. 1524)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

#### **HB 1322 (Pr. No. 1525)**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**HB 1536 (Pr. No. 1797)**

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**BILLS ON FIRST CONSIDERATION  
AND RECOMMITTED**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of the bills just reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, HB 547, 1319, 1320, 1321, 1322 and 1536.**

And said bills having been considered and agreed to for the first time,

Upon motion of Senator LOEPER, and agreed to, the bills just considered were recommitted to the Committee on Appropriations.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request a temporary legislative leave for Senator Greenleaf and a temporary Capitol leave for Senator Lemmond.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Belan, Senator Fattah, Senator Jones and Senator Porterfield.

The PRESIDENT. Senator Fisher asks temporary legislative leave for Senator Greenleaf and temporary Capitol leave for Senator Lemmond. Senator Mellow requests temporary Capitol leaves for Senator Belan, Senator Fattah, Senator Jones and Senator Porterfield. The Chair hears no objection. The leaves will be granted.

**LEAVES OF ABSENCE**

Senator FISHER asked and obtained leave of absence for Senator BELL, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION**

**WEEKLY ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, June 10, 1991.

**RESOLVED**, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 17, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

**RESOLVED**, That when the House of Representatives adjourns this week it reconvene on Monday, June 17, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—47**

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stout
Corman	Jubelirer	Porterfield	Tilghman
Dawida	LaValle	Punt	Wenger
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

**NAYS—1**

Stewart

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR MELISSA A. HART  
PRESENTED TO SENATE**

Senator HART. Mr. President, I have the distinct honor today of introducing to you the eighth grade class from Deer

Lakes Junior/Senior High School. School ended for them last week but they are so interested in American government and the government of our great Commonwealth of Pennsylvania that they have still decided to come out on a field trip, even though it is summer. Accompanying the class today are six teachers: Joe Yourish, Larry Simonetti, Walt Lewetag, Ginny Slomkowski, Denise Cassidy and Cliff Logan, and I would ask that we welcome the class from Deer Lakes.

The PRESIDENT. Would all of the members of the class and their teachers and chaperones please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Resolution No. 73 and certain nominations.

### CALENDAR

#### HB 548 CALLED UP OUT OF ORDER

**HB 548 (Pr. No. 600)** — Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION AND RECOMMITTED

**HB 548 (Pr. No. 600)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lemmond. His temporary Capitol leave will be cancelled.

### RECESS

Senator LOEPER. Mr. President, at this point in time I would make a request for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator LINCOLN. Mr. President, I would request that the Members of the Democrat caucus report to the caucus room immediately upon the recess.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Lemmond, Senator Salvatore, Senator Loeper and Senator Jubelirer.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Lemmond, Senator Salvatore, Senator Loeper and Senator Jubelirer. The Chair hears no objection. Those leaves will be granted.

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR

#### BILL OVER IN ORDER TEMPORARILY

**SB 3** — Without objection, the bill was passed over in its order temporarily at the request of Senator FISHER.

#### BILL OVER IN ORDER

**HB 14** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 356 (Pr. No. 365)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," extending the time period from receipt of tax duplicates to mailing of the duplicates to the respective taxpayers.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart

Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 552** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 583 (Pr. No. 612)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER, by unanimous consent, offered the following amendment No. A1123:

Amend Sec. 3, page 2, lines 23 and 24, by striking out all of said lines and inserting: this act shall be liable for a civil penalty in the amount of twice the amount of the discount for early payment under section 2.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator FISHER.

BILL ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE

**SB 916 (Pr. No. 1172)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for manner of filling appointments.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator BORTNER. Mr. President, I desire to interrogate the gentle lady from Allegheny, Senator Hart.

The PRESIDENT. Will the gentle lady from Allegheny, Senator Hart, permit herself to be interrogated?

Senator HART. I will, Mr. President.

Senator BORTNER. Mr. President, under what circumstances would you be permitted under this legislation to hire outside the ordinary civil service process?

Senator HART. Mr. President, I am not aware of any situations where you can circumvent the requirement of a civil service exam.

Senator BORTNER. Mr. President, do I understand your answer to be that this would not allow you to go beyond or go outside the civil service process to fill vacancies in police and fire departments?

Senator HART. Mr. President, this provision would allow people who have already taken the civil service exam or have already been employed in their position to be reemployed in a similar capacity within the municipality.

Senator BORTNER. Mr. President, would that mean that you would be able to pass over individuals who may have already passed the civil service exam and would already be on a waiting list?

Senator HART. Mr. President, you would be able to pass up another applicant only if the applicant that we are trying to allow to take the job has already fulfilled the requirements and had been employed with the township on a prior occasion. This piece of legislation was introduced by request of the Pennsylvania State Association of Township Commissioners, basically to save them time in filling vacancies and to save them money as well.

Senator BORTNER. Mr. President, is there anything in the legislation which in any way limits or deals with the circumstances which would limit your reapplication based on the circumstances under which you originally left your employment?

Senator HART. Mr. President, there is nothing which limits it. It is at the discretion of the commissioners, however, who will do the appointing.

Senator BORTNER. Mr. President, in other words, if you resign anticipating being terminated or if you resigned while you were being investigated, you could still be rehired outside the civil service process under this legislation, is that correct?

Senator HART. Mr. President, once again, this is not outside the process. These are people who have already complied with the requirements, have already passed the exam and who already have the experience. The point of this is not to circumvent anything. It is to save the municipality money and to also save time in appointing someone to a position in which he is already trained, such as a policeman.

Senator BORTNER. Mr. President, would that not always be the case, in that it would be quicker to hire somebody without resorting to a civil service exam or civil service process?

Senator HART. Mr. President, these people have already passed the exam. These people have already met the requirements for employment.

Senator BORTNER. Mr. President, but they still could be less qualified or could have scored less on the examination than somebody who is presently waiting to be hired. Is that not correct?

Senator HART. Mr. President, these people, in order to have been hired in the first place, are likely to have done well on the exam, and there are other qualifications aside from a high score on an exam to be good for the job. I would say that

in some situations that may be the case, however, that is not the only consideration.

Senator BORTNER. Mr. President, I guess you are indicating that the idea here is to save time and I guess my one question is people could have been tested, people could have passed the exam, people could be on a waiting list and you could not be required or you could still avoid the civil service list and hire a previous employee. Is that not correct?

Senator HART. Mr. President, that is correct. The reasoning behind it is not only to save time but to save the municipalities money in training and to prevent having a depleted police or fire force for as short a time as possible.

Senator BORTNER. Mr. President, if you have already given the test and you already have people who have passed the test who are on a list waiting to be hired, how do you save either time or money by hiring previous employees?

Senator HART. Mr. President, there is no training required if the employee is not completely inexperienced, as someone would be who had just taken the civil service exam.

Senator BORTNER. Mr. President, is there anything in here which would require that you have kept up or kept current on your municipal police training and education requirements?

Senator HART. Mr. President, no, but I would doubt that a township commissioner would want to employ someone who was not qualified for the position.

Senator BORTNER. Mr. President, I understand that the idea here is to fill vacancies quickly. Is there anything in here which would limit this to emergency type situations?

Senator HART. Mr. President, no, there is not.

Senator BORTNER. Mr. President, you mean, essentially, this is up to the township commissioners to decide whether they want to use this process or hire from their civil service list or go through the civil service process, is that right?

Senator HART. Mr. President, that is correct. It is not up to the state government to make the hirings in a township.

Senator BORTNER. Mr. President, I thank the lady.

I would ask all the Members to look at this legislation very carefully. I realize that at first blush it may appear to be somewhat innocuous, but I think we are putting in motion a process that is not only not good government but which we may come to regret at some future time. What we are permitting under this legislation is township commissioners—and this could certainly be applied, I suppose, at a future date to other municipal officials—are able to hire policemen and firemen without hiring from their civil service list. I recognize that if you were previously employed as a policeman or a fireman, presumably, although I guess depending on when you were hired, you could have been hired actually before civil service requirements were in place, but you may have already passed the test and you may have had some training and experience. I think one of the questions that comes to my mind is why someone who was off the force would want to reenter employment. There could certainly be some very legitimate reasons for wanting to do that. I can also see situations where somebody went off the force perhaps because of prob-

lems with supervisors within the department, perhaps because they had a problem in the department, and now because of a change in administration, maybe a change in politics, they want to be rehired. It seems to me if we have a requirement in the township code that civil service be used to hire policemen and firemen, we ought to require that that process be followed in every situation. I know, personally, if I took a civil service examination to be a policeman or fireman and I scored the highest grade, I would expect to be considered for that position. I would expect to be hired unless there was some other reason or there was some other problem with my application. It may very well be that somebody who was previously in the department could not even meet the current standards or the current requirements to fill the position.

I would suggest that we vote “no” on this legislation, that we continue to require that the civil service process be followed. I think that is a vote for good government and I would hope that is what we are here for.

Senator STEWART. Mr. President, those of us on the committee voted against this in committee. The gentleman from York, Senator Bortner, made some good points, but there is one other point that he did not touch on and that is someone who, when the civil service test was given, was not eligible for reasons of age. If the civil service test is given for police officers and somebody is 16 years old, they obviously cannot take the test because they are not old enough, but then two years later when that individual is old enough, what this legislation says is, well, do not even bother taking the test because we are going to reach into an old list for an old person who resigned or quit and hire them back, without giving that person the opportunity to show what he or she is made of. For that reason and the reasons stated by the previous speaker, I would urge everyone to oppose this bill.

Senator HART. Mr. President, I feel the need to speak again on behalf of the bill partially because I think the gentlemen who have spoken against the passage of this bill are somewhat missing the point. At this point many of our municipalities have complained of problems with finances. They have a difficult time these days, partially due to some of the state mandates we have placed upon them, and I as a Senator was requested to put in this bill on behalf of the townships to save them some money, to save them some time and also to protect the individuals who live within those townships from depleted police or fire forces.

The main purpose of the bill is not to circumvent the hiring of someone who is highly qualified for a position. In fact, I would expect that township commissioners would be most likely to hire the most qualified candidate, despite the fact that another candidate may have been employed by the township before. I would urge that the Senate pass this bill as a good government bill and as an assistance to our township governments.

Senator BORTNER. Mr. President, I would call to the attention of the Senators that on Senate Bill No. 916, which contains the language of Section No. 638, the manner of filling appointments, it describes the process which now exists



and which we placed into law for filling vacancies in the police department or as paid operators of fire apparatus. It requires the township commissioners to notify their civil service commission that a vacancy exists and needs to be filled. They certify the existing vacancy from the list of the top three names certified, unless there is some objection to those names. I guess my answer to the sponsor of the legislation is that if we are trying to save money, then what this legislation really ought to do is repeal the process and not create what is supposed to be a limited exception but which I think is wide enough that you could drive a truck through it. The civil service process, I think, is important. It eliminates political hiring. It eliminates nepotism. It requires that if you take the test and you score the highest grade, you are going to be considered for the vacancy. The gentleman from Cambria, Senator Stewart, has pointed out that somebody may come along and want to become a policeman who could not even take the test at a previous time. The purpose of civil service is to make sure the most qualified candidate be hired, regardless of any other connections they may have or they may need to employ to get the position. I would hope we would reaffirm that position. I would also say that I know some of the township associations are supporting this legislation, and I am disappointed that they would also not see the merits in the civil service process and realize that is important and an important way to protect their very own members.

Senator AFFLERBACH. Mr. President, I realize that the language in this bill tracks that which is already in the borough code, but that does not necessarily mean it is the right thing to do. In this particular era we have seen an erosion of civil rights at the federal level and I see this bill as possibly contributing to that erosion at the state level. It could very well be that the township commissioners in a certain township may wish to avoid the hiring or the appointment of a minority or a woman if all three candidates at the top of the civil service list just happen to be in one of those categories. This bill would allow them to reach back into the past and bring forward someone else simply to avoid appointing one of the top three candidates. For that reason, I think it should be defeated and would ask that such action be taken.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Belan and also Senator Porterfield. Their temporary Capitol leaves will be cancelled.

And the question recurring,  
Shall the bill pass finally?

Senator PECORA. Mr. President, I rise in support of this Senate bill and to explain some of the questions that were presented. I think our fellow Senators and the honorable Senators on the other side of the aisle are not familiar with the township code. The civil service board is appointed by the same commissioners who were given the proper hiring procedures to make it more effective when there is a crisis in that township. As far as the civil service act, you cannot go back too far and hire someone who is not under civil service

because the act was passed in 1949. That is 42 years ago. Now, anyone 42 years ago who was a police officer prior to the civil service test would have to be 60-some years old if they were the youngest officer hired in the history of this Commonwealth. So that question was moot to the bill. There is no way they are going to hire someone 65 or 70 or 80 years old in an emergency. We have to realize that the commissioners of the townships appoint the civil service board members. If they had any intentions of discrimination, they would do it with their civil service board that they appointed. There is no intent here to discriminate or bypass the law. The intent here is to have fine police officers who are qualified, have experience, who have passed the civil service board test. The test itself does not qualify you for that. You have the interview test. You have the health test and you have many other tests prior to being hired under the civil service board. Your percentages are based on the hiring and added onto the point system that puts your percentage of what you will receive by the oral test and the civil service test. There are many ways they can avoid proper hiring procedures. The intent of this legislation is for emergencies only. There is a need. Townships have at times been forced to lay off police officers, and they may have moved out and moved back and they have the option to hire them again. One thing we must remember, the township commissioners do appoint the civil service board members.

#### LEGISLATIVE LEAVES

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Williams and Senator Fumo.

Senator FISHER. Mr. President, I request temporary Capitol leave for Senator Hopper.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Williams and Senator Fumo. Senator Fisher requests temporary Capitol leave for Senator Hopper. The Chair hears no objection. The leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jubelirer. His temporary Capitol leave will be cancelled.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—25

Armstrong	Hart	Loeper	Robbins
Baker	Helfrick	Madigan	Salvatore
Brightbill	Holl	Pecora	Shaffer
Corman	Hopper	Peterson	Shumaker
Fisher	Jubelirer	Punt	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Greenwood			

#### NAYS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Porterfield	Stout
Bortner	Lewis	Reibman	Williams

Dawida Lincoln Scanlon

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

### RECONSIDERATION OF SB 916

#### BILL OVER IN ORDER ON FINAL PASSAGE

**SB 916 (Pr. No. 1172)** — Senator FISHER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 916, Printer's No. 1172, just failed of final passage.

The motion was agreed to.

And the question recurring,  
Shall the bill pass finally?

Senator FISHER. Mr. President, I request that Senate Bill No. 916 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will be placed on the Final Passage Calendar.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 962 (Pr. No. 1137)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing certain counties to increase the recording fees of deeds and mortgages to support or enhance local affordable housing efforts.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of the gentle lady from Philadelphia, Senator Jones. Her temporary Capitol leave will be cancelled.

#### LEGISLATIVE LEAVE

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Armstrong.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Armstrong. The Chair hears no objection and that leave will be granted.

And the question recurring,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I just think it is important that we point out, as we are being asked to consider Senate Bill No. 962 today, although as referred to in the bill, it is an optional fee increase, the option is for the governing bodies, the county commissioners, for counties of the second class through the eighth class. Basically, what this is is a 100 percent tax increase on various fees that can be charged by the county with regard to certain types of transfers and certain types of recordings of mortgages, and I, for one, Mr. President, at this point in time do not believe we should be consid-

ering these particular types of proposals. We are right here giving the opportunity to county commissioners to go ahead and to increase by 100 percent the fee that is being charged for the recording of some deeds and mortgages, and I believe we are going to have a lot of time to consider, discuss and debate various types of tax increases. Mr. President, for some reason, in this particular bill the county of the first class, which would be the City of Philadelphia, is not included in the proposal by the gentleman from Bucks, Senator Greenwood, and I would at this point in time ask for a negative vote on Senate Bill No. 962.

Senator DAWIDA. Mr. President, although I have the greatest respect for my leader, I think he is wrong on this issue and I am going to vote "yes." I think the idea of using the transfer money to stimulate housing is a good idea, and I will be voting "yes" on this legislation.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—35

Afflerbach	Greenleaf	Lemmond	Rhoades
Armstrong	Greenwood	Lewis	Robbins
Baker	Hart	Loeper	Salvatore
Belan	Helfrick	Madigan	Schwartz
Bortner	Holl	Pecora	Shaffer
Brightbill	Hopper	Peterson	Shumaker
Corman	Jones	Porterfield	Tilghman
Dawida	Jubelirer	Punt	Wenger
Fisher	LaValle	Reibman	

#### NAYS—13

Andrezeski	Lincoln	O'Pake	Stewart
Bodack	Mellow	Scanlon	Stout
Fattah	Musto	Stapleton	Williams
Fumo			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leave for Senator Jubelirer.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Andrezeski and Senator O'Pake.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Jubelirer. Senator Mellow requests temporary Capitol leaves for Senator Andrezeski and Senator O'Pake. The Chair hears no objection. Those leaves will be granted.

## CONSIDERATION OF CALENDAR RESUMED

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**SB 93, HB 146, 171, SB 189 and 347** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILLS REREFERRED

**SB 413 (Pr. No. 438)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the status of payments received by foster parents.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 415 (Pr. No. 440)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments for pharmaceutical services.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 451, 485 and 559** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILL REREFERRED

**SB 592 (Pr. No. 1249)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for services of a hospital-based personal emergency response system to persons eligible for medical assistance.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL ON SECOND CONSIDERATION AMENDED

**SB 801 (Pr. No. 853)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing certain immunity to individuals and organizations dealing with juveniles.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator DAWIDA offered the following amendment No. A0831 and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 4, by removing the period after "juveniles" and inserting: and for volunteer medical professional civil immunity.

Amend Bill, page 2, line 4, by striking out all of said line and inserting:

Section 2. Section 8331 of Title 42 is amended to read:

§ 8331. Medical good Samaritan civil immunity.

(a) General rule.—Any physician or any other practitioner of the healing arts or any registered nurse, licensed by any state, who happens by chance upon the scene of an emergency or who arrives on the scene of an emergency by reason of serving on an emergency call panel or similar committee of a county medical society or who is called to the scene of an emergency by the police or other duly constituted officers of a government unit or who is present when an emergency occurs and who, in good faith, renders emergency care at the scene of the emergency, shall not be liable for any civil damages as a result of any acts or omissions by such physician or practitioner or registered nurse in rendering the emergency care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving emergency care.

[(b) Definition.—As used in this section "good faith" shall include, but is not limited to, a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the patient is hospitalized.]

(b) Volunteer medical professional civil immunity.—Any medical professional who does not receive remuneration for their services provided to the medically indigent in a health care delivery site shall not be liable for any civil damages as a result of any acts or omissions by such medical professional in rendering health care, except for gross negligence, recklessness or wanton conduct.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Good faith." Shall include, but is not limited to, a reasonable opinion that the situation is such that the rendering of care should not be postponed until the patient is hospitalized.

"Healing arts." The science and skill of diagnosis, prevention or treatment, in any manner whatsoever, of disease of any ailment of the human body.

"Health care delivery site." Hospitals, clinics, satellite clinics, community health centers not affiliated with hospitals, or location of a Department of Health sponsored program.

"Medical professional." An individual who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board.

"Medically indigent." An individual who is unable to pay for his health care because he does not meet the medical assistance eligibility levels and has no or inadequate health insurance or other financial resources with which to pay for his health care.

Section 3. This act shall take effect as follows:

(1) The amendment of 42 Pa.C.S. § 6352 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 851** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL REREFERRED

**SB 853 (Pr. No. 913)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further providing for the maximum fees payable to local registrars.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 872, 877 and 881** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILLS ON SECOND CONSIDERATION

**SB 894 (Pr. No. 1250)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the use of mutual assistance agreements to satisfy certain licensure requirements.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 895 (Pr. No. 964)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the validity of certificates of accreditation.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL REREFERRED

**SB 899 (Pr. No. 1252)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts; and making technical changes.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**SB 985** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL REREFERRED

**SB 1053 (Pr. No. 1253)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General

Assembly and for control of the budgeting processes by the General Assembly.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## SB 3 CALLED UP

**SB 3 (Pr. No. 1173)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator FISHER.

## BILL OVER IN ORDER

**SB 3** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## RECESS

Senator FISHER. Mr. President, I would ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room to the rear of the Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in brief recess.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

Senator BRIGHTBILL, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF  
AUCTIONEER EXAMINERS

April 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank A. Itgen, Jr. (Public Member), 210 Ladbroke Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CHEYNEY UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gayle Hawkins Bush, 5111 Dakota Street, Philadelphia 19130, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Audrey S. Pittman, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

February 11, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael Mokotoff, Ph.D., 1256 Arrowood Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Thomas, 207 Olympia Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Diane Zilinskas, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION

February 13, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne N. Greene, 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION

February 13, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anna O. Rotz, P. O. Box 101, Fort Loudon 17224, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Roy B. Clair, 40 East Third Avenue, Lititz 17543, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Mabel B. Kreider, Peach Bottom, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Harris, 6113 Charing Cross, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William H. Bolger, Hershey, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles W. Hash, Sr., 1915 Stonegate Road, York 17404, York County, Twenty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Carol G. Pritchett, York, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SHIPPENSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Floyd M. Mains, 45 Montgomery Avenue, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PHILADELPHIA COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Audrey Pittman (Democrat), 1227 South 61st Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Joseph Toner, III, Philadelphia, resigned.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

February 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ernest J. D'Achille, 1413 White Oak Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-2-06, to serve until the first Monday of January, 1992, vice Rinald J. Secola, mandatory retirement.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

March 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Holman (District 5), R. D. 1, Box 256, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1993, vice Donald R. Craul, Lewisburg, terminated.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

March 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George M. Miller (District 3), R. D. 1, Box 986, Brockway 15824, Jefferson County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator BRIGHTBILL. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator BRIGHTBILL, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Nancy Lewis, 201 Long Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992 and until her successor is appointed and qualified, vice Joan H. Cadwalader, Unionville, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.



**MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of G. Davis Greene, Jr., 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice James Scheiner, Harrisburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of The Honorable Sarah W. Hargrove, 423 Walnut Street, Apartment 124, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term of four years and until her successor is appointed and qualified, vice Christine Crist, Camp Hill, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**COMMONWEALTH TRUSTEE OF  
LINCOLN UNIVERSITY—OF  
THE COMMONWEALTH SYSTEM  
OF HIGHER EDUCATION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Darrell R. Gordon, 275 Melrose Avenue, Merion Station 19066, Montgomery County, Seventeenth Senatorial District, as a Commonwealth Trustee of Lincoln University - of the Commonwealth System of Higher Education, to serve until August 31, 1993 and until his successor is appointed and qualified, vice Spencer J. Andress, Oxford, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE PLANNING BOARD**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Joanne R.

Denworth, 310 South Second Street, Philadelphia 19106, Philadelphia County, First Senatorial District, as a member of The State Planning Board, to serve for a term of four years, and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 21, 1991 for the appointment of Raymond Sannie, 2638 Columbia Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William Wallish, Shamokin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the reappointment of Reginald H. Bethel, 3326 Webster Avenue, Pittsburgh 15219-3916, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Lewis Degennaro, M.D., Medical Arts Building, 327 North Washington Avenue, Scranton 18503, Lackawanna County, Twenty-second Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Neal E. Mann, North East, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.



MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 7, 1991, for the appointment of James R. Duffy, HC 1, Box 2247, Lynndale, Tafton 18464, Pike County, Twentieth Senatorial District, as a member of the State Tax Equalization Board, to serve until November 14, 1991, and until his successor is appointed and qualified, vice Martha B. Schoeninger, Wayne, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Augusta A. Clark, Esquire, 1313 Lafayette Place, Philadelphia 19122, Philadelphia County, Second Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1991, and until her successor is appointed and qualified, vice Edward H. Rose, Narberth, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1994, and until his successor is appointed and qualified, vice Edward F. Mannino, Esquire, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

TREASURER, MONTGOMERY COUNTY

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomina-

tion dated February 8, 1991, for the appointment of James W. Maza, Breeze Hill Farm, Box 47, R. D. 2, Pennsburg 18073, Montgomery County, Twenty-fourth Senatorial District, as Treasurer, in and for the County of Montgomery, to serve until the first Monday of January, 1992, vice Floriana Bloss, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 7, 1991, for the appointment of Regina Ryan Rodriguez (Democrat), R. D. 1, Box 163, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Mary Patricia Finan (Democrat), Box 151, Lake Winola 18625, Wyoming County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the reappointment of Ruth Hug (Democrat), R. D. 1, Box 93, Factoryville 18419, Wyoming County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator BRIGHTBILL. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

### COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator BRIGHTBILL, by unanimous consent, called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

#### MEMBER OF THE STATE TRANSPORTATION COMMISSION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 1991, for the appointment of Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry L. Sather, McConnellstown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATION RETURNED TO THE GOVERNOR

Senator BRIGHTBILL. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

### RESOLUTION REPORTED FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolution:

#### SR 73 (Pr. No. 1273)

A Resolution designating July 3, 1991, as "Nondependence Day."

The PRESIDENT. The resolution will be placed on the Calendar.

### SENATE RESOLUTION

#### CONGRATULATING THE PENNSYLVANIA CHEMICAL INDUSTRY COUNCIL ON ITS ANNUAL MEETING AND ITS COMMITMENT TO ECONOMIC GROWTH AND INVESTMENT IN PENNSYLVANIA

Senator BAKER offered the following resolution (Senate Resolution No. 77), which was read, considered and adopted:

In the Senate, June 10, 1991.

#### A RESOLUTION

Congratulating the Pennsylvania Chemical Industry Council on its annual meeting and its commitment to economic growth and investment in Pennsylvania.

WHEREAS, The 51 member firms of the Pennsylvania Chemical Industry Council employ 52,000 people within Pennsylvania, 6% of the Commonwealth's manufacturing workforce, who earn \$2 billion annually or 8% of the Commonwealth's manufacturing payroll; and

WHEREAS, The chemical industry produces nearly 10% of the Commonwealth's gross state product from manufacturing; and

WHEREAS, Exports abroad of chemicals produced in Pennsylvania exceed \$600 million and are growing rapidly; and

WHEREAS, The Pennsylvania Chemical Industry Council is a CMA Responsible Care Partnership member; and

WHEREAS, The Pennsylvania Chemical Industry Council is assembled this week in Harrisburg for its Annual Meeting and Conference; therefore be it

RESOLVED, That the Senate congratulate the Pennsylvania Chemical Industry Council on the occasion of its Annual Meeting and Conference and on the industry's commitment to economic growth and investment within the Commonwealth; and be it further

RESOLVED, That a copy of this resolution be transmitted to the leadership of the Pennsylvania Chemical Industry Council.

### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Clayton H. Ruhl, Mr. and Mrs. Nelson W. Miley, Mr. and Mrs. Arthur Denlinger, Mr. and Mrs. Joseph L. Ricciardi, Mr. and Mrs. Willis K. Lefever, Colleen K. Scanlin, Matthew L. Homsher, Louise Goodwin and to Etta Conroy by Senator Armstrong.

Congratulations of the Senate were extended to Edward Kellogg by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Richard T. Bagaley and to Edward Duss by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Fred H. Bigelow, Mr. and Mrs. Wadsworth Stutts, Mr. and Mrs. Merle P. Fisher and to Jeff Aveni by Senator Corman.

Congratulations of the Senate were extended to James Franklyn Henry by Senator Dawida.

Congratulations of the Senate were extended to Dr. Bernard C. Watson by Senator Fattah.

Congratulations of the Senate were extended to Daniel K. Lamb by Senator Fisher.

Congratulations of the Senate were extended to Robert L. Raggi, Nathan Garfinkle, Richard and Beatrice Hood and to Matthew S. Filer by Senator Greenleaf.

Congratulations of the Senate were extended to Frances J. Barnes by Senator Hart.

Congratulations of the Senate were extended to Kimberly S. Wagner by Senator Helfrick.

Congratulations of the Senate were extended to Eric Alan Buchanan, Matthew James Brasch, Brian Keith Pifer and to Brandon Geist by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. John Taylor, Mr. and Mrs. William Geist and to Mr. and Mrs. Donald Irwin by Senator Jubelirer.

Congratulations of the Senate were extended to Dr. James J. Grace and to Alvin Shaffer, Jr. by Senator Lemmond.

Congratulations of the Senate were extended to Denise Bracken and to Ann Griesser by Senator Lewis.

Congratulations of the Senate were extended to Johnmarc Johnson, Kevin R. Knopsnider, Michael Walker and to Brett Alan Baron by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Bair, Mr. and Mrs. Elmer L. Ditty, Mr. and Mrs. Ralph E. Johnson, Mr. and Mrs. Harold Hallowell and to Mr. and Mrs. Carl U. Lynn by Senator Madigan.

Congratulations of the Senate were extended to Lois Hartel and to William R. Lukasik and Stephen N. Lukasik by Senator Musto.

Congratulations of the Senate were extended to Senior Master Sergeant Donald F. Borchers, Jr., Specialist David Claycomb, Second Class Petty Officer Frank A. DeMarco, Paul B. Kambic, E-4 Melvin L. Poindexter and to Specialist E-4 Thomas Rydzak by Senator Pecora.

Congratulations of the Senate were extended to Captain Michael J. Jones, Joanna Bonalewicz and to SSG Perry L. Spencer by Senator Peterson.

Congratulations of the Senate were extended to Rufina R. Gollatz, Marciann Albert and to Matthew J. Panik by Senator Reibman.

Congratulations of the Senate were extended to Catherine Yaroshak by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. John McBratney by Senator Salvatore.

Congratulations of the Senate were extended to James E. Flowers and to Ammon A. Garver by Senator Shumaker.

Congratulations of the Senate were extended to Reverend and Mrs. J. Henry Breakiron by Senator Stout.

### **SB 431 TAKEN FROM THE TABLE**

Senator FISHER. Mr. President, I move that Senate Bill No. 431, Printer's No. 1042, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

### **COMMUNICATIONS FROM THE GOVERNOR**

#### **NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### **MEMBER OF THE COUNCIL OF TRUSTEES OF SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald S. Kelly, R. R. 4, Box 334, Valencia 16059, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James M. Campbell, Pulaski, whose term expired.

ROBERT P. CASEY.

#### **MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James J. Dodaro, 119 Victoria Drive, White Oak 15131, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, whichever is shorter.

ROBERT P. CASEY.

### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Greenleaf. His temporary Capitol leave will be cancelled.

### **ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

#### **SENATE OF PENNSYLVANIA**

#### **COMMITTEE MEETINGS**

TUESDAY, JUNE 11, 1991

10:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Resolution 68; Senate Bill No. 1051; House Resolution No. 106 and House Bill No. 795)	Room 461 4th Floor North Wing
11:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1034 and House Bill No. 344)	Room 460 4th Floor North Wing

- 11:30 A.M. BANKING AND INSURANCE Room 461  
(Public Hearing on 4th Floor  
nomination of Sarah W. North Wing  
Hargrove, Secretary of  
Banking; and Senate  
Bills No. 950, 1086  
and 1087)
- 11:30 A.M. JUDICIARY (Public Room 8E-B  
Hearing on nomination of Hearing Room  
William J. Martin, Esq., East Wing  
Indiana, for Judge of Common  
Pleas Court; and Senate  
Bills No. 516, 518, 1115,  
1118 and House Bill No. 23)
- 12:30 P.M. APPROPRIATIONS (to Room 461  
consider Senate Bills No. 4th Floor  
1131 thru 1138 and House North Wing  
Bills No. 547, 548, 1319,  
1320, 1321, 1322 and 1536)

WEDNESDAY, JUNE 12, 1991

- 10:00 A.M. LABOR AND INDUSTRY Room 460  
(Public Hearing to consider 4th Floor  
nomination of Wendell W. North Wing  
Young, III for PA Labor  
Relations Board; and Senate  
Bills No. 88 and 727)

TUESDAY, JUNE 18, 1991

- 9:30 A.M. CONSUMER PROTECTION Room 8E-B  
AND PROFESSIONAL Hearing Room  
LICENSURE (Public East Wing  
Hearing to consider the  
nomination of Julius Uehlein  
to the P.U.C.)
- 10:00 A.M. FINANCE (Public Hearing Room 8E-A  
on Senate Bill No. 1008) Hearing Room  
East Wing

### ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Tuesday, June 11, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:00 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 11, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 35

### SENATE

TUESDAY, June 11, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend Dr. MYRNA KYSAR, Pastor of Upper Dublin Lutheran Church, Ambler, offered the following prayer:

God of all creation, You have formed and shaped us in marvelous ways. You regard each one of us as special and important. Thank You for the astonishing variety of races and cultures in this world and within our Commonwealth. Thank You for those who have accepted the solemn responsibility of serving Your creation. Direct the work of this assembly that what is done here might be pleasing to Your sight, serving Your people who are like and unlike ourselves, honoring the diversity and differences among colleagues and embracing a vision of possibilities. Unite us in our commitment to better the lives of all people. Guide us as decisions are made regarding a budget that impacts Your creation, and in all that we do may You, our Creator, be honored and celebrated by decisions made and directions taken. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 10, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 11, 1991 for the reappointment of Ruth M. Tucker, 2225 Lloyd Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 11, 1991 for the appointment of Charles M. LeStrange, 1116 Richmond Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Arthur W. Brown, Scranton, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### MEMBER OF THE STATE BOARD OF DENTISTRY

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 1, 1991 for the appointment of Dr. Edward D. Williams, 500 Willow Grove Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin F. Weaver, III, D.D.S., Hershey, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
HISTORICAL AND MUSEUM COMMISSION

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 13, 1991 for the reappointment of William F. Heefner, Esquire, 555 Old Bethlehem Road, Perkasie 18944, Bucks County, Tenth Senatorial District, as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 26, 1991 for the appointment of James P. Blaum, Esquire, 54 Pierce Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 11, 1991 for the reappointment of Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the reappointment of John A. Abom (Republican), 2708 Street Road, Box 130, Warrington 18976, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the appointment of Melissa V. Bond (Democrat), 53 Pueblo Road, New Britain 18901, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the reappointment of Shirley R. Hart (Democrat), R. D. 3, Box 7A, New Hope 18938, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the appointment of Loretta Rector (Democrat), 224 Taylorsville Road, Yardley 19067, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**HOUSE MESSAGES****HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 10, 1991

**HB 59 and 468** — Committee on Transportation.

**HB 133 and 155** — Committee on Consumer Protection and Professional Licensure.

**HB 203** — Committee on Judiciary.

**HB 222** — Committee on Environmental Resources and Energy.

**HB 1344** — Committee on Agriculture and Rural Affairs.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

June 10, 1991

Senators ROBBINS, PETERSON, PECORA, BODACK, SALVATORE, BELL, RHOADES, CORMAN, DAWIDA, WENGER, ARMSTRONG and FISHER presented to the Chair **SB 1141**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," requiring the Department of Public Welfare to provide and increase a State supplement to the Federal Supplemental Security Income Program for individuals requiring personal-care services who reside in licensed personal-care homes; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senators ROBBINS, HELFRICK, SALVATORE, HART, PETERSON and RHOADES presented to the Chair **SB 1142**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for acquisition of real estate by the Commonwealth.

Which was committed to the Committee on STATE GOVERNMENT, June 10, 1991.

Senators SCANLON, BELAN, HART, BODACK and FISHER presented to the Chair **SB 1143**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for cooperation with other governmental agencies.

Which was committed to the Committee on FINANCE, June 10, 1991.

Senators BELAN and BODACK presented to the Chair **SB 1144**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing certain county planning commissions to adopt certain regulations.

Which was committed to the Committee on LOCAL GOVERNMENT, June 10, 1991.

Senators SCANLON, BELAN, BODACK and FISHER presented to the Chair **SB 1145**, entitled:

An Act amending the act of June 18, 1982 (P. L. 547, No. 158), entitled "Clerk of Courts Fee Law," providing for establishment of fees by the clerk of courts; and making an editorial change.

Which was committed to the Committee on LOCAL GOVERNMENT, June 10, 1991.

Senators SCANLON, BELAN and BODACK presented to the Chair **SB 1146**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for vacation of tax ordinances and resolutions.

Which was committed to the Committee on LOCAL GOVERNMENT, June 10, 1991.

Senators SCANLON, BELAN and BODACK presented to the Chair **SB 1147**, entitled:

An Act amending the act of July 6, 1984 (P. L. 614, No. 127), entitled "Sheriff Fee Act," further providing for fees, compensation and mileage.

Which was committed to the Committee on LOCAL GOVERNMENT, June 10, 1991.

Senators BELAN, SCANLON and BODACK presented to the Chair **SB 1148**, entitled:

An Act providing for financial assistance to zoological gardens; providing further duties for the Department of Community Affairs; and making an appropriation.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, June 10, 1991.

Senators BELAN, SCANLON, BODACK and FISHER presented to the Chair **SB 1149**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for medical assistance payments made in behalf of eligible persons receiving institutional care in skilled nursing and intermediate care facilities.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senator BODACK presented to the Chair **SB 1150**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for places of confinement for persons sentenced to prison.



Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators BELAN, SCANLON, HART, BODACK and FISHER presented to the Chair **SB 1151**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," increasing the limitation on redevelopment assistance capital projects.

Which was committed to the Committee on FINANCE, June 10, 1991.

Senators BELAN, HART and BODACK presented to the Chair **SB 1152**, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further providing for the medical certification for death certificates and for referrals to coroners.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senators BELAN, SCANLON and BODACK presented to the Chair **SB 1153**, entitled:

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "The Liquid Fuels Tax Act," changing the formula for distribution of part of the tax to the counties.

Which was committed to the Committee on TRANSPORTATION, June 10, 1991.

Senator BODACK presented to the Chair **SB 1154**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for computations affecting counties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senators BODACK and FISHER presented to the Chair **SB 1155**, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for grants-in-aid to certain counties.

Which was committed to the Committee on LAW AND JUSTICE, June 10, 1991.

Senator BODACK presented to the Chair **SB 1156**, entitled:

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6,) entitled "Mental Health and Mental Retardation Act of 1966," further providing for local mental health and mental retardation services and for the liability of the Commonwealth for certain care.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senators BODACK and HART presented to the Chair **SB 1157**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for the definition of "firefighter, ambulance service or rescue squad member or law enforcement officer."

Which was committed to the Committee on LABOR AND INDUSTRY, June 10, 1991.

Senators GREENWOOD, SCHWARTZ, CORMAN, AFFLERBACH, BORTNER, LEWIS, FUMO, HOPPER, WILLIAMS, REIBMAN, JONES and FATTAH presented to the Chair **SB 1158**, entitled:

An Act providing for a woman's right to choose abortion without governmental interference; protecting the right to use birth control; requiring informed consent for abortion; encouraging involvement of parents whose minor children seek abortion; authorizing regulations; and making repeals.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators JONES, GREENWOOD, SCHWARTZ, CORMAN, AFFLERBACH, BORTNER, FUMO, WILLIAMS, REIBMAN and FATTAH presented to the Chair **SB 1159**, entitled:

An Act providing for the public funding of necessary medical procedures; prohibiting discrimination based on a choice to obtain or to advocate for contraceptives or abortion; protecting the liberty of conscience in abortion matters; and making repeals.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senators AFFLERBACH, GREENWOOD, SCHWARTZ, CORMAN, BORTNER, LEWIS, REIBMAN, JONES and FATTAH presented to the Chair **SB 1160**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing that the right to make personal reproductive decisions shall not be violated.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators GREENWOOD, SCHWARTZ, CORMAN, AFFLERBACH, FUMO, HOPPER, BORTNER, LEWIS, WILLIAMS, REIBMAN, JONES and FATTAH presented to the Chair **SB 1161**, entitled:

An Act requiring practitioners of the healing arts to disclose their prenatal diagnosis policy to patients; imposing civil penalties; and providing for private rights of action.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 10, 1991.

Senators JONES, BELAN, LEWIS, SCANLON, WILLIAMS, MUSTO, O'PAKE, SCHWARTZ, AFFLERBACH, DAWIDA, GREENWOOD, LYNCH, PORTERFIELD, REIBMAN and FATTAH presented to the Chair **SB 1162**, entitled:

An Act requiring the Department of Health to provide services to improve maternal, infant and family health.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senators LEWIS, MELLOW, SCANLON, MUSTO, STEWART, PORTERFIELD, REIBMAN and BELAN presented to the Chair **SB 1163**, entitled:

An Act authorizing the Department of Corrections to grant a license to the United States Park Service to erect and maintain certain radio telecommunications equipment on the land of the State Correctional Institution at Cresson, Cambria County.

Which was committed to the Committee on STATE GOVERNMENT, June 10, 1991.

Senators LEWIS, MELLOW, SCANLON, MUSTO, PORTERFIELD, O'PAKE, SCHWARTZ, REIBMAN, BELAN, PETERSON, FISHER and RHOADES presented to the Chair **SB 1164**, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), entitled "Pennsylvania Commission on Crime and Delinquency Law," further providing for powers and duties of the commission.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators LEWIS, FISHER, MELLOW, LAVALLE, SCANLON, MUSTO, BELAN and WENGER presented to the Chair **SB 1165**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for exceptions to the interception and disclosure of communications by inmates of correctional institutions.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators LEWIS, MELLOW, LAVALLE, SCANLON, MUSTO, REIBMAN, PORTERFIELD and BELAN presented to the Chair **SB 1166**, entitled:

An Act repealing various provisions of obsolete law relating to the Department of Corrections.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators LEWIS, MELLOW, SCANLON, MUSTO, BELAN, REIBMAN and PORTERFIELD presented to the Chair **SB 1167**, entitled:

An Act amending the act of June 19, 1913 (P. L. 528, No. 338), entitled "An act fixing the penalty for murder of the first degree;....," further providing for the procedures for the implementation of the death penalty.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators LEWIS, MELLOW, SCANLON, MUSTO and BELAN presented to the Chair **SB 1168**, entitled:

An Act amending the act of July 11, 1923 (P. L. 1044, No. 425), entitled, as amended, "Prisoner Transfer Law," further providing for transfers.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators LEWIS, MELLOW, SCANLON, MUSTO and BELAN presented to the Chair **SB 1169**, entitled:

An Act authorizing the Department of Corrections to enter into contracts with the Federal Government for the housing of Federal inmates in State and county correctional facilities.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senators DAWIDA, BELAN, STAPLETON, AFFLERBACH, SCHWARTZ, ANDREZESKI, LAVALLE, STOUT and RHOADES presented to the Chair **SB 1170**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring insurance companies to disclose certain data; providing for the review of rate filings and for compliance with requests for data and information; providing for a liability underwriting services plan and for a notice of intent to withdraw; and providing for penalties.

Which was committed to the Committee on BANKING AND INSURANCE, June 10, 1991.

Senators PETERSON, BAKER, STAPLETON, PUNT, HOPPER, HELFRICK, BRIGHTBILL, MADIGAN and ROBBINS presented to the Chair **SB 1171**, entitled:

An Act amending the act of July 10, 1990 (P. L. 352, No. 81), entitled "Health Care Practitioners Medicare Fee Control Act," providing exceptions to the prohibition of balance billing by health care practitioners.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 10, 1991.

Senators SCHWARTZ, JONES, AFFLERBACH, REIBMAN, GREENWOOD, LEWIS, FUMO, WILLIAMS, LINCOLN and BORTNER presented to the Chair **SB 1172**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing reporting requirements for abortions when pregnancies are initiated by acts of rape or incest.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senator GREENLEAF presented to the Chair **SB 1173**, entitled:

An Act designating the bridge on which Central Avenue crosses over the Tookany Creek in Cheltenham Township, Montgomery County, as the Edmund F. Drach Bridge.

Which was committed to the Committee on TRANSPORTATION, June 10, 1991.

Senators GREENWOOD, SCHWARTZ, CORMAN, AFFLERBACH, BORTNER, JONES, REIBMAN, LEWIS, HOPPER, WILLIAMS and FATTAH presented to the Chair **SB 1174**, entitled:

An Act to provide an appropriation from the General Fund to the Department of Public Welfare for the fiscal year July 1, 1991, to June 30, 1992, for family planning agencies.

Which was committed to the Committee on APPROPRIATIONS, June 10, 1991.

Senators CORMAN, GREENWOOD, SCHWARTZ, AFFLERBACH, BORTNER, HOPPER, LEWIS, WILLIAMS, REIBMAN, JONES and FATTAH presented to the Chair **SB 1175**, entitled:

An Act to provide an appropriation from the General Fund to the Department of Health for the fiscal year July 1, 1991, to June 30, 1992, for the Special Supplemental Food Service Programs for Women, Infants and Children.

Which was committed to the Committee on APPROPRIATIONS, June 10, 1991.

Senators REIBMAN, GREENWOOD, SCHWARTZ, CORMAN, AFFLERBACH, BORTNER, HOPPER, LEWIS, WILLIAMS, JONES and FATTAH presented to the Chair **SB 1176**, entitled:

An Act providing a supplemental appropriation for day-care services.

Which was committed to the Committee on APPROPRIATIONS, June 10, 1991.

Senators SCHWARTZ, GREENWOOD, CORMAN, AFFLERBACH, FUMO, BORTNER, LEWIS, WILLIAMS, FATTAH, JONES and REIBMAN presented to the Chair **SB 1177**, entitled:

An Act requiring municipal police to report to the Office of Attorney General actions taken to prevent and combat anti-abortion and contraception violence; and making an appropriation.

Which was committed to the Committee on JUDICIARY, June 10, 1991.

Senator GREENLEAF presented to the Chair **SB 1178**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for abandoned property held by financial institutions.

Which was committed to the Committee on BANKING AND INSURANCE, June 10, 1991.

Senators MUSTO, LEWIS, REIBMAN, BAKER, HOPPER, BELAN, MELLOW, O'PAKE, BODACK, SCHWARTZ, PORTERFIELD, AFFLERBACH and HART presented to the Chair **SB 1179**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for community service programs in senior high schools.

Which was committed to the Committee on EDUCATION, June 10, 1991.

Senators PUNT, LAVALLE, SHUMAKER, HOPPER, SHAFFER, MUSTO, BELAN, REIBMAN, GREENWOOD, BAKER, PECORA, TILGHMAN, STAPLETON, FISHER, SALVATORE AFFLERBACH and HART presented to the Chair **SB 1180**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing the Department of Military Affairs to the Department of Military and Veterans Affairs.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, June 10, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

June 10, 1991

### ENCOURAGING THE PLACING OF A TWO-YEAR MORATORIUM ON THE PRACTICE OF INSURANCE COMPANIES DENYING INDIVIDUALS INSURANCE COVERAGE DUE TO GENETIC ABNORMALITIES WHILE THE DEPARTMENT OF HEALTH CONDUCTS A STUDY RELATING TO GENETIC PREDISPOSITION

Senators DAWIDA, BELAN, JONES, LaVALLE, AFFLERBACH and STOUT offered the following resolution (**Senate Resolution No. 75**), which was read and referred to the Committee on Banking and Insurance:

In the Senate, June 10, 1991.

#### A RESOLUTION

Encouraging the placing of a two-year moratorium on the practice of insurance companies denying individuals insurance coverage due to genetic abnormalities while the Department of Health conducts a study relating to genetic predisposition.

WHEREAS, Insurance companies are beginning to deny insurance coverage to people with genetic abnormalities; and

WHEREAS, People with genetic abnormalities may not have any health problems due to the genetic defects; and

WHEREAS, The existence of genetic conditions should not be used as an excuse to deny people insurance coverage; and

WHEREAS, Fears of insurance problems have prompted many people at risk for certain inherited disorders to avoid tests that would show if they carry a gene defect; and

WHEREAS, There is ignorance about genetic conditions and little regard for carrier status; and

WHEREAS, New genetic discoveries are being made every day that may lead to the cure for many disorders; therefore be it

RESOLVED, That the Senate request the placing of a two-year moratorium on the practice of insurance companies denying individuals insurance coverage due to genetic abnormalities; and be it further

RESOLVED, That the Senate urge the Department of Health to conduct a study regarding genetic predisposition and the extent of genetic discrimination in the insurance industry and ways to prevent it.

### URGING THE JUVENILE COURT JUDGES' COMMISSION TO ADOPT STANDARDS GOVERNING DRUG OFFENSES

Senators BELAN, BODACK, REIBMAN, PECORA, MUSTO, O'PAKE, MELLOW, SALVATORE, LaVALLE, PORTERFIELD and AFFLERBACH offered the following resolution (**Senate Resolution No. 76**), which was read and referred to the Committee on Judiciary:

In the Senate, June 10, 1991.

#### A RESOLUTION

Urging the Juvenile Court Judges' Commission to adopt standards governing drug offenses.

WHEREAS, The Juvenile Court Judges' Commission has previously adopted standards involving sex offenses and driving under the influence of alcohol or controlled substances; and

WHEREAS, No standards have been adopted for drug offenses; therefore be it

RESOLVED, That the Senate urge the Juvenile Court Judges' Commission to adopt standards governing allegations of delinquency concerning drug offenses.

## GENERAL COMMUNICATION

### RESOLUTION OF THE STATE OF LOUISIANA

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

STATE OF LOUISIANA  
THE SENATE  
Office of the Secretary  
P. O. Box 44290  
Baton Rouge, Louisiana 70804

May 14, 1991

The Honorable Robert C. Jubelirer  
President Pro Tempore  
292 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

Enclosed please find a copy of Senate Concurrent Resolution No. 103 which I have been instructed to forward to you.

With kindest regards and best wishes I am

Yours very truly,  
MICHAEL S. BAER, III  
Secretary of the Senate

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### SENATE CONCURRENT RESOLUTION NO. 103

BY SENATOR NUNEZ

#### A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to adopt the president's proposal to extend "fast track" authority for another two years, to support the negotiation of a free trade agreement with Mexico, and to encourage the negotiation of a North American Free Trade Agreement.

WHEREAS, the authority of the president of the United States to negotiate trade agreements under "fast track" authority expires on June 19, 1991; and

WHEREAS, this "fast track" authority is simply a mechanism which allows the president to speed the approval of trade agreements as the Congress is restricted to an up-or-down vote, without amendments, on any agreement negotiated under this authority; and

WHEREAS, the Congress initially included the current version of the "fast track" authority for approval of trade agreements in the 1974 Trade Act and reenacted this authority in the 1988 trade legislation; and

WHEREAS, absent a resolution passed by the Congress to disapprove the "fast track" authority, the authority will be automatically extended for another two years until May 31, 1993; and

WHEREAS, "fast track" authority is essential for the good faith negotiation of a trade agreement with Mexico, and for a possible negotiation of a North American Free Trade Agreement between Mexico, Canada, and the United States.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes the Congress of the United States to vote against any resolution which has been proposed to disapprove of the "fast track" authority.

BE IT FURTHER RESOLVED that the Legislature of Louisiana supports the negotiation of a free trade agreement with Mexico, which would be sensitive to environmental issues, labor markets and conditions, competing industries, and regulatory issues.

BE IT FURTHER RESOLVED that the Legislature of Louisiana believes that a North American Free Trade Agreement between Mexico, Canada, and the United States would be in the best interest of all parties and therefore strongly urges that a dialogue be established to examine the potential for a trilateral negotiation to take place.

BE IT FURTHER RESOLVED that a duly attested copy of this Resolution be immediately transmitted to the president of the United States, to the secretary of the United States Senate, to the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the Congress of the United States, and to the presiding officer of each house of each state legislature in the United States.

SAMUEL B. NUNEZ, JR.  
President of the Senate

J. DIMOS  
Speaker of the  
House of Representatives

## REPORTS FROM COMMITTEES

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

#### HB 548 (Pr. No. 1934) (Amended) (Rereported)

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," increasing and decreasing certain appropriations to the Executive Department.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

#### SB 516 (Pr. No. 1323) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

#### SB 518 (Pr. No. 1324) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the registration of foreign court orders, responsibilities of local law enforcement agencies, hearing proceedings, preliminary arraignments and contempt; and providing for full faith and credit.

#### SB 1115 (Pr. No. 1236)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions.

#### SB 1118 (Pr. No. 1239)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the court regarding testamentary trusts; reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of

wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; providing for notice to beneficiaries and heirs; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights and limitations on rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; further providing for the execution, interpretation, effect, form, implementation and operation of powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; authorizing a bank or trust company to invest their fiduciary accounts in mutual funds which they service; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

#### **HB 23 (Pr. No. 165)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on thefts of leased property.

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bills:

#### **SB 1051 (Pr. No. 1162)**

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose" to include cave exploration.

#### **HB 795 (Pr. No. 1553)**

An Act providing for enhanced penalty authority for publicly owned treatment works which are authorized to enforce industrial pretreatment standards for industrial waste discharges.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

#### **SB 1034 (Pr. No. 1322) (Amended)**

An Act amending the act of April 27, 1905 (P. L. 312, No. 218), entitled "An act creating a Department of Health, and defining its powers and duties," further providing for the Secretary of Health; and making editorial changes.

#### **HB 344 (Pr. No. 1919) (Amended)**

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

#### **SB 950 (Pr. No. 1325) (Amended)**

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; further providing for acquisitions of the stock of a savings association; revising proxy rules; further providing for number and qualification of directors; and making repeals.

### **RESOLUTIONS REPORTED FROM COMMITTEE**

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following resolutions:

#### **SR 68 (Pr. No. 1227)**

A Resolution directing the Senate Environmental Resources and Energy Committee to monitor the Federal Clean Air Act Amendments of 1990 and urging the Governor to coordinate Clean Air Act programs in Pennsylvania.

#### **HR 106 (Pr. No. 1519)**

A Concurrent Resolution memorializing the Governor of the Commonwealth of Pennsylvania to invoke the duties and authority of section 125 of the Clean Air Act, if necessary, to prevent significant local or regional economic disruption or unemployment.

The PRESIDENT. The resolutions will be placed on the Calendar.

### **SPECIAL ORDER OF BUSINESS**

#### **ANNOUNCEMENTS BY THE SECRETARY**

The SECRETARY. Consent has been given for the following committee meetings during today's Session: The Committee on Banking and Insurance to reconsider the nomination of Sarah W. Hargrove to be Secretary of Banking and the Committee on Rules and Executive Nominations to consider certain nominations.

### **LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request temporary legislative leave for Senator Corman.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan and Senator Lewis and temporary Capitol leaves for Senator Fattah and Senator Williams.

The PRESIDENT. Senator Fisher requests temporary legislative leave for Senator Corman. Senator Mellow requests legislative leaves for Senator Belan and Senator Lewis and temporary Capitol leaves for Senator Fattah and Senator Williams. The Chair hears no objection. Those leaves will be granted.

## LEAVES OF ABSENCE

Senator FISHER asked and obtained leave of absence for Senator BELL, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

## CALENDAR

### FINAL PASSAGE CALENDAR

#### BILL OVER IN ORDER

**SB 916** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 3 (Pr. No. 1173)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; and providing penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### RHOADES AMENDMENT

Senator RHOADES, by unanimous consent, offered the following amendment No. A1208:

Amend Title, page 1, line 6, by inserting after "unconscious;": providing for pregnancy;

Amend Table of Contents, page 2, by inserting between lines 4 and 5: Section 14. Pregnancy.

Amend Table of Contents, page 2, line 5, by striking out "14" and inserting: 15

Amend Table of Contents, page 2, line 6, by striking out "15" and inserting: 16

Amend Bill, page 11, by inserting between lines 7 and 8: Section 14. Pregnancy.

(a) General rule.—Notwithstanding the existence of a declaration or direction to the contrary, life-sustaining treatment, nutrition and hydration must be provided to a pregnant woman who is incompetent and has a terminal condition or who is permanently unconscious unless, to a reasonable degree of medical certainty as certified on the patient's medical record by the attending physician and an obstetrician who has examined the patient, life-sustaining treatment, nutrition and hydration:

(1) will not maintain the pregnant woman in such a way as to permit the continuing development and live birth of the unborn child;

(2) will be physically harmful to the pregnant woman;

or

(3) would cause pain to the pregnant woman which cannot be alleviated by medication.

(b) Pregnancy test.—Nothing in this section shall require a physician to perform a pregnancy test unless the physician has reason to believe that the woman may be pregnant.

Amend Sec. 14, page 11, line 8, by striking out "14" and inserting: 15

Amend Sec. 15, page 11, line 24, by striking out "15" and inserting: 16

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. This amendment, in essence, sustains the living will unless the following conditions are met: the patient is incompetent; the patient has a terminal condition in an advanced state or is permanently unconscious; the patient has been diagnosed as pregnant; the attending physician and an obstetrician have certified that life-sustaining treatment, nutrition and hydration will maintain the pregnant woman in such a way as to permit the continuing development and live birth of the unborn child; and the continuation of life-sustaining treatment will not cause physical harm to the woman or cause pain which cannot be alleviated by medication. I would note that 32 states with living will legislation have rendered the living will declaration of pregnant patients unenforceable during the course of pregnancy, and this amendment carries forth in policy and statute that which is in practice in the Commonwealth today.

The PRESIDENT. At this point the Chair would interrupt the proceedings for the purpose of an introduction. Senator LaValle has guests in the gallery who we understand are on a time schedule. The Chair recognizes the gentleman from Beaver County, Senator LaValle.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR GERALD J. LaVALLE PRESENTED TO SENATE

Senator LaVALLE. Mr. President, seated in the gallery with us today is Jennifer Burke of Chippewa Township who recently won the Beaver County Young Woman of the Year competition sponsored by the Beaver Area Jaycees. Jennifer will be a senior at Blackhawk High School next year, and she is in Harrisburg this week to observe a Session of the State Senate as part of a legislative internship she is completing with my office. Jennifer is joined in the gallery by her mother, Betty Burke, and sister Christina. At this time I would ask that the Senate join with me in congratulating Jennifer on being named the 1991 Beaver County Young Woman of the Year in addition to welcoming the Burke family to the Senate of Pennsylvania.

The PRESIDENT. Would the Burke family please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

#### GUESTS OF SENATOR EDWIN G. HOLL PRESENTED TO SENATE

Senator HOLL. Mr. President, I am pleased to present to the Senate of Pennsylvania Brandon Geist who is in the gallery. He is a first place winner in the secondary division of the Tenth Annual Library First Amendment Essay Contest which was sponsored by the Pennsylvania Citizens for Better Libraries and representing Montgomery County, Norristown

Public Library. Brandon is the son of Mr. and Mrs. Alan Geist and is a seventh grade home schooled student. The topic of his essay on libraries is "Guarantors Of Our First Freedom: The Freedom To Seek Truth," which describes the library as an important site in his quest for truth. He is accompanied by his family and officers of the library, Montgomery County, Norristown Public Library Association. May I request the Senate extend its usual warm welcome to this young man and his family and guests.

The PRESIDENT. Would Brandon and his family and all of his associates who are with him please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

And the question recurring,

Will the Senate agree to the amendment?

#### GREENWOOD AMENDMENT A1287 TO RHOADES AMENDMENT A1208

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A1287 to Rhoades Amendment A1208:

Amend Amendments, page 1, lines 1 through 31; page 2, lines 1 through 7, by striking out all of said lines on said pages and inserting:

Amend Sec. 4, page 7, by inserting between lines 1 and 2

(e) Pregnancy.—A declaration may contain the following provision:

If I have been diagnosed as pregnant and that diagnosis is known to my attending physician, (choose one):

( ) I direct that this declaration shall have no force and effect during the course of the pregnancy.

( ) I direct that this declaration be carried out.

( ) I hereby delegate to  
who is designated below as my surrogate, the authority to decide whether this declaration should be carried out during the course of my pregnancy.

On the question,

Will the Senate agree to the amendment to the amendment?

Senator GREENWOOD. Mr. President, the bill before us provides living will legislation which we all want, I think, and we have been waiting a long time to have. The bill, unamended, is essentially silent on the issue of what happens to a woman who happens to be pregnant at the time of her mortal injury or fatal illness. The Rhoades amendment would alter the bill in such a way that all women in Pennsylvania, whether or not they have drafted a living will, will, if they happen to be pregnant at the time of their impending death, be denied the opportunity to die as they might choose. The Rhoades amendment would require for all women, regardless of their feelings on the matter, that they must be at all costs kept alive artificially. The amendment that I offer strikes a compromise, I think, between the notion that all pregnant women would be able to avail themselves of the opportunity to die and the Rhoades amendment that says that none would. This amendment creates a provision in which the declaration may have a provision that says, and I will quote, "If I have been diagnosed as pregnant and that diagnosis is known to my

attending physician...." then I may choose, first, "I direct that this declaration shall have no force and effect during the course of the pregnancy...." So for those women who choose to abandon the concept of a living will if pregnant, they can so note, and that is how it would be. Secondly, they can direct that the declaration be carried out, but it would be carried out only on the condition that the pregnancy has been determined to be viable.

#### AMENDMENT WITHDRAWN

Senator GREENWOOD. Mr. President, I apparently have submitted the incorrect amendment. I intended to submit amendment A1288.

The PRESIDENT. Without objection, we will withdraw the present amendment and read the correct amendment and proceed in that order.

#### GREENWOOD AMENDMENT A1288 TO RHOADES AMENDMENT A1208

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A1288 to Rhoades Amendment A1208:

Amend Amendments, page 1, lines 1 through 31; page 2, lines 1 through 7, by striking out all of said lines on said pages and inserting

Amend Sec. 4, page 7, by inserting between lines 1 and 2

(e) Pregnancy.—A declaration may contain the following provision:

If I have been diagnosed as pregnant and that diagnosis is known to my attending physician and the fetus is viable, this declaration shall have no force and effect during the course of the remainder of my pregnancy. If the fetus is not viable, (choose one):

( ) I direct that this declaration shall have no force and effect during the course of the pregnancy.

( ) I direct that this declaration be carried out.

( ) I hereby delegate to  
who is designated as my surrogate, the authority to decide whether this declaration should be carried out during the course of my pregnancy.

On the question,

Will the Senate agree to the amendment to the amendment?

Senator GREENWOOD. Mr. President, that explains my increasing nervousness as I read my own amendment.

The difference being this: The amendment that I meant to offer and is now before us allows the declaration to read as follows: "If I have been diagnosed as pregnant and that diagnosis is known to my attending physician and the fetus is viable, this declaration shall have no force and effect during the course of the remainder of my pregnancy." What we are saying is that in the case of a viable pregnancy, we are going along with the Rhoades concept that, in fact, living will or no living will, the patient would be kept alive, if possible, to promote the birth of that fetus. However, if the pregnancy is pre-viable earlier in the pregnancy, then again the woman can choose. Again, the declaration will have no force if she is pregnant at all and she wants to be maintained alive. But she can also choose, if this is in the early stage of pregnancy, that



her declaration be carried out and that she be permitted to pass away, or she could designate the decision to a surrogate. That is what the amendment does.

Mr. President, usually when we debate in this Chamber we are not discussing life and death issues. Today we are. But this is really not about whether or not people die. The issue before us is about how they die. For all of human history people have suffered traumatic injuries and fatal illnesses. It is a part of life. For all of that time these fatal illnesses and traumatic injuries have hastened their passing, and this has been so for pregnant women, whether their pregnancy was obvious or not. It has only been in the relative instance of recent time, the past couple of decades, that man has, with his pumps and his wires and his drugs, been able to prolong this period of dying long after the patient has lost consciousness, brain function or any of the other functions we consider central to our definition of human life. The living will legislation before us recognizes that increasing numbers of people are more comfortable with the more natural approach to death. They want to be able, while they are alert, to direct whatever physicians may attend to them in the future that they wish not to have the shell of their body artificially pumped and wired alive indefinitely, but they would rather at that time leave their fate as their ancestors did for thousands of years, in, if you will, the hands of God. That is really the question before us with this amendment. The question is, do we allow women in the early stages of pregnancy, and only in the early stages of pregnancy, the same opportunity we are now trying to avail to all Pennsylvanians, and that is to place their fate in the hands of God? I think that intimate, personal, if you will, sacred matter is best left to the individual and not to the Pennsylvania Legislature. I would urge adoption of the amendment.

The PRESIDENT. For the information of the Members of the Senate, the amendment we are dealing with is the Greenwood amendment to the Rhoades amendment. The amendment number is A1288.

Senator SCHWARTZ. Mr. President, actually I would like to speak on the Greenwood amendment and also to speak briefly on the Rhoades amendment as well and, basically, to say that I think, as we all know, I understand we all do agree on the concept of the living will legislation. I assume that my colleagues know every state but two have passed living will legislation. They are Pennsylvania and Nebraska. The New Jersey legislature voted on their living will legislation just yesterday and, in fact, passed it without conceding to any of the amendments that the Catholic Conference pushed just as hard in New Jersey as they are pushing in Pennsylvania. They chose, I believe very reasonably and respectfully, to reject those amendments and to proceed with the real concept of the living will and pass a clean bill. Let me first say that would be my preference, to pass this legislation without these amendments, to speak to the issue that the living will really does speak to, which is people with terminal illnesses, elderly people who want to make their own personal decisions about how they wish to die. What has happened here is we have gotten an interjection of an issue that is really not an issue

here. I speak to it, in fact, with some reluctance because I think it is inappropriate for us to be dealing with any of these amendments or any of this pressure from the Catholic Conference to be concerned about young women who most likely will not have living wills and are really most unlikely to be in this situation at all.

What the Rhoades amendment in particular does is it says in this particularly critical situation that we, you and I, know best for this family, that the woman's choice, her husband's choice, her parents' choice, her relatives' choice has nothing to do with what will happen to her. In fact, you and I, not knowing what the situation will be, why she is comatose, how far along she is in her pregnancy, how much she might have wanted that pregnancy or not, are making that decision now, without knowing any of the specifics, that she must be kept alive. If you vote for the Rhoades amendment, that is what you are saying. If the daughter of the person in the next chair is comatose and pregnant and an entire family says we do not want her kept alive, it is too bad, that we are going to make that decision now. I think it is wrong and it is inappropriate and it is unreasonable.

Let me say on the Greenwood amendment that it is to the degree that we concede we are willing to deal with this issue of the possibility of pregnancy. It gives, at least, the woman and her family a chance to have their opinions known and exercised, at least pre-viability. If you feel we must have an amendment, I would encourage you to vote for the Greenwood amendment. But to treat pregnant women differently and to say they have fewer rights than all other Pennsylvania citizens is wrong, and we should not concede to it. I ask you to be as brave as our colleagues in New Jersey and to vote for clean living will legislation and not to pretend that you know better for your fellow citizen, because you may not. I ask you to look at today's newspaper about New Jersey and to try to be as brave and to respect the rights of an individual woman, her family and to leave the living will legislation intact, if we can, so we really do what we need to do in living will, and that is pass a clean bill that will make it possible for Pennsylvania citizens to die with dignity.

Senator AFFLERBACH. Mr. President, I too rise in support of the amendment of the gentleman from Bucks, Senator Greenwood, to the Rhoades amendment, and I do so for several reasons. First of all, the Greenwood amendment pretty much tracks the concept of the New Jersey bill which was approved just yesterday in that it encourages the pregnant patient to, in fact, consider in advance the condition of pregnancy and what direction she would want the medical professionals to take should she become a patient under the circumstances of this bill. But beyond that, as I look at the Rhoades amendment, the gentleman, in his genuine earnest to address the goal that he seeks, has, I am afraid, automatically crafted some far-reaching and potentially very harmful circumstances within his amendment. For example, under present law death is defined in one of three ways: A cessation of the circulatory system, the heart beat; a cessation of the brain stem activity; or a cessation of the respiratory system. The gentleman's lan-

guage in the Rhoades amendment would, in fact, by a de facto sense, reestablish death as the cessation of cellular activity because his amendment provides that we shall make every effort to maintain that woman's body as long as cellular activity continues and as long as there is a chance for that cellular activity to reproduce and to, indeed, produce a viable fetus. In order to do that the gentleman includes a provision that would, again in his earnestness to spare unnecessary suffering to the patient, provide for the administration of medication to relieve that pain and suffering, a very noble and valuable effort. But what does that really mean? What it means is this General Assembly by adoption of the Rhoades amendment without the Greenwood amendment would, in fact, be sanctioning the use of drugs, of heavy medication, in a very gallant effort to do away with pain and suffering but without course as to what that medication's effect would be upon cellular regeneration and the development of a fetus. Every doctor who has worked in this field in this country knows that medication during pregnancy is a very risky prospect at best, and particularly so if the medication is of a significant and severe dosage to eliminate pain. I suggest to you that what the Rhoades amendment does in its face value is sanctions the use of this medication to such an extent that we may find that cellular activity occurs and cellular regeneration occurs and fetal development may occur, but of what kind? Of a severely handicapped nature, of a severely mutated nature? Then, what becomes the decision once this is discovered somewhere down the path?

Mr. President, I suggest that the Rhoades amendment, in all of its well-meaningness, creates a genuine Orwellian situation of humanoid incubators. I do not believe that is what the gentleman intends. I certainly do not believe that is what this Legislature would intend to do and I urge adoption of the Greenwood amendment for that reason. It does away with that kind of a scenario and yet it encourages the pregnant patient to, in fact, consider her condition of pregnancy before getting into the situation of a terminal nature. Again, I ask support of the Greenwood amendment.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fattah. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

Senator HART. Mr. President, I think it is important for us to note today that the debate is taking an odd course. According to many Supreme Court cases, the state does have an interest in preservation, a legitimate right to protect the unborn child. The issue here is involved in a right to die, the purpose of our promoting a living will, and I think it is fair to agree that nearly everyone in the Senate of Pennsylvania is interested in passing a living will bill. I stand in support of the Rhoades amendment as it is, without the Greenwood amendment. I think it is important for us to consider that the woman's life in this situation is not going to continue and that

it is important for us to realize that there is another life to consider in the situation. It would not be right or proper for us to, by law, force the physician to terminate the life of a child which may be sustained, even though it may not yet be viable. Many cases have shown that though a fetus is not viable at the point where the woman becomes incompetent or comatose, that if her life is sustained a child could fully develop. I think it is important for us as Legislators to realize that the protection of that life should go above and beyond any question as to a right of her to choose at this point.

Of the 44 states in the Union that have living will bills, 32 states prevent the living will from being activated if a woman is pregnant, so this has been considered by many other legislatures in the United States. I think it is important for us to take that into consideration as well.

Senator BORTNER. Mr. President, the legislation that is before us today, I believe, is probably one of the most important issues that has come to me as a Legislator. I have received a great deal of input on it, a lot of mail, much of it from senior citizens, but a lot of it from just other concerned people who, in many cases, I do not believe take a large role or large interest in political issues. It certainly deals with one of the most personal decisions we may ever have to make concerning ourselves or family members. We are dealing with really the very quality of life itself. I also realize, in speaking to this amendment, it is unlikely that I will probably change any votes. I have been through some of these debates as a House Member and I suspect the positions of Senators are not much different than those of House Members in terms of the way they view these issues. I respect people with opposing points of view on the abortion issue and I would like to say that I think it is one of the most difficult issues that comes to us as Legislators. For some people it is a religious issue; for some it becomes a moral issue. I personally find it a very difficult decision. I do not think this issue today is about abortion. I do not think it should be, but, unfortunately, it is being injected into this issue through the Rhoades amendment. What the Rhoades amendment says is that, "...life-sustaining treatment, nutrition and hydration must be provided to a pregnant woman who is incompetent and has a terminal condition or who is permanently unconscious...." What that means to a family is, that no matter what your personal wishes are, no matter what situation you may find a spouse or another family member in, no matter what that person's own views are, either having been expressed to the family or through a living will, those wishes are not going to be respected. I think that is wrong and I think it is a mistake for us to attach that kind of language to this issue. The amendment that is immediately before us, the Greenwood amendment, is slightly better, a slight improvement, although my own views would tell me that we should leave this issue alone. At least the Greenwood amendment is pegged to viability and, however we feel about that, or however we choose to define that, or however the medical community does, that has some legal significance, because that is what the Supreme Court has pegged their decision in *Roe v. Wade* to. The irony of the Rhoades amendment

is that a woman who was three or four months pregnant, were she alive, could have an abortion, if that is what she chose. The law guarantees that right to her. This amendment would say that if you become comatose, if you become incompetent, you actually are losing or giving up a right that you would have were you still alive. I do not know that is an intended result, but it is certainly a result of this language. I understand the intentions of the supporters of this issue, but I would hope they would consider the message that is being sent out. I think it is a very clear message. I think it is one that is very demeaning to women. I think it is a message that says, you are a baby machine. I think it is a message that says, you are an incubator. And it says we are going to ignore your personal views on what I think is one of the most personal aspects of your life. I not only think that is wrong, I think it is outrageous. This decision belongs, I believe, with families. I am a parent; I am a father; I am a husband. I would want to make that decision for my family. I believe we ought to trust the families of Pennsylvania to make this most personal decision. If you feel inclined to support an amendment in this area, I hope it would be the Greenwood amendment, which I believe at least is somewhat congruous with the present law of abortion in Pennsylvania. The Rhoades amendment sends the wrong message, the wrong message to women, I think the wrong message to families. I hope we would defeat it.

Senator HELFRICK. Mr. President, I rise in support of the Rhoades amendment and in defeat of the Greenwood amendment. Just today I read an editorial in the Harrisburg Patriot that said, "State living-will law past due." I agree with that. A good living will law is long past due and with the Rhoades amendment I would support that. What bothers me most in that editorial, if you read on down in the editorial it says, "Medical science has for years been able to keep alive people who should be dead." Since when do we have that determination to decide who should be dead? Medical science has a right to keep people alive as long as they can, but to determine that they should be dead, I cannot agree with that. In this particular legislation, without the Rhoades amendment, that is just what we are doing. We are condemning an innocent child to death. I agree with the living will, the theory of it, but the living will is not the living will of that child. It is the living will of the mother. I do not think any father, any husband or any grandparent should be deprived of an innocent child who is entirely innocent. I do not think at any point in the history of this Senate we, as Senators or we as human beings, should say people should be dead.

Senator BRIGHTBILL. Mr. President, I have been studying these two amendments and I have been trying to think through my rationale for my past votes on this subject matter and applying it to the instant question. The votes that I have taken in the past on this subject reflect the following: Basically, during the first trimester, a woman should have the choice as to what happens to her pregnancy, and my belief has been that, basically, is because she is the person who is in the front line of the results of that choice. Whichever choice she makes, whether to have a baby or not to have a baby, is a

choice she has to live with for the rest of her life and my belief is that she should make that choice, not the government.

As I take what I think to be my basic rationale and I apply it to the instant question, I find myself with a different result. The different result comes from the fact that now we have a woman who, by definition under the Rhoades amendment, is incapable of making a choice and is either incompetent and has a terminal condition or is permanently unconscious. This delicate choice that has to be made can no longer be made by this woman. The results of that choice must be borne not by her, but by her family. I listened to the speaker from York and he made reference to the fact that this is a family decision, and I understand that, but I also looked at the so-called Greenwood amendment and I find that there is a block that can be checked that says, "I direct that this declaration be carried out." My understanding is if a woman checks that block that directs that this declaration be carried out, then no matter what the purpose of the husband or the father would be, no matter how the grandparents, potentially all four, would feel about this pregnancy and about this child surviving, the law would then dictate that the child not have its chance. I think we are mixing concepts. I believe that the strong emotions that are felt on this particular issue, while they are real, are perhaps a little bit misdirected. I am going to suggest, Mr. President, that it is indeed appropriate in this rare instance that the government make the choice and that the law dictate under these narrow conditions that the pregnancy rule be adopted as set forth in the Rhoades amendment.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

The yeas and nays were required by Senator GREENWOOD and were as follows, viz:

#### YEAS—17

Afflerbach	Fumo	Hopper	Lewis
Baker	Greenleaf	Jones	Reibman
Bortner	Greenwood	Jubelirer	Schwartz
Corman	Holl	Lemmond	Tilghman
Fattah			

#### NAYS—30

Andrezeski	LaValle	Peterson	Shaffer
Armstrong	Lincoln	Porterfield	Shumaker
Belan	Loeper	Punt	Stapleton
Bodack	Madigan	Rhoades	Stewart
Brightbill	Mellow	Robbins	Stout
Fisher	Musto	Salvatore	Wenger
Hart	O'Pake	Scanlon	Williams
Helfrick	Pecora		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to Rhoades Amendment A1208?

The yeas and nays were required by Senator RHOADES and were as follows, viz:

#### YEAS—32

Andrezeski	Helfrick	O'Pake	Scanlon
Armstrong	Holl	Pecora	Shaffer
Baker	LaValle	Peterson	Shumaker
Belan	Lincoln	Porterfield	Stapleton
Bodack	Loeper	Punt	Stewart
Brightbill	Madigan	Rhoades	Stout
Fisher	Mellow	Robbins	Wenger
Hart	Musto	Salvatore	Williams

## NAYS—15

Afflerbach	Fumo	Jones	Reibman
Bortner	Greenleaf	Jubelirer	Schwartz
Corman	Greenwood	Lemmond	Tilghman
Fattah	Hopper	Lewis	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

## AFFLERBACH AMENDMENT

Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A0934:

Amend Table of Contents, page 2, by inserting between lines 5 and 6: Section 15. Severability.

Amend Table of Contents, page 2, line 6, by striking out "15" and inserting: 16

Amend Bill, page 11, by inserting between lines 23 and 24:

Section 15. Severability.

The provisions of this act are severable, and, if any word, phrase, clause, sentence, section or provision of the act is for any reason held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional word, phrase, clause, sentence, section or provision thereof not been included herein.

Amend Sec. 15, page 11, line 24, by striking out "15" and inserting: 16

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator AFFLERBACH.

## BILL LAID ON THE TABLE

**HB 14 (Pr. No. 1466)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the arrest and detention of persons wanted in other counties; and further providing for sentencing and for intermediate punishment.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

## RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room,

with an expectation of returning to the floor at approximately 3:30 p.m.

Senator MELLOW. Mr. President, I, likewise, would request the Democrat Members to report immediately to our caucus room so we may conclude our business and be on the floor at 3:30 p.m.

The PRESIDENT. For purposes of Democratic and Republican caucuses to begin immediately, the Senate will stand in recess.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## THIRD CONSIDERATION CALENDAR RESUMED

## BILL OVER IN ORDER TEMPORARILY

**SB 431** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

## BILL OVER IN ORDER

**SB 552** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 583 (Pr. No. 1319)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**LEGISLATIVE LEAVES**

Senator LOEPER. Mr. President, I would request temporary Capitol leaves on behalf of Senator Rhoades, Senator Brightbill and Senator Greenwood.

Senator STEWART. Mr. President, we request temporary Capitol leaves for Senator Fumo and Senator Mellow.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Rhoades, Senator Brightbill and Senator Greenwood. Senator Stewart requests temporary Capitol leaves for Senator Fumo and Senator Mellow. The Chair hears no objections to those leave requests and those leaves will be granted.

**THIRD CONSIDERATION CALENDAR RESUMED****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 801 (Pr. No. 1320)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing certain immunity to individuals and organizations dealing with juveniles and for volunteer medical professional civil immunity.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—48**

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Corman. His temporary legislative leave will be cancelled.

**THIRD CONSIDERATION CALENDAR RESUMED****BILLS OVER IN ORDER**

**SB 894 and 895** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR****BILL ON SECOND CONSIDERATION**

**SB 93 (Pr. No. 93)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the identification of lessees of motor vehicles.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILLS OVER IN ORDER**

**HB 146, 171, SB 189 and 347** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILLS ON SECOND CONSIDERATION**

**SB 451 (Pr. No. 478)** — The Senate proceeded to consideration of the bill, entitled:

An Act dedicating a section of Interstate Highway 279 within the City of Pittsburgh to the residents whose removal permitted its construction.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 485 (Pr. No. 514)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILLS OVER IN ORDER**

**SB 559, 851 and 872** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILLS ON SECOND CONSIDERATION**

**SB 877 (Pr. No. 946)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing handicapped and disabled veteran plates for motorcycles.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 881 (Pr. No. 1259)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding a definition of "motorized wheelchair"; and further providing for the definition of "motor vehicle" and for driving upon sidewalk.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 985** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SB 431 CALLED UP

**SB 431 (Pr. No. 1042)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 431 (Pr. No. 1042)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for visitation rights and partial custody.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator PECORA, by unanimous consent, offered the following amendment No. A1124:

Amend Sec. 1 (Sec. 5311), page 2, lines 4 through 24, by striking out all of said lines and inserting:

[If a parent of an unmarried child is deceased, the parents or grandparents of the deceased parent] (a) General rule.—Grandparents or great-grandparents may be granted reasonable partial custody or visitation rights, or both, to [the] an unmarried child by the court upon a finding that partial custody or visitation rights, or both, would be in the best interest of the child and would not interfere with the parent-child relationship[. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.] and one or more of the following conditions apply:

(1) The parents are not currently cohabitating on a permanent or an indefinite basis.

(2) One of the parents has been absent from the marital abode for more than one month without the spouse knowing his or her whereabouts.

(3) One of the parents is deceased.

(4) One of the parents joins in the petition with the grandparents or great-grandparents.

(b) Personal contact.—In making a determination of partial custody or visitation, the court shall consider the amount of personal contact between the grandparents or great-grandparents and the child prior to the application.

(c) Expedited resolution of petition.—The court shall establish a procedure for early, expedited and meaningful resolution of petitions for visitation rights or partial custody filed by grandparents or great-grandparents.

(d) Interference prohibited.—A parent shall not interfere with visitation rights or partial custody granted by the court to grandparents or great-grandparents.

(e) Modification of order.—Whenever it is in the best interest of the unmarried child, the court may modify an order granting or denying visitation rights or partial custody to the grandparents or great-grandparents.

Amend Sec. 3 (Sec. 5314), page 2, line 27, by inserting a bracket before "§ 5314."

Amend Sec. 3 (Sec. 5314), page 2, line 28, by striking out the bracket before "Sections"

Amend Sec. 3 (Sec. 5314), page 3, lines 1 and 2, by striking out ""] Section 5311 (relating to grandparents and great-grandparents)"

Amend Sec. 3 (Sec. 5314), page 3, line 5, by inserting a bracket after "adoption." and inserting immediately thereafter:

§ 5314. Exceptions.

(a) Circumstances enumerated.—Section 5311 (relating to grandparents and great-grandparents) shall not apply in any one or more of the following circumstances:

(1) The paternity of the putative father has not been legally established and the putative father's parents or grandparents are the petitioners.

(2) Legal custody has been voluntarily surrendered by the parent or parents, except for a surrender to a county children and youth agency or child protective services agency.

(3) The unmarried child who is the subject of the grandparents' or great-grandparents' petition has been previously adopted by an individual or individuals not related to the biological grandparents or great-grandparents of the child, or the unmarried child is the subject of a pending adoption petition by an individual or individuals not related to the biological grandparents or great-grandparents of the child.

(4) The parent with primary physical custody of the unmarried child is the son, daughter, grandson or granddaughter of the petitioner, unless the court finds, after a hearing, that the child's best interests will be served by granting visitation rights or partial custody to the grandparents or great-grandparents.

(b) Termination of rights upon adoption.—Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator BORTNER, by unanimous consent, offered the following amendment No. A1022:

Amend Title, page 1, line 2, by inserting after "for": paternity and for

Amend Sec. 1, page 1, line 6, by inserting after "Sections": 4343(c),

Amend Sec. 1, page 1, by inserting between lines 7 and 8:

§ 4343. Paternity. \*\*\*

(c) Genetic tests.—

(1) Upon the request of any party to an action to establish paternity, the court shall require the child and the parties to submit to genetic tests.

(2) Genetic test results shall be considered prima facie evidence of paternity if the testing is generally accepted by the scientific community and is sufficiently extensive to reliably exclude 98% of alleged fathers who are not biological fathers and the statistical probability of the alleged father's paternity is at least 98%.



(3) To ensure the integrity of the specimen and that the proper chain of custody has been maintained, the genetic tests of the biological mother, the child or children in question and the alleged father should be conducted by an established genetic-testing laboratory in the course of its regularly conducted business activity, and certified records should be issued. The laboratory must be certified by either the American Association of Blood Banks or the American Association for Histocompatibility and Immunogenetics.

(4) A fee for performing genetic tests may be imposed on any individual who is not a recipient of public assistance. The amount of the fee will be in accordance with applicable Federal regulation.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BORTNER.

### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would ask that Senator Corman be placed on temporary Capitol leave as he has been called to his office.

The PRESIDENT. Senator Loeper asks temporary Capitol leave for Senator Corman. The Chair hears no objection. The leave will be granted.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR PREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 548 (Pr. No. 1934)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1990 (P. L. , No. 7A), known as the "General Appropriation Act of 1990," increasing and decreasing certain appropriations to the Executive Department.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STEWART. Mr. President, for the information of the Members of our caucus, this is the supplemental appropriations bill and we would urge an affirmative vote.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Williams. His temporary Capitol leave will be cancelled.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations to convene immediately in the Rules room at the rear of the Senate Chamber, then to be followed by a meeting of the Committee on Banking and Insurance, a very brief one, in the Rules room at the rear of the Senate Chamber, and then we can come back and commence with our business.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to begin immediately, to be followed by a meeting of the Committee on Banking and Insurance at the rear of the Senate Chamber, the Senate will stand in brief recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nomination, made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:



## SECRETARY OF CORRECTIONS

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Joseph D. Lehman, 3509 Raintree Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Corrections, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

## NOMINATION LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nomination just read by the Clerk be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING**

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 11, 1991 for the reappointment of Ruth M. Tucker, 2225 Lloyd Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
CLARKS SUMMIT STATE HOSPITAL**

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 11, 1991 for the appointment of Charles M. LeStrange, 1116 Richmond Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Arthur W. Brown, Scranton, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF DENTISTRY**

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 1, 1991 for the appointment of Dr. Edward D. Williams, 500 Willow Grove Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin F. Weaver, III, D.D.S., Hershey, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
HISTORICAL AND MUSEUM COMMISSION**

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 13, 1991 for the reappointment of William F. Heefner, Esquire, 555 Old Bethlehem Road, Perkasee 18944, Bucks County, Tenth Senatorial District, as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY**

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 26, 1991 for the appointment of James P. Blaum, Esquire, 54 Pierce Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 11, 1991 for the reappointment of Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the reappointment of John A. Abom (Republican), 2708 Street Road, Box 130, Warrington 18976, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the appointment of Melissa V. Bond (Democrat), 53 Pueblo Road, New Britain 18901, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the reappointment of Shirley R. Hart (Democrat), R. D. 3, Box 7A, New Hope 18938, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1992, until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY  
BOARD OF ASSISTANCE

June 11, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 1991 for the appointment of Loretta Rector (Democrat), 224 Taylorsville Road, Yardley 19067, Bucks County, Tenth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1993, until her successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF  
AUCTIONEER EXAMINERS

April 30, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank A. Itgen, Jr. (Public Member), 210 Ladbroke Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CHEYNEY UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gayle Hawkins Bush, 5111 Dakota Street, Philadelphia 19130, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Audrey S. Pittman, Philadelphia, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

February 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael Mokotoff, Ph.D., 1256 Arrowood Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Thomas, 207 Olympia Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Diane Zilinskas, Pittsburgh, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

February 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne N. Greene, 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA HISTORICAL  
AND MUSEUM COMMISSION**

February 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anna O. Rotz, P. O. Box 101, Fort Loudon 17224, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Roy B. Clair, 40 East Third Avenue, Lititz 17543, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Mabel B. Kreider, Peach Bottom, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Harris, 6113 Charing Cross, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William H. Bolger, Hershey, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles W. Hash, Sr., 1915 Stonegate Road, York 17404, York County, Twenty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Carol G. Pritchett, York, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SHIPPENSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

February 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Floyd M. Mains, 45 Montgomery Avenue, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PHILADELPHIA COUNTY  
BOARD OF ASSISTANCE**

February 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Audrey Pittman (Democrat), 1227 South 61st Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Joseph Toner, III, Philadelphia, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—48**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart

Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

March 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George M. Miller (District 3), R. D. 1, Box 986, Brockway 15824, Jefferson County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

**LEGISLATIVE LEAVES**

Senator LOEPER. Mr. President, Senator Shaffer and Senator Baker have been called to their offices and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper asks for temporary Capitol leaves for Senator Shaffer and Senator Baker. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—48**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

**NAYS—0**

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### MEMBER OF THE PENNSYLVANIA GAME COMMISSION

March 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Holman (District 5), R. D. 1, Box 256, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1993, vice Donald R. Craul, Lewisburg, terminated.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—0

NAYS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### DISTRICT JUSTICE

February 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ernest J. D'Achille, 1413 White Oak Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-2-06, to serve until the first Monday of January, 1992, vice Rinald J. Secola, mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—42

Afflerbach	Fumo	Madigan	Salvatore
Andrezeski	Greenleaf	Mellow	Scanlon
Armstrong	Greenwood	Musto	Schwartz
Baker	Helfrick	O'Pake	Shaffer
Belan	Hopper	Peterson	Shumaker
Bodack	Jones	Porterfield	Stapleton
Bortner	LaValle	Punt	Stewart
Brightbill	Lemmond	Reibman	Stout
Corman	Lewis	Rhoades	Wenger
Dawida	Lincoln	Robbins	Williams
Fattah	Loeper		

NAYS—6

Fisher	Holl	Pecora	Tilghman
Hart	Jubelirer		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### UNFINISHED BUSINESS

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to John Walson, Sr. and to the Coplay 26ers by Senator Afflerbach.

Congratulations of the Senate were extended to Reverend and Mrs. Woodrow Kern, Mr. and Mrs. John A. Geltz, Mr. and Mrs. Howard R. Grumbrecht, Sr., Mr. and Mrs. Alton L. Gable, Mr. and Mrs. John Buller, Mr. and Mrs. Benjamin G. Mellinger and to Boehm's Chapel Society of Willow Street by Senator Armstrong.

Congratulations of the Senate were extended to Charles E. Miller by Senators Bell and Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Clyde Resides and to Mr. and Mrs. Everett McLaughlin by Senator Corman.

Congratulations of the Senate were extended to April Marisa Rosenblum by Senator Fattah.

Congratulations of the Senate were extended to Dr. Wesley W. Posvar by Senator Fisher and others.

Congratulations of the Senate were extended to Arnold Jay Silvers by Senator Fumo.

Congratulations of the Senate were extended to Millard Hensel by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Harold C. Craver, Mr. and Mrs. Woodrow Fenstermacher, Mr. and Mrs. Lester Tobias, Mr. and Mrs.

Robert Keithan, Mr. and Mrs. George B. Klingman, Mr. and Mrs. Charles McKee, Sr., Mr. and Mrs. Harry McCarty, Mr. and Mrs. Andrew Dombroski, Brian Voelcker, citizens of the Borough of Centralia, Saints Peter and Paul Ukrainian Greek Catholic Church of Mount Carmel and to the Polka Family Band of Catawissa by Senator Helfrick.

Congratulations of the Senate were extended to Michelle R. Kratz by Senator Holl.

Congratulations of the Senate were extended to Effie Barton by Senator Hopper.

Congratulations of the Senate were extended to Reverend Father George F. Stuparitz by Senator LaValle.

Congratulations of the Senate were extended to Margaret Martin by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Richard R. Baker by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Luchansky, John J. Lamond, Jr. and to Leila Parsons Hughes by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Henry A. Kretchmer, Jr. by Senators Mellow and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Duva by Senator Porterfield.

Congratulations of the Senate were extended to the citizens of Easton by Senator Reibman.

Congratulations of the Senate were extended to Timothy Joel Rupert by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Connor by Senator Salvatore.

Congratulations of the Senate were extended to Captain Robert E. Palladino by Senator Shaffer.

Congratulations of the Senate were extended to Harrisburg Area Community College by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Locker, Mr. and Mrs. John M. Lucjak and to Mr. and Mrs. Manuel Swank by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. David M. Smith and to Mr. and Mrs. Stanley Sams by Senator Stout.

Congratulations of the Senate were extended to Gene R. Aubry, Jr. by Senator Wenger.

### BILLS ON FIRST CONSIDERATION

Senator LaVALLE. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 516, 518, 950, 1034, 1051, 1115, 1118, HB 23, 344 and 795.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, I rise in Petitions and Remonstrances, and I do not want to get into a protracted debate and I am willing to just make a complaint and let it go. Today I had delivered to my office, along with a lot of other Democrats, a mushroom in a plain paper bag, which is where it belongs, and the most immature, juvenile letter I have ever read in my life. The saddest part of this whole letter is that it comes on stationery that originated from the George I. Bloom Republican Center. I am certain that George Bloom never played this kind of childish politics. The letter is insulting, more to the Republican Party in this state than it is to the people who it was directed at, and I think just puts out a clear message we have been trying to get across, that the other side of the aisle, and not necessarily the Members of the Senate but the party and the policy they follow, has been one of not agreeing, admitting, acknowledging or anything that there is a budget problem in this state. It is continual blame, blame, blame, blame, blame, with no response as to how to do it other than the House Republicans had a press conference and talked about a proposal they cannot get a Member to introduce. I do not want to make it any more difficult for those of us who have to finally resolve the problems of the budget in Pennsylvania. To do that is not the intention of this, but I think this is a classic example of distortion, a classic example of trying to hide the facts, that all you have to do is go back to the record of June of 1990 and you will see there was nobody held in the dark, there were no secret deals, there was nothing. We passed a budget. Everyone left here thinking we had resolved the problem and we have now had about 10 months of this kind of garbage talk. I would appreciate it if it would stop. I would appreciate it if we would acknowledge there are problems and no matter who caused them or who is to blame, we have a constitutional obligation that we take on our oath of office the day we are sworn in that we are going to solve those problems and this is not going to go anywhere near resolving them. I would hope this kind of trash would stop.

Senator LOEPER. Mr. President, I am at a total loss to respond to the gentleman's remarks. I have not seen the letter or even become aware of it. However, I think it is important for the record that, as the gentleman stated, we all recognize there are serious fiscal problems in Pennsylvania. There is a budget that still has to be passed in this state, a spending plan and also the revenues to match that spending plan. It is our intent to seriously sit down and negotiate with all parties involved to try to come to some fair resolution of this problem, the magnitude of which Pennsylvania has never seen before. There are going to be some very difficult days and weeks ahead as we work to try and resolve the problem for the interests of all Pennsylvanians. Today I indicate to you that process is under way in earnest, and it is my hope that a resolution can be forthcoming.

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS****WEDNESDAY, JUNE 12, 1991**

10:00 A.M.    **LABOR AND INDUSTRY**                      Room 460  
                  (Public Hearing to consider              4th Floor  
                  nomination of Wendell W.                  North Wing  
                  Young, III for PA Labor  
                  Relations Board; and Senate  
                  Bills No. 88 and 727)

**TUESDAY, JUNE 18, 1991**

9:30 A.M.    **CONSUMER PROTECTION**              Room 8E-B  
                  **AND PROFESSIONAL**                      Hearing Room  
                  **LICENSURE** (Public                      East Wing  
                  Hearing to consider the  
                  nomination of Julius Uehlein  
                  to the P.U.C.)

10:00 A.M.    **FINANCE** (Public Hearing              Room 8E-A  
                  on Senate Bill No. 1008)              Hearing Room  
   East Wing

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, June 12, 1991, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:40 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 12, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 36

### SENATE

WEDNESDAY, June 12, 1991.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty God and Father, guide us and direct us that Your will may be done as we involve ourselves in the business of this Commonwealth. Give to these servants of the people the sincerity we expect of them to represent us well, the wisdom we desire for them to proceed with caution and the prudence needed by all of us to make the right decisions. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 11, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Shaffer.

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Fattah and legislative leaves for Senator Afflerbach, Senator Lewis and Senator Belan.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Shaffer. Senator Stapleton requests temporary Capitol leave for Senator Fattah and legislative leaves for Senator Afflerbach, Senator Lewis and Senator Belan. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator FISHER asked and obtained leave of absence for Senator BELL, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leaves of absence for Senator LYNCH and Senator MUSTO, for today's Session, for personal reasons.

### CALENDAR

#### FINAL PASSAGE CALENDAR

##### BILL OVER IN ORDER

**SB 916** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### THIRD CONSIDERATION CALENDAR

##### BILL OVER IN ORDER TEMPORARILY

**SB 3** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 93 (Pr. No. 93)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the identification of lessees of motor vehicles.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Lincoln	Salvatore
Andrezeski	Greenleaf	Loeper	Scanlon
Armstrong	Greenwood	Madigan	Schwartz
Baker	Hart	Mellow	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Hopper	Peterson	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	Jubelirer	Punt	Tilghman
Dawida	LaValle	Reibman	Wenger
Fattah	Lemmond	Rhoades	Williams
Fisher	Lewis	Robbins	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS**  
**GUESTS OF SENATOR D. MICHAEL**  
**FISHER PRESENTED TO SENATE**

Senator FISHER. Mr. President, I have a group of girl scouts from Mt. Lebanon visiting here in the Capitol today. They are part of Cadet Troop No. 659 from Mt. Lebanon. Their leaders are Sue Gold, Lee Puig-Antich and Gillian Huque, who is the assistant leader of the troop, together with the 14 young ladies who are here visiting Harrisburg. They are Heather Steele, Heather Austin, Natasha Huque, Monique Puig-Antich, Kathy Gold, Cathy Coury, Jennifer Lennox, Kate Meacham, Synthia Gerson, Beth Lindsay, Shannon Mitchell, Julia Larson, Amy McCreedy and Samantha Smith. I would request that we give our usual warm welcome to Cadet Troop No. 659.

The PRESIDENT. Would the guests of Senator Fisher please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

**GUESTS OF SENATOR JAMES J. RHOADES**  
**PRESENTED TO SENATE**

Senator RHOADES. Mr. President, I also have visitors from my district who are here today in Harrisburg, and I would appreciate if the Senate would extend their warm welcome to Frank Tenenholz, Frank Reed and Jay Zimmerman from the City of Pottsville.

The PRESIDENT. Would the guests of Senator Rhoades please rise and we welcome you to the Senate of Pennsylvania.

(Applause.)

**THIRD CONSIDERATION CALENDAR RESUMED**

**SB 3 CALLED UP**

**SB 3 (Pr. No. 1326)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION**  
**AND FINAL PASSAGE**

**SB 3 (Pr. No. 1326)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; providing for pregnancy; and providing penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator PETERSON. Mr. President, I think the Senate today has the opportunity to finally climb the mountain and get to the top. It is my history, what I have been told, that Pennsylvania has been working on a living will measure for 16 years. I was told last year that it had been 15 years and we have worked on it another full year, so that is a long time for a concept to become law. I think today we have a measure before us that can become law. We have a measure that has been worked on by every interest group and interested parties across this Commonwealth that have forged a bill that I think will pass the House and will become law and one that the Governor can sign. I would like to say that for the first time people in Pennsylvania will have the right to choose what kind of measures, life-preserving measures or death-prolonging measures, will be allowed to be used when they are comatose, when they are incompetent, when they are terminally ill in an advanced state. They will be allowed to legally choose what kind of extraordinary measures and what kind of modern technology can be used to keep them from dying, to keep them alive when their body, their person, has fought the struggle of sickness and ill health and are only kept alive to prolong pain and death. They will for the first time have the right to make those choices. I think it is a day that Pennsylvanians have been looking forward to for a long time. I do not know when I have had an issue that has had broader support from all ages, from all parts of the Commonwealth. I would like to thank the staffs of the Senate Members. A lot of staff members were involved in forging this bill. It was a bipartisan effort. It was an effort that crossed House and Senate staffs and it brought together the following interest groups that I want to mention just quickly that worked for months meeting 20 or 30 times forging this compromise: the Pennsylvania Nurses Association, the Department of Aging, Lutheran Services, the Medical Society, Pennsylvania Association of Non-profit Homes, the Hospital Association, the Council of Aging, the Pennsylvania Bar, the Philadelphia Bar, AARP, C.A.R.I.E., the Jewish Coalition, the Council of Churches, the Lutheran Coalition, the Association of Home Health Agencies, the Catholic Conference and the AMS Providers Association. These groups have all worked to help us bring to this Body a bill that makes sense, a bill that is well thought out, a bill that will help remove the medical community from the legal quagmire that they have been in, where many times they are afraid to make good medical decisions because they can be sued. This will leave the choice with the people. The people will make their choice as they execute their living will. They are the ones who will say ahead of time what kind of high technology they want utilized to keep them alive when life is really over. I think this bill has a good chance of passing in the House. There has been a lot of prenegotiation. There are a lot of people from the House that have been tracking this measure, who have been a part of the negotiation process. If this bill passes today, I think it has a very good chance of becoming the law of the Commonwealth, and I would urge all of my colleagues to support it.

Senator WILLIAMS. Mr. President, I too rise to urge support for Senate Bill No. 3. I would just like to comment on the extremely unique cooperation that was evident in the process here. I would like to congratulate the leadership of the gentleman from Venango, Senator Peterson, and of our Committee on Public Health and Welfare for a very productive interchange with a number of groups and most especially the staffs of the Committee on Public Health and Welfare. I think they are most unique and in many, many ways significantly responsible for advancing us to this point. I want to acknowledge thanks to all the groups that Senator Peterson referred to and hope to continue productive and progressive cooperation. This, indeed, was a good example of not only bipartisan cooperation in an area of significant human experience, but even more so, without regard to anything but the issue at hand and pushing away the obstacles that arose. I am very, very proud on behalf of my very hardworking staff and Senator Peterson's staff for what we have before us today and urge strongly the support for this bill.

Senator DAWIDA. Mr. President, twelve and a half years ago in my first meeting ever as an elected official in the Committee on Public Health and Welfare, we had this issue before us. I thought then that within six months we could have it wrapped up and Pennsylvania would be one of the first states to pass what is a very needed piece of legislation. We are now one of the last states, but, fortunately, we have learned from others and I think we have one of the best bills in the country and it deserves bipartisan support. I think we all ought to support this legislation and get it to the House so we can have a law before the end of June. I want to thank the gentleman from Venango, Senator Peterson, and the gentleman from Philadelphia, Senator Williams, for their tremendous support on this very important issue and urge a "yes" vote from all of my colleagues.

Senator SCHWARTZ. Mr. President, I rise to state my intention to cast my vote against Senate Bill No. 3, not because I oppose the legislation on living will, for I, in fact, support the enactment of a living will bill in Pennsylvania. I would second my colleagues who spoke before me, the gentleman from Venango, Senator Peterson, the gentleman from Philadelphia, Senator Williams, and the gentleman from Allegheny, Senator Dawida, for saying this bill, ignoring the amendment, is truly a fine bill and I wish for its passage. But, in fact, I cannot support this bill because of the amendment that was passed yesterday. The amendment that was passed by this Chamber yesterday grants rights of privacy and dignity for some people while denying those rights to others. Mr. President, we should not and cannot be willing to grant the right to die in dignity, to enable one person and his or her family to be able to direct physicians and hospitals on actions to take or withhold for some people and deny this same right to others. The amendment to this bill denies completely the rights of a pregnant woman or her family to decide on the course of medical treatment for her, whether she has a living will or not. Under this amendment, a woman who is comatose or near death has no right to decide either her fate or whether

the pregnancy is to be continued. Pregnant women in this tragic situation will become a ward of the state. The interests or opinion of her spouse, her parents or her other loved ones or her declared intentions are irrelevant. I was told by my colleagues yesterday that any effort to persuade or to use rational logic or to appeal to the Members' emotions would fail, that once an issue is defined as pro-choice versus pro-life, we who are standing up for privacy, for separation of church and state, for freedom from government intervention in our most private, personal decisions, would lose. I was told that no one would look at the reality or consider the consequences. They would simply vote the way they usually do on this issue, and they were right—how sad and how outrageous. Mr. President, I ask my colleagues to consider what they have done. They have sought to assure that Pennsylvania citizens can die in dignity, that a stranger or the state would not and could not interfere, unless you are a pregnant woman. In that case, you have no such right.

I told a colleague here in the Senate yesterday that if, tragically, his 16-year-old daughter were raped, violently beaten and subsequently lapsed into a coma with no hope of recovery, his feelings about what medical intervention to use to keep her alive and for how long would naturally rest with him and with his wife. These would be terribly difficult decisions. But if the physicians were to find that she were pregnant, the decision would no longer be his. The state, at your insistence, would force the decision and require that she be kept alive, allowed to die in dignity only after her function as carrier of this unintended pregnancy was complete. This Senator was not pleased with being confronted by such a scenario. He may even think that somehow he would be above the law if this were ever to happen. He certainly loves his daughter and would want to do what is right and best for her, but he will not be the one to decide. He helped to decide that yesterday by voting away his right and those of his daughter. This or another such tragic situation will happen in Pennsylvania. Women are dying of AIDS. Women are victims of violence and of serious accidents, and the family members, confronted with a series of difficult choices, will hate us for taking away this decision from them. Who are we to be so arrogant as to think we know best for another person? By passing this legislation, we are saying that the state or a group of strange doctors or a judge do not necessarily know best, that we believe the individual and those close to him are the best to decide. How can we then deny those same rights to women? The question is not what the decision will be but, rather, who decides. We would be outraged if the Senate wrote into law a provision that required all pregnant, comatose women, without hope of surviving, must terminate their pregnancies. Why are we not then equally outraged that the Senate has said all women in such situations must have their pregnancies continued without attention to their wishes. Again, the question is not what will the decision be but, rather, who makes it. I believe that it cannot be the 253 Senators and Representatives. It must be the woman and her family.

The current Pennsylvania law allows this decision to be made by the woman and her family. The amendment passed yesterday takes away that right to make that decision. It is unforgivable. Consider your actions. It is more than a good trade to get a piece of legislation passed. It is conceding to a small group of zealots. You have traded off rights which should not be ours to trade. We will not give up. One day my colleagues in the Senate and in the House will join with me in endorsing in every piece of legislation the American rights of privacy, recognition of religious diversity and personal freedom.

Senator FUMO. Mr. President, I too am anguished over this bill. I feel that women should have equal rights in these decisions and, regrettably, in this Chamber our record on that has not been good. Also, Mr. President, I feel this is one of those issues again where we in the Legislature are called upon to play God, are called upon to be naturally instilled with great, vast medical knowledge, which we, in fact, do not have. The problems talked about concerning a woman in this type of situation are an infinitesimally small number, although we have an absolute obligation to protect those people as well. In this particular instance I have to vote for the bill reluctantly. I think the overriding concerns of many Pennsylvanians on this agonizing issue demands that we do that. I would have hoped that the pro-life zealots would have left this bill alone, but they did not. But facing that reality and hoping someday a change will come upon this Legislature when we begin to recognize women as equal to men on all of these decisions, I hope that will happen someday. Now it is not here but we still have an obligation to the rest of the people who will be affected by this bill and who will not be affected by the amendments we argued yesterday. With great reluctance I will vote for Senate Bill No. 3 with hope for the future.

Senator ANDREZESKI. Mr. President, I rise to support the living will that is here before us today. As we have heard and read, 41 other states already have living will statutes that allow individuals to reject extraordinary medical treatment. Here in Pennsylvania, however, there is no such law, and as a result there now exists a vacuum. That vacuum currently offers Pennsylvanians nothing more than uncertainty when it comes to choosing a death with dignity. Here in Pennsylvania in 1991 there are no assurances that a person wishing not to prolong his or her life through extraordinary means will be honored, and as a result of our failure to enact a living will statute, Mr. President, that vacuum is being filled with speculation and with court decisions such as the one involving Nancy Cruzan. But there is also something else out there filling this vacuum. It is a kit called "How To Prepare Your Own Living Will." For \$12.95 you can purchase one of these kits here in Pennsylvania. My assistant purchased this one recently at a local drug store. This kit says, "Do It Yourself And Prepare Your Own Living Will." People can purchase this living will kit at the same counter where they fill their prescriptions. It is sold right alongside other kits such as how to prepare your own last will and testament, how to prepare a general power of attorney and how to form your own partner-

ship. On the cover of this living will kit, Mr. President, it says "Valid In All 50 States." Unfortunately, Mr. President, without a living will statute here in Pennsylvania, that is not the case. Without a living will statute, this so-called legal document is not worth the \$12.95 people pay for it. The fact remains that without a living will statute here in Pennsylvania, there is nothing to compel any hospital to honor this piece of paper. Mr. President, it is time to give Pennsylvanians the same assurances that residents of 41 other states now enjoy, that when the time comes to make a life and death decision, the final decision will be made according to their expressed wishes.

Senator O'PAKE. Mr. President, it has been said that if you appreciate the law and good sausage, do not watch either of them being made. Anyone who has tried to follow the history of living will legislation, I think, would agree that summarizes the road this legislation has taken in Pennsylvania. I hope what we pass today as a result of the process of negotiation that has very effectively worked in this piece of legislation will be accepted by the House of Representatives. As we all know, last year we passed a living will bill, but it got bogged down in the House of Representatives and was finally amended in a form that was not acceptable at that late hour here in the Senate of Pennsylvania. I think last year's experience, though, had a very beneficial effect because the people of Pennsylvania now know about living wills. If any of you have spoken to a senior citizens group lately, as I have, this is a very, very important topic and overwhelmingly they support the need for this kind of legislation. The good effect is that people are aware of it. I want to especially commend the Reading Eagle Times and Pam Rohland for the extensive series they did bringing in all points of view, including the medical point of view which I think was very enlightening in my area. One caution, however. The gentleman from Erie, Senator Andrezeski, was referring to one of these mail kits. I would caution anyone in Pennsylvania that before they invest \$12.95, or whatever it is now, they take a look at the language of this bill, because the language of this bill is suggesting a form that is not like the form that purveyor is attempting to solicit as one being acceptable in all 50 states. The Pennsylvania bill is different and the law will suggest a uniform form so that anyone interested can check off the kinds of procedures he or she wants or does not want taken. I think the bill is deserving of our support. I hope the House of Representatives will agree and I hope the Governor will sign this quickly so the senior citizens, especially, in Pennsylvania can know that we have joined the 40-some states that have living will legislation and that ours again is very worthy of support.

Senator BORTNER. Mr. President, I want to make very clear my feelings about living will legislation which I strongly support. The history of this issue has been recited by others. I may be in a slightly unique position because when this issue came up last Session, I was serving in the House, and a very good bill, I believe, came from the Senate to the House. In the House we became involved in a debate similar to the debate that took place here in the Senate yesterday involving the issue

of pregnant women and the effect a living will would have on a pregnant woman. I was actively involved in opposition to those amendments in the House. They passed and they came to the Senate. I believed at that time the Senate did the right thing in not concurring with those amendments.

When I came to the Senate earlier this year, this was one issue I looked forward to being involved with, this time as a Senator. In fact, I am a cosponsor of Senate Bill No. 3. Many people have talked to me about it. A lot of my constituents, certainly my senior citizens in particular, have expressed their strong support for this legislation. I want to very much vote for living will legislation, unfortunately I cannot. I cannot for the reasons that I think were articulated yesterday and which are not necessary to completely go through today. In my opinion, the amendment that became section No. 14 to this legislation prevents me from supporting this bill even as a cosponsor of the original legislation. I have thought about that a lot. I have thought about how I want to be recorded. And it seems to me this is one of those issues, while I understand that the bill is going to pass, there seems no question that there is support for the issue, that on a matter of principle I will not be able to support the legislation. I know we become somewhat cynical here about matters of principle when we are trying to pass laws and make compromises that allow us to pass laws. I guess I believe in this kind of life and death situation, when we are talking about some of the most personal decisions that people make, if there is a time to stand on principle, this is it. But I do want the record to reflect I am strongly in favor of living will legislation. For most Pennsylvanians this legislation will be a very significant step forward. I think, unfortunately for women, it sends the wrong message. It is a message that we should not be sending. While it has been argued this may affect very few young women, I think the message that is contained in the legislation itself is enough to require a "no" vote, at least on my part, on Senate Bill No 3.

Senator RHOADES. Mr. President, first, I would like to congratulate the gentleman from Venango, Senator Peterson, and thank him for the hard work he has put into this bill. I know he has personally worked and directed many of these. I think the piece of legislation we have before us today, in terms of the living will, speaks well of itself and is one of the best pieces to come before our Chamber. It is legislation that would allow a competent adult to set forth their desires regarding the withholding or withdrawal of their life-supporting treatment. In essence, we are allowing meaningful life to continue but we are allowing life to close with dignity for all. So to Senator Peterson and his staff and the staffs who have worked on this, thank you, and I ask for an affirmative vote on this measure.

Senator LOEPER. Mr. President, I also would like to join with the gentleman from Schuylkill, Senator Rhoades, in commending the gentleman from Venango, Senator Peterson, for bringing this issue before us today. Senator Peterson and his committee have worked hard and long and have been dedicated to passing living will legislation, and I believe that one

thing Senator Peterson has tried to do as chairman of that committee is to listen to all the concerns of all Pennsylvanians who are interested in living will legislation and to try to fashion the best possible bill that his committee could bring before this General Assembly. I also, Mr. President, would like to add my support for the legislation.

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would request a temporary Capitol leave on behalf of Senator Hart who has been called to her office.

The PRESIDENT. Senator Loeper asks for temporary Capitol leave for Senator Hart. The Chair hears no objection. The leave will be granted.

#### LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I would ask that Senator Musto be taken off personal leave and put on temporary Capitol leave.

The PRESIDENT. Without objection, Senator Musto's leave will be categorized as temporary Capitol leave. The Chair hears no objection. It is so ordered.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—46

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Madigan	Salvatore
Armstrong	Hart	Mellow	Scanlon
Baker	Helfrick	Musto	Shaffer
Belan	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams
Fumo	Lincoln		

#### NAYS—2

Bortner                      Schwartz

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 431 (Pr. No. 1327)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for paternity and for visitation rights and partial custody.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 451 (Pr. No. 478)** — The Senate proceeded to consideration of the bill, entitled:

An Act dedicating a section of Interstate Highway 279 within the City of Pittsburgh to the residents whose removal permitted its construction.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 485 (Pr. No. 514)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 552** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 877 (Pr. No. 946)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing handicapped and disabled veteran plates for motorcycles.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 881 (Pr. No. 1259)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding a definition of "motorized wheelchair"; and further providing for the definition of "motor vehicle" and for driving upon sidewalk.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 894 (Pr. No. 1250)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the use of mutual assistance agreements to satisfy certain licensure requirements.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart

Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 895 (Pr. No. 964)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for the validity of certificates of accreditation.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**HB 23 and 146** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 171 (Pr. No. 456)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," providing for residence requirements for borough officers.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 189, HB 344, SB 347, 516, 518, 559 and HB 795** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.



## BILL LAID ON THE TABLE

**SB 851 (Pr. No. 1139)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the sentencing proceeding; and providing for restitution for incarceration.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

## BILLS OVER IN ORDER

**SB 872, 950, 985, 1034, 1051, 1115 and 1118** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## SENATE RESOLUTION NO. 73, CALLED UP

Senator LOEPER, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 73**, entitled:

A Resolution designating July 3, 1991, as "Nondependence Day."

On the question,

Will the Senate adopt the resolution?

## SENATE RESOLUTION NO. 73, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 73.

The motion was agreed to and the resolution was adopted.

## EXECUTIVE NOMINATION

## EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to.

## NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

## SECRETARY OF CORRECTIONS

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Joseph D. Lehman, 3509 Raintree Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Corrections, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## UNFINISHED BUSINESS

## REPORTS FROM COMMITTEE

Senator MADIGAN, from the Committee on Labor and Industry, reported the following bills:

**SB 88 (Pr. No. 1328) (Amended)**

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," reducing minimum age requirements of minors who sell newspapers or merchandise in public places.

**SB 727 (Pr. No. 770)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

## DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, June 12, 1991.

## A PETITION

To place before the Senate the nomination of Lawrence R. Soma, V.M.D. as a member of the Drug, Device and Cosmetic Board.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Lawrence R. Soma, V.M.D., Glen Mills, Pennsylvania, as a member of the Drug, Device and Cosmetic Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, June 12, 1991.

#### A PETITION

To place before the Senate the nomination of John E. Rose as a member of the Board of Trustees of Farview State Hospital.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of John E. Rose, Hawley, Pennsylvania, as a member of the Board of Trustees of Farview State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT. The communications will be laid on the table.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Walter Woodbridge by Senator Andrezeski.

Congratulations of the Senate were extended to Stanley E. Snyder by Senators Andrezeski and Peterson.

Congratulations of the Senate were extended to Andrew U. Amway by Senator Armstrong.

Congratulations of the Senate were extended to Susan O'Donnell and to Phillip J. Ohme by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph LeGates by Senators Bell and Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Floyd Blacksmith by Senator Bodack.

Congratulations of the Senate were extended to officials and citizens of Moscow, USSR, officials and citizens of Tuer, USSR, officials and citizens of Novgorad, USSR, officials and citizens of Leningrad, USSR, officials and citizens of Narva, USSR and to Anthony Dobrosky by Senator Bortner.

Congratulations of the Senate were extended to Tom Nutbrown, Daniel London, Josh Deakin, Eric Vaupel and to Monsignor Francis J. Rooney by Senator Fisher.

Congratulations of the Senate were extended to John J. Sfrisi, Jennie Repici and to Anthony P. Quintieri by Senator Fumo.

Congratulations of the Senate were extended to the Honorable Harry Montgomery by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. C. LaRue Parker by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Ernest M. Clay by Senator Hopper.

Congratulations of the Senate were extended to Sadie Barker by Senator Jubelirer.

Congratulations of the Senate were extended to Derrick D. Bologna and to Mr. and Mrs. Robert Ferguson, Sr. by Senator Lemmond.

Congratulations of the Senate were extended to Bridget R. Markley by Senator Madigan.

Congratulations of the Senate were extended to David Sciullo, Colleen M. Reichert and to Mr. and Mrs. Warren L. Shafer by Senator Pecora.

Congratulations of the Senate were extended to Keith E. Turner by Senator Peterson.

Congratulations of the Senate were extended to Charles McLean, Dr. Daniel Krezenski and to Vicki Booher by Senator Porterfield.

Congratulations of the Senate were extended to USS Gettysburg and its crew by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph A. Kufrovich, Christopher A. Kramer and to Joseph J. Youch by Senator Rhoades.

Congratulations of the Senate were extended to Louis Jay Arnold by Senator Salvatore.

Congratulations of the Senate were extended to Gerald C. Smith by Senators Shumaker and Fisher.

Congratulations of the Senate were extended to the citizens of the borough of Apollo by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Chester Hall and to Mr. and Mrs. James Morris by Senator Stout.

Congratulations of the Senate were extended to Gene Foascella by Senator Tilghman.

#### BILLS ON FIRST CONSIDERATION

Senator MELLOW. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 88 and 727.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**RECESS**

Senator LOEPER. Mr. President, we have concluded our business of the Senate for the day. However, we are still awaiting a supplemental appropriations bill to come back for signature from the House, and at this point I would ask that we keep the desk open and I would ask that we be in recess to the call of the Chair.

The PRESIDENT. Without objection, in anticipation of receiving a supplemental appropriations bill from the House, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**HOUSE MESSAGE****HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 548**.

**BILL SIGNED**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

**HB 548.**

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, June 17, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 12:25 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 17, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 37

### SENATE

MONDAY, June 17, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend JOANNA WHITE, Pastor of St. Stephen's Cathedral, Harrisburg, offered the following prayer:

Dear God, we know that our actions are the only real expression of what we are. Empower us to be our best. Open our eyes to the needs of all Your people. Reveal the broken places in ourselves and others. Open our hearts that we may balance competition with cooperation and victory with gratitude. Open our minds to the knowledge that the proper standards for judging success are not personal or political but how our efforts reflect Your love and mercy, and may the peace of God that passes all understanding keep your hearts and minds forever in His knowledge and love. Amen.

The PRESIDENT. The Chair thanks Reverend White who is the guest this day of Senator Bortner.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 12, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 304.

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alice Atwater, F98, 500 East Marylyn Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Emery P. Bliesmer, Ph.D., 717 Kennard Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edythe Bossert, R. D. 2, Box 36, Beech Creek 16822, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlyn R. Smith, Box 129-A, R. D. 2, Mill Hall 17751, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Victor F. Greco, M.D., E-Z Acres, R. R. 1, Drums 18222, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Gary W. Lyons, M.D., Erie, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alvin A. Kinsel, M.D., 222 Margery Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jason S. Shu, M.D., Montoursville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF SHIPPENSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Douglas P. Harbach, 52 Wagner Road, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Paul E. Bogar, Shippensburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Norman Mawby, Glen Riddle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable J. Curtis Joyner, 1290 Upton Circle, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the reappointment of Louis A. Orlando, 2207 Wilmington Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1991, for the appointment of Sharon L. Traino, 2001 Chestnut Avenue, Barnesboro 15714, Cambria County, Thirty-fifth Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Sharon A. Seaman, R. D. 2, Box 270, Kempton 19529, Berks County, Forty-eighth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Richard P. Fallinger, 251 Fickes School Road, York Springs 17372, Adams County, Thirty-third Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the

third Tuesday of January, 1997, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Michael B. Faucher, 316 South Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Reverend Thomas Logan, Sr., Yeadon, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Richard D. Roth, 565 West Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice David Schaffer, Havertown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**SECRETARY OF HEALTH**

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 6, 1991 for the appointment of Ronald David, M.D., 4121 Beaufort Hunt Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as Secretary of Health, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice N. Mark Richard, M.D., Mount Lebanon, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Robert S. Boova, M.D., 841 Briarwood Road, Newtown Square 19073, Delaware County, Ninth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Diane D. Welsh, King of Prussia, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Nancy Hunziker (Public Member), 142 East Pine Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond G. Herr, Willow Street, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Barry J. Halbritter (Republican), R. D. 1, Box 396, Duncansville 16635, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Michelle A. Hartye (Democrat), Box 33-C, Sylvan Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Gregory L. Murawsky (Republican), 19 Granada Way, Altoona 16601, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 1991, for the appointment of LeRoy A. Packard, Sr. (Democrat), 37 Mansion Boulevard, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Father Bonaventure Midili, Altoona, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Edward M. Fine, M.D. (Democrat), 714 Chestnut Street, Meadville 16335, Crawford County, Fiftieth Senatorial District, as a member of the Crawford County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomina-



tion dated March 21, 1991, for the reappointment of Cheryl A. Hilinski (Democrat), 3910 Bird Drive, Erie 16510, Erie County, Forty-ninth Senatorial District, as a member of the Erie County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of John T. Nesbit (Independent), 121 Second Avenue, North East 16428, Erie County, Twenty-fifth Senatorial District, as a member of the Erie County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Melvin Witherspoon (Democrat), 326 East 31st Street, Erie 16504, Erie County, Forty-ninth Senatorial District, as a member of the Erie County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Janie W. Crouse (Democrat), 205 South Seventh Street, McConnellsburg 17233, Fulton County, Thirtieth Senatorial District, as a member of the Fulton County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the appointment of Wayne W. Mateer (Democrat), 209 Pine Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Joyce Goss, Mill Creek, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the appointment of Jacquelyn G. Everitt (Democrat), R. D. 1, Box 33, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Edwin H. Rohrbeck (Democrat), Box 13, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE LEHIGH COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Juan E. Figueroa (Independent), 1030 Manor Drive, Allentown 18103, Lehigh County, Sixteenth Senatorial District, as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1991, for the reappointment of James A. Burns (Democrat), 247 Sanovia Street, Exeter 18643, Luzerne County, Twentieth Senatorial District, as a member of the Luzerne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Joan Brink (Republican), R. D. 1, Box 315, Milford 18337, Pike County, Twentieth Senatorial District, as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Beverly J. Gallagher (Republican), R. R. 1, Box 15, Milford 18337, Pike County, Twentieth Senatorial District, as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Rita P. Tiffany (Democrat), R. D. 1, Kingsley 18826, Susquehanna County, Twentieth Senatorial District, as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Bonnie K. Fousnought (Democrat), Box 173, Sabinsville 16943, Tioga County, Twenty-third Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Virginia A. Serine (Democrat), 6 Mann Street, Mansfield 16933, Tioga County, Twenty-third Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of John P. Garrah (Democrat), 300 17th Street, Honesdale 18431, Wayne County, Twentieth Senatorial District, as a member of the Wayne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Joseph E. Sheridan, Jr. (Democrat), 211 Spruce Avenue, Hawley 18428,

Wayne County, Twentieth Senatorial District, as a member of the Wayne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Marilyn J. Stamets (Democrat), R. D., Box 61, Lakewood 18439, Wayne County, Twentieth Senatorial District, as a member of the Wayne County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Harold A. Grow (Democrat), R. D. 7, Box 297, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 13, 1991

**HB 78** — Committee on Environmental Resources and Energy.

**HB 355 and 1346** — Committee on Transportation.

**HB 537** — Committee on Education.

**HB 1009** — Committee on State Government.

**HB 1058** — Committee on Local Government.

**HB 1105 and 1106** — Committee on Community and Economic Development.

**HB 1143** — Committee on Public Health and Welfare.

**HB 1146** — Committee on Agriculture and Rural Affairs.

June 17, 1991

**HB 1018** — Committee on State Government.

**HB 1275, 1296 and 1306** — Committee on Local Government.

**HB 1308** — Committee on Judiciary.

## BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

June 13, 1991

Senator GREENLEAF presented to the Chair **SB 1181**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for the imposition of mercantile or business privilege tax on certain gross receipts.

Which was committed to the Committee on LOCAL GOVERNMENT, June 13, 1991.

Senators BAKER, SHAFFER, SCANLON, GREENWOOD, CORMAN and SHUMAKER presented to the Chair **SB 1182**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for public employment.

Which was committed to the Committee on LOCAL GOVERNMENT, June 13, 1991.

Senator BAKER presented to the Chair **SB 1183**, entitled:

An Act requiring the registration and licensure of interior designers.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 13, 1991.

Senators HART, PECORA, SALVATORE, REIBMAN, SHUMAKER, HELFRICK, ROBBINS, GREENLEAF, WILLIAMS, HOPPER and AFFLERBACH presented to the Chair **SB 1184**, entitled:

An Act providing services for persons with disabilities and their families.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 13, 1991.

Senators STEWART and AFFLERBACH presented to the Chair **SB 1185**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for composition of jury selection commissions.

Which was committed to the Committee on LOCAL GOVERNMENT, June 13, 1991.

Senators STEWART, BELAN, SALVATORE and WILLIAMS presented to the Chair **SB 1186**, entitled:

An Act providing for control and licensing of video poker machines in this Commonwealth; creating the Video Poker Machine Control Commission and providing for its powers and

duties; and providing for local option and for distribution of revenue.

Which was committed to the Committee on FINANCE, June 13, 1991.

Senator REIBMAN presented to the Chair **SB 1187**, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to grant and convey to Casco Enterprises an easement over Commonwealth lands located in the City of Bethlehem, Northampton County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 13, 1991.

Senators MADIGAN, MUSTO, FUMO, TILGHMAN, CORMAN, FISHER, REIBMAN, PECORA, LEWIS, HELFRICK, SALVATORE, LYNCH, SHAFFER, PETERSON, STAPLETON, AFFLERBACH, SHUMAKER, BELAN, JONES, ROBBINS, SCHWARTZ, HART, GREENWOOD, PORTERFIELD, LAVALLE, BRIGHTBILL, STOUT, WILLIAMS and BODACK presented to the Chair **SB 1188**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," permitting sign language to be taught in public schools as an elective course.

Which was committed to the Committee on EDUCATION, June 13, 1991.

Senators JUBELIRER, BAKER, BELL, HELFRICK, HOPPER, LAVALLE, O'PAKE, SCHWARTZ, LYNCH, LEWIS, LOEPER, PETERSON, SALVATORE, WENGER, ANDREZESKI, JONES, WILLIAMS, ARMSTRONG, MELLOW, LEMMOND, GREENWOOD, FISHER, CORMAN, BRIGHTBILL, ROBBINS and GREENLEAF presented to the Chair **SB 1189**, entitled:

An Act amending the act of May 15, 1939 (P. L. 134, No. 65), entitled, as amended, "Fireworks Law," further providing for unlawful activities relating to fireworks; providing for display of permits; further providing for out-of-State shipments of fireworks and penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 13, 1991.

Senators ARMSTRONG, DAWIDA, PECORA and HELFRICK presented to the Chair **SB 1190**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the deposit of moneys and for State depositories.

Which was committed to the Committee on FINANCE, June 13, 1991.

#### June 17, 1991

Senators PORTERFIELD, MELLOW, BELAN, DAWIDA, STEWART, LAVALLE, STOUT, SCANLON, O'PAKE, BODACK, BORTNER, LEWIS, REIBMAN, AFFLERBACH, PECORA, MUSTO, STAPLETON, JONES, FUMO, LINCOLN, HART, FISHER,

SALVATORE and WILLIAMS presented to the Chair **SB 1191**, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

Which was committed to the Committee on APPROPRIATIONS, June 17, 1991.

Senators STAPLETON, O'PAKE, BODACK, LAVALLE, STEWART, BORTNER, MUSTO, REIBMAN and SCANLON presented to the Chair **SB 1192**, entitled:

An Act amending the act of May 11, 1949 (P. L. 1116, No. 330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic consumers;....," transferring the powers and duties of the Department of Justice to the Department of Agriculture; specifying information to be included on delivery tickets furnished to consumers; and further providing for penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 17, 1991.

Senators STAPLETON, AFFLERBACH, MELLOW, O'PAKE, LAVALLE, BODACK, STEWART, BORTNER, MUSTO, REIBMAN and SCANLON presented to the Chair **SB 1193**, entitled:

An Act providing for protection of public health and prevention of fraud and deception by prohibiting the manufacture or sale of, the offering for sale or exposing for sale of or the having in possession with intent to sell adulterated, misbranded or deleterious foods.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 17, 1991.

Senators STAPLETON, AFFLERBACH, MELLOW, O'PAKE, LAVALLE, STEWART, BODACK, BORTNER, MUSTO, REIBMAN and SCANLON presented to the Chair **SB 1194**, entitled:

An Act amending the act of April 7, 1982 (P. L. 228, No. 74), entitled "Noxious Weed Control Law," further providing for the imposition of a noxious weed control order against an individual property owner; and making repeals.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 17, 1991.

Senators STAPLETON, AFFLERBACH, MELLOW, O'PAKE, LAVALLE, STEWART, BODACK, BORTNER, MUSTO, REIBMAN, SCANLON and HELFRICK presented to the Chair **SB 1195**, entitled:

An Act providing for the protection of agriculture and horticulture from plant pests, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or their products; revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; establishing and funding special testing and certification procedures and programs; providing penalties; and making a repeal.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 17, 1991.

Senators STAPLETON, AFFLERBACH, MELLOW, O'PAKE, LAVALLE, BODACK, STEWART, BORTNER,

MUSTO, REIBMAN and SCANLON presented to the Chair **SB 1196**, entitled:

An Act amending the act of July 8, 1986 (P. L. 437, No. 92), entitled "Pennsylvania Agricultural Fair Act," granting certain regulatory authority to the State Harness Racing Commission.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 17, 1991.

Senators GREENWOOD, JONES, JUBELIRER, FISHER, BRIGHTBILL, HOPPER, HART, LEWIS, REIBMAN, SALVATORE, O'PAKE, AFFLERBACH, SHUMAKER, LEMMOND, CORMAN, HELFRICK, LOEPER, ANDREZESKI, BAKER, MADIGAN, RHOADES, PETERSON, PUNT, DAWIDA and SCHWARTZ presented to the Chair **SB 1197**, entitled:

An Act relating to high-risk pregnancy and high-risk infant follow-up programs and services for pregnant and postpartum substance-abusing women and their newborns; defining Department of Public Welfare and county children and youth social service agency responsibilities; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 17, 1991.

Senators TILGHMAN, LOEPER, HOLL, GREENLEAF and BAKER presented to the Chair **SB 1198**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing school districts in counties of the second class A to adopt annual budgets on a delayed basis.

Which was committed to the Committee on EDUCATION, June 17, 1991.

Senators ROBBINS, PORTERFIELD, DAWIDA, STAPLETON and HART presented to the Chair **SB 1199**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for reciprocal enforcement of Federal and State laws and regulations relating to fish and fishing and boats and boating; and further providing for repeat offenders.

Which was committed to the Committee on GAME AND FISHERIES, June 17, 1991.

Senators BAKER, JUBELIRER, STEWART, LEWIS and BORTNER presented to the Chair **SB 1200**, entitled:

An Act authorizing counties of the third, fourth, fifth, sixth, seventh and eighth classes to meet their obligations under programs mandated by Federal or State law and to support recognized tourist promotion agencies and other tourism related programs by imposing a tax on room rentals.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, June 17, 1991.

Senators JONES, PORTERFIELD, REIBMAN, AFFLERBACH, SALVATORE, WILLIAMS, O'PAKE, BELAN, SCHWARTZ, PETERSON, BORTNER, DAWIDA, HELFRICK, RHOADES, ARMSTRONG, LAVALLE and BODACK presented to the Chair **SB 1201**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for rules and regulations for personal care homes.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 17, 1991.

Senators SHAFFER and STOUT presented to the Chair **SB 1202**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," providing for the location of racetracks.

Which was committed to the Committee on STATE GOVERNMENT, June 17, 1991.

Senator PETERSON presented to the Chair **SB 1203**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for certain medical reimbursement.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 17, 1991.

## RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

June 17, 1991

### COMMENDING PHILADELPHIA ELECTRIC COMPANY FOR ITS ENVIRONMENTAL CONSERVATION EFFORTS RELATING TO REINTRODUCING SHAD TO THE SUSQUEHANNA RIVER BY CONSTRUCTING A FISH LIFT AT THE CONOWINGO DAM AND BY IMPROVING WATER QUALITY IN THE RIVER AND CHESAPEAKE BAY

Senators TILGHMAN, WENGER and HOLL offered the following resolution (**Senate Resolution No. 78**), which was read and referred to the Committee on Environmental Resources and Energy:

In the Senate, June 17, 1991.

#### A RESOLUTION

Commending Philadelphia Electric Company for its environmental conservation efforts relating to reintroducing shad to the Susquehanna River by constructing a fish lift at the Conowingo Dam and by improving water quality in the river and Chesapeake Bay.

WHEREAS, The American shad population in the lower Susquehanna River and Chesapeake Bay had declined substantially in recent decades due to overfishing, water pollution and river dams; and

WHEREAS, The completion of a \$12 million fish lift, known as the Conowingo East Fish Lift, at the 63-year-old Conowingo Dam is Philadelphia Electric Company's signature project towards environmental protection in the Susquehanna Valley and marks a substantial investment in the cooperative effort to repopulate the river with American shad, once a prime recreational and commercial species on the East Coast; and

WHEREAS, The Conowingo East Fish Lift compliments an existing smaller lift on the west side of the dam which has operated since 1972; and

WHEREAS, The fish passageway constructed by Philadelphia Electric Company is the largest in the United States, utilizes the best technology currently available to attract and collect fish, and is designed to pass up to 750,000 American shad and 5 million river herring each season; and

WHEREAS, In addition to the fish lift, Philadelphia Electric Company will maintain minimal water flows and aerate river water to further improve water quality and fish habitation in the river and bay; and

WHEREAS, Statistics gathered indicate that the American shad population passing through the fish passageway is twice the number in 1991 that it was in 1990; therefore be it

RESOLVED, That the Senate commend Philadelphia Electric Company for its environmental conservation efforts relating to reintroducing shad to the Susquehanna River by constructing a fish lift at the Conowingo Dam and by improving water quality in the river and Chesapeake Bay.

### GENERAL COMMUNICATION

#### APPROVAL OF STATE PLAN AMENDMENT BY HEALTH CARE FINANCING ADMINISTRATION

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
HARRISBURG

June 4, 1991

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate

Room 292, Capitol  
Harrisburg, Pennsylvania 17120

Honorable Robert W. O'Donnell  
Speaker

House of Representatives  
Room 139, Capitol  
Harrisburg, Pennsylvania 17120

Gentlemen:

On behalf of the Governor, I am pleased to be able to confirm that the Health Care Financing Administration has given final approval to our State Plan Amendment relating to hospital cost pooling. A copy of that approval is attached.

I am providing you with this notification in accordance with the provisions of Act 2A of 1991. Final arrangements are now being made to collect the voluntary contributions from the inpatient hospitals. These contributions will be used to match Federal funds available for inpatient hospital payments.

Sincerely,

MICHAEL H. HERSHOCK,  
Secretary

The PRESIDENT. This communication will be filed in the Library.

#### APPOINTMENT BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Charles L. Andes as a member of the Board of the Pennsylvania Intergovernmental Cooperation Authority.

### LEGISLATIVE LEAVE

Senator FISHER. Mr. President, I would ask for a temporary Capitol leave for Senator Lemmond.

The PRESIDENT. Senator Fisher asks for temporary Capitol leave for Senator Lemmond. The Chair hears no objection. The leave will be granted.

### LEAVES OF ABSENCE

Senator FISHER asked and obtained leaves of absence for Senator CORMAN and Senator BELL, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, June 17, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 24, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 24, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—44

Afflerbach	Fumo	Lewis	Rhoades
Andrezski	Greenleaf	Lincoln	Robbins
Armstrong	Greenwood	Loeper	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bodack	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Dawida	Jubelirer	Peterson	Tilghman
Fattah	LaValle	Punt	Wenger
Fisher	Lemmond	Reibman	Williams

## NAYS—2

Stewart Stout

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

## LEAVE OF ABSENCE

Senator MELLOW asked and obtained leave of absence for Senator PORTERFIELD, for today's Session, for personal reasons.

## SPECIAL ORDER OF BUSINESS

## ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Public Health and Welfare to meet imminently to consider Regulation #14-386.

## RECESS

Senator FISHER. Mr. President, I would ask for a recess of the Senate for the purpose of a Republican caucus, with the intention of returning to the floor at approximately 3:30 p.m.

Senator MELLOW. Mr. President, I would request an immediate caucus of the Democrat Members to be held in our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## CALENDAR

## FINAL PASSAGE CALENDAR

## BILL OVER IN ORDER

**SB 916** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 171 (Pr. No. 456)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," providing for residence requirements for borough officers.

Will the Senate agree to the bill on third consideration?

Senator BORTNER, by unanimous consent, offered the following amendment No. A1246:

Amend Title, page 1, line 3, by inserting after "boroughs,": further providing for applications for incorporation of a borough; and

Amend Bill, page 1, lines 14 and 15; page 2, line 1, by striking out all of said lines on said pages and inserting:

Section 1. Section 202(c) and (d) of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, amended July 10, 1981 (P.L.247, No.80), are amended to read:

Section 202. Applications for Incorporation.—\*\*\*

(c) Such committee shall, within sixty days of its creation, advise the court in relation to the establishment of the proposed borough. In particular, the committee shall render expert advice and findings of fact relating to the desirability of such an incorporation, including, but not limited to, advice as to:

(1) the proposed borough's ability to obtain or provide adequate and reasonable community support services such as police protection, fire protection and other appropriate community facility services;

(2) the existing and potential commercial, residential and industrial development of the proposed borough; [and]

(3) the financial or tax effect on the proposed borough and existing governmental unit or units[.]; and

(4) whether the proposed creation of the borough is likely to result in a land use or land use regulations within the proposed borough substantially different than or contrary to the land uses presently allowed under the land use regulations of the township or townships from which the borough is being created.

(d) [The court, if it shall find, after hearing and advice of the committee, that the conditions prescribed by this section have been complied with, shall certify the question to the board of elections of the county for a referendum vote of the residents of the proposed borough. Upon receipt of the certified election results, the court shall enter a final decree granting or denying the prayer of the petitioners.] If the court shall find after hearing and advice of the committee that:

(1) the proposed borough will have the ability to obtain or provide adequate and reasonable community support services such as police protection, fire protection and other appropriate community facility services;

(2) the existing and potential commercial, residential and industrial development of the proposed borough is sufficient to provide for its financial support;

(3) the creation of the proposed borough will not have adverse financial effect or adverse effect on the health, safety and welfare on the township or townships from which such borough is created; and

(4) whether the proposed creation of the borough is likely to result in a land use or land use regulations within the proposed borough substantially different than or contrary to the land uses presently allowed under the land use regulations of the township or townships from which the borough is being created; it shall certify the question to the board of elections of the county for a referendum vote of the residents of the proposed borough and the residents of the township or townships from which such borough is being created.

The creation of the borough shall be approved only if creation of the borough is approved by a majority of those voting on such issue in both the area of the proposed borough and the remaining portion of the township or townships from which such borough is being created. Upon receipt of the certified election results, the court shall enter a final decree granting or denying the prayer of petitioners.

Section 2. Section 801 of the act is amended to read: Amend Sec. 2, page 2, line 10, by striking out all of said line and inserting:



Section 3. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Fumo, Senator Mellow and Senator Williams.

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Jubelirer, Senator Loeper and Senator Tilghman.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator Mellow and Senator Williams. Senator Fisher requests temporary Capitol leaves for Senator Jubelirer, Senator Loeper and Senator Tilghman. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator BORTNER. Mr. President, I rise today to offer an amendment that I believe is a commonsense solution to some recent local government problems that relate to land use regulations. More specifically, there have been a number of recent cases, one in northern York County, where local planning commissions and zoning boards have not approved certain plans that have been submitted to the municipality. The way developers, in some cases, have sought to get around that is to strike out on their own and form their own borough or their own municipality, because they were not able to get their own way before that local board. The amendment that I offer, Mr. President, would still allow the creation of these new municipalities, although I certainly think there is some question whether we need more municipalities in the Commonwealth of Pennsylvania, but they could still be created if they prove that they were not obviating or circumventing the governing bodies land use regulations. There are other criteria in the current Borough Code which must also be complied with. They are maintained in this amendment, such as the proposed borough's ability to provide reasonable community support services, like police and fire protection; the existing and potential commercial, residential and industrial development of the proposed borough; the financial or tax effect on the proposed borough and other existing government units. This bill simply adds a fourth criteria and this is, "whether the proposed creation of the borough is likely to result in a land use or land use regulations within the proposed borough substantially different than or contrary to the land uses presently allowed under the land use regulations of the township or townships from which the borough is being created." This insures local governing bodies that landowners cannot write their own rules or laws governing land use. That is the main purpose of local government, to decide as a group of citizens what type of use they want their land to be used for, not having just one or two people who do not get their own way with the current requirements adopted by elected or appointed officials in a particular township.

This amendment would put in place a procedure whereby not only would the majority of voters in the new or proposed municipality have to vote in favor of creating the new governing unit, but those in the existing municipality would also have to vote with the majority to approve of the creation of the new municipality. This mirrors the existing requirements for merging municipalities. We require a vote of the new municipality as well as the municipality that is being absorbed. I think this is consistent with the requirements of the Borough Code and puts in place a much more predictable solution than the one now that leaves much of this decision in the hands of a local common pleas judge. I would only emphasize that I hope as we seem to be talking more and more about the need for planning, and particularly regional planning, that Members would see the importance of this amendment. It is impossible to ask a municipality to plan and to have good regional planning and good zoning when it is possible to frustrate their intentions by simply creating your own borough, and, as we all know, what happens in one municipality affects what goes on in the very next municipality. We need to be good neighbors. We need to encourage developers and municipal officials to work together. This amendment will make sure they do that.

Senator FISHER. Mr. President, I would ask for a negative vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator BORTNER and were as follows, viz:

#### YEAS—22

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lewis	Scanlon	Williams
Dawida	Lincoln		

#### NAYS—24

Armstrong	Hart	Loeper	Robbins
Baker	Helfrick	Madigan	Salvatore
Brightbill	Holl	Pecora	Shaffer
Fisher	Hopper	Peterson	Shumaker
Greenleaf	Jubelirer	Punt	Tilghman
Greenwood	Lemmond	Rhoades	Wenger

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lemmond. His temporary Capitol leave will be cancelled.

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Fattah and Senator Jones.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fattah and Senator Jones. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—46

Afflerbach	Greenleaf	Loeper	Salvatore
Andrezski	Greenwood	Madigan	Scanlon
Armstrong	Hart	Mellow	Schwartz
Baker	Helfrick	Musto	Shaffer
Belan	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Punt	Stout
Dawida	LaValle	Reibman	Tilghman
Fattah	Lemmond	Rhoades	Wenger
Fisher	Lewis	Robbins	Williams
Fumo	Lincoln		

#### NAYS—0

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

#### BILL LAID ON THE TABLE

**SB 552 (Pr. No. 1175)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), entitled "Municipal Claim and Tax Lien Law," further providing for sale upon judgment in cities of the first class; and providing for registration of interested parties, service of notice and statute of limitations in cities of the first class.

Upon motion of Senator FISHER, and agreed to, the bill was laid on the table.

#### SECOND CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**HB 23, SB 88, HB 146 and SB 189** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

##### BILL REREFERRED

**HB 344 (Pr. No. 1919)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

##### BILLS OVER IN ORDER

**SB 347, 516, 518, 559, 727, HB 795, SB 872 and 950** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 985 (Pr. No. 1079)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," further providing for membership on retirement boards; and authorizing cost-of-living increases.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 1034** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 1051 (Pr. No. 1162)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose" to include cave exploration.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1115 and 1118** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### SPECIAL ORDER OF BUSINESS

##### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Committee on Rules and Executive Nominations has been given permission to meet imminently to consider certain nominations in the Rules room.

#### RECESS

Senator FISHER. Mr. President, I would request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate will stand in brief recess. Would the Members of the Committee on Rules and Executive Nominations please report to the room at the rear of the Senate Chamber immediately.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**UNFINISHED BUSINESS****REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF TRUSTEES  
OF CLARKS SUMMIT STATE HOSPITAL**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Malloy, 1532 Quincy Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Janet Brown, Scranton, deceased.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick W. Taylor, 48 Smithfield Village, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER**

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen F. Koegler, R. D. 1, Box 65, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF EDINBORO UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin D. Dombrowski, 825 East 43rd Street, Erie 16504, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**SECRETARY OF ENVIRONMENTAL RESOURCES**

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Arthur A. Davis, 25 West Circle Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore T. Metzger, Jr. (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur S. Foreman, 4347 Crestview Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
INDIANA COUNTY

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Martin, Esquire, 89 Shady Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as Judge of the Court of Common Pleas of Indiana County, to serve until the first Monday of January, 1992, vice The Honorable Robert C. Earley, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF KUTZTOWN UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard A. Gray, Jr., 3866 Lilac Road, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
LABOR RELATIONS BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendell W. Young, III, 4041 Cottler Drive, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Gerald A. Chesin, 123 Beechwood Lane, Pittsburgh 15206, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Medicine, to serve until April 25, 1993 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Mary Ellen Weinberg, Philadelphia, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. West, Jr. (Public Member), R. D. 2, Box 2208, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara K. Shore, Ph.D., Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony J. Swanick, 126 Nottoway Drive, Penllyn 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Edgar C. LeBlanc, Jr., Oreland, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF NURSING

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alice Joyce Kennedy Johnston, 303 Springwater Drive, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Margaret M. Irwin, Bradfordwoods, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet Goodson (Public Member), 1825 Watkins Street, D-4, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve until June 20, 1992 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene A. Hudak, Nanticoke, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Madeline Leth (Public Member), 221 East First Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Edward R. Melodini, 318 Point View Road, Pittsburgh 15227-3136, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Jay R. Bair, Wrightsville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Pysher, Jr., 84 Roosevelt Street, Wind Gap 18091, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice William H. Parsonage, Ph.D., State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS

May 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony R. Barone, 9575 Walley Avenue, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis P. McManus, (Public Member), 428 Sunnyland Avenue, Pittsburgh 15227, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Betty Hoffman Shultz, Lebanon, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eleanor L. Palka, 1220 North Tenth Street, Reading 19604, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Redith F. Snoberger, 133 Hillside Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
WOODVILLE STATE HOSPITAL**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Love, R. D. 1, Box 91, Oakdale 15071, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Trustees of Woodville State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Margaret B. Wolak, Pittsburgh, resigned.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marjorie S. Ajay (Republican), 1173 Christopher Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hershel B. Donald (Democrat), 726 Menoher Boulevard, Johnstown 15901, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert B. Helsel (Democrat), 146 Theatre Drive, Johnstown 15904, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dolores A. Porcher (Democrat), 420 Oak Street, Johnstown 15902, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David M. George (Democrat), 620 Spring Street, Houtzdale 16651, Clearfield County, Thirty-fourth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank S. Provenzano (Democrat), Box 147, Penfield 15849, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, R. Curtis Smith (Democrat), 201 Weaver Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ralph J. Palmiero (Democrat), 441 West Main Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald J. Watts (Democrat), 50 Second Street, Box 185, Millville 17846, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne K. Wilson (Democrat), R. D. 9, Box 60, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melissa A. Curry (Democrat), 255 McClellan Street, Cambridge Springs 16403, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sally A. Moore (Democrat), R. D. 3, Box 339, Linesville 16424, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James M. Cookerly (Democrat), 624 Fourth Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clem C. Switaj (Democrat), 1105 Apple Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Agnes R. Priscaro (Democrat), 1123 East Lake Road, Erie 16507, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ELK COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Milton E. Wilson (Republican), 412 Willard Street, Ridgway 15853, Elk County, Twenty-fifth Senatorial District, for reappointment as a member of the Elk County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.



MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Willis E. Kauffman (Democrat), HCR - 63, Box 65, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, June M. Niemond (Democrat), HCR - 63, Box 13A, Richfield 17086, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fred N. Noble (Democrat), R. D. 1, Box 197, Honey Grove 17035, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thelma A. Shelley (Democrat), R. D. 2, Box 84, McAlisterville 17049, Juniata County, Thirty-fourth Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE LAWRENCE COUNTY  
BOARD OF ASSISTANCE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn P. Ward (Democrat), 517 Bell Avenue, New Castle 16101, Lawrence County, Twenty-first Senatorial District, for appointment as a member of the Lawrence County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Limmie Morgan, New Castle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louise T. Ott (Democrat), 75 Mercedes Drive, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandra S. Piccone (Republican), 149 James Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick M. Sicilio (Democrat), 109 Cedarwood Drive, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lloyd W. Baysore (Democrat), 711 Elm Street, Watsontown 17777, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margot F. Guinan (Democrat), 15 South Maple Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen T. Groom (Democrat), 111 West George Street, Milford 18337, Pike County, Twentieth Senatorial District, for appointment as a member of the Pike County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Helen Thielhelm, Lackawaxen, resigned.

ROBERT P. CASEY.

MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathleen O. Gross (Democrat), 701 Avenue O, Matamoras 18336, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Betty A. Nosak (Republican), R. D. 1, Box 9, Greentown 18426, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary B. Gere (Democrat), Box 214, Route 29, South Montrose 18843, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kim Marie Spoonhower (Democrat), 303 Broad Avenue, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin A. Isaacson, Jr. (Republican), 256 South Williamson Road, Blossburg 16912, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bertha W. Janeski (Democrat), R. D. 1, Box 16, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gail A. Ruef (Democrat), 312 Mill Street, Westfield 16950, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donn T. Shepard (Democrat), R. D. 3, Box 2100, Honesdale 18431, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jerome F. Fuhr (Republican), R. D. 3, Box 189, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
DISTRICT JUSTICE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hall E. Solomon, Sr., 112 North Eighth Street, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as District Justice in and for the County of Union, Magisterial District 17-3-02, to serve until the first Monday of January, 1994, vice William D. Yohn, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alan G. Naylor, 53 North Main Street, Manchester 17345, York County, Thirty-first Senatorial District, for appointment as District Justice in and for the County of York, Magisterial District 19-02-04, to serve until the first Monday of January, 1992, vice Donald G. Rode, deceased.

ROBERT P. CASEY.  
NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the reappointment of Louis A. Orlando, 2207 Wilmington Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1991, for the appointment of Sharon L. Traino, 2001 Chestnut Avenue, Barnesboro 15714, Cambria County, Thirty-fifth Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Sharon A. Seaman, R. D. 2, Box 270, Kempton 19529, Berks County, Forty-eighth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Richard P. Fallinger, 251 Fickes School Road, York Springs 17372, Adams County, Thirty-third Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Richard D. Roth, 565 West Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice David Schaffer, Havertown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Michael B. Faucher, 316 South Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Reverend Thomas Logan, Sr., Yeadon, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Robert S. Boova, M.D., 841 Briarwood Road, Newtown Square 19073, Delaware County, Ninth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Diane D. Welsh, King of Prussia, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991, for the appointment of Nancy Hunziker (Public Member), 142 East Pine Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond G. Herr, Willow Street, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomina-

tion dated March 15, 1991, for the reappointment of Barry J. Halbritter (Republican), R. D. 1, Box 396, Duncansville 16635, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Michelle A. Hartye (Democrat), Box 33-C, Sylvan Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Gregory L. Murawsky (Republican), 19 Granada Way, Altoona 16601, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 1991, for the appointment of LeRoy A. Packard, Sr. (Democrat), 37 Mansion Boulevard, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Father Bonaventure Midili, Altoona, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Edward M. Fine, M.D. (Democrat), 714 Chestnut Street, Meadville 16335, Crawford County, Fiftieth Senatorial District, as a member of the Crawford County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Cheryl A. Hilinski (Democrat), 3910 Bird Drive, Erie 16510, Erie County, Forty-ninth Senatorial District, as a member of the Erie County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of John T. Nesbit (Independent), 121 Second Avenue, North East 16428, Erie County, Twenty-fifth Senatorial District, as a member of the Erie County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Melvin Witherspoon (Democrat), 326 East 31st Street, Erie 16504, Erie County, Forty-ninth Senatorial District, as a member of the Erie County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Janie W. Crouse (Democrat), 205 South Seventh Street, McConnellsburg 17233, Fulton County, Thirtieth Senatorial District, as a member of the Fulton County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the appointment of Wayne W. Mateer (Democrat), 209 Pine Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Joyce Goss, Mill Creek, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the appointment of Jacquelyn G. Everitt (Democrat), R. D. 1, Box 33, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Edwin H. Rohrbeck (Democrat), Box 13, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE LEHIGH COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1991, for the reappointment of Juan E. Figueroa (Independent), 1030 Manor Drive, Allentown 18103, Lehigh County, Sixteenth Senatorial District, as a member of the Lehigh County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1991, for the reappointment of James A. Burns (Democrat), 247 Sanovia Street, Exeter 18643, Luzerne County, Twentieth Senatorial District, as a member of the Luzerne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Joan Brink (Republican), R. D. 1, Box 315, Milford 18337, Pike County, Twentieth Senatorial District, as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Beverly J. Gallagher (Republican), R. R. 1, Box 15, Milford 18337, Pike

County, Twentieth Senatorial District, as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Rita P. Tiffany (Democrat), R. D. 1, Kingsley 18826, Susquehanna County, Twentieth Senatorial District, as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Bonnie K. Fousnought (Democrat), Box 173, Sabinsville 16943, Tioga County, Twenty-third Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Virginia A. Serine (Democrat), 6 Mann Street, Mansfield 16933, Tioga County, Twenty-third Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of John P. Garrah (Democrat), 300 17th Street, Honesdale 18431, Wayne County, Twentieth Senatorial District, as a member of the Wayne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Joseph E. Sheridan, Jr. (Democrat), 211 Spruce Avenue, Hawley 18428, Wayne County, Twentieth Senatorial District, as a member of the Wayne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 1, 1991, for the reappointment of Marilyn J. Stamets (Democrat), R. D., Box 61, Lakewood 18439, Wayne County, Twentieth Senatorial District, as a member of the Wayne County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 21, 1991, for the reappointment of Harold A. Grow (Democrat), R. D. 7, Box 297, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.



## NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

February 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lawrence R. Soma, V.M.D., 34 Elstone Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

March 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. Rose, R. D. 1, Box 114-58, Hawley 18428, Pike County, Twentieth Senatorial District, for reappointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—46

Afflerbach	Greenleaf	Loeper	Salvatore
Andrezeski	Greenwood	Madigan	Scanlon
Armstrong	Hart	Mellow	Schwartz
Baker	Helfrick	Musto	Shaffer
Belan	Holl	O'Pake	Shumaker

Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Punt	Stout
Dawida	LaValle	Reibman	Tilghman
Fattah	Lemmond	Rhoades	Wenger
Fisher	Lewis	Robbins	Williams
Fumo	Lincoln		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

#### SB 515 (Pr. No. 1353) (Amended) (Rereported)

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," providing for the Amusement Ride Safety Advisory Board.

#### SB 752 (Pr. No. 1354) (Amended) (Rereported)

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for administrative expenses.

#### SB 1053 (Pr. No. 1253) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly.

#### HB 10 (Pr. No. 2007) (Amended) (Rereported)

An Act requiring the superintendent of every public school district to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Wallace Orloff by Senator Andrezeski.

Congratulations of the Senate were extended to Andy E. Ohrel, Jr. by Senator Armstrong.

Congratulations of the Senate were extended to Darleen Doe by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Hershey Bowers, Mr. and Mrs. Harry P. Hesson, Mr. and Mrs. Walter W. Shue, Mr. and Mrs. Ray E. Gladfelter, Mr. and Mrs. Marlin E. Inch, Sr., Mr. and Mrs. Carl Pickel, Neil E. Everhart and to Saint John the Baptist Roman Catholic Church of New Freedom by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Frank New, Jr. by Senator Fisher.

Congratulations of the Senate were extended to Reverend Dr. Robert Lord Curry by Senator Fumo.

Congratulations of the Senate were extended to Kulpmont Lions Ladies Auxiliary by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Lester Landes by Senator Holl.

Congratulations of the Senate were extended to Montgomery County Youth Center by Senators Holl, Greenleaf and Tilghman.

Congratulations of the Senate were extended to Bessie Adele Plank by Senator Hopper.

Congratulations of the Senate were extended to Mary O. Brown by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Abner J. Smith by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Alphonzo A. Fazio by Senator Mellow.

Congratulations of the Senate were extended to Johnny Nelson by Senator Peterson.

Congratulations of the Senate were extended to Gene E. Kramer by Senators Punt and Hopper.

Congratulations of the Senate were extended to Brian J. Weaver and to Scott R. Morris by Senator Reibman.

Congratulations of the Senate were extended to the citizens of the Borough of Stoneboro by Senator Robbins.

Congratulations of the Senate were extended to Lieutenant Richard McDowell by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Carl M. Pefley, Mr. and Mrs. Donald Groome, Mr. and Mrs. Elmer Givler, Mr. and Mrs. Loren Hendershot, Mr. and Mrs. John A. Buffington, Pastor and Mrs. Joseph P. Pagano, Jr., Mabel Irene Carroll, SPC 4 Michael L. Keiser, SPC 4 Quincy E. Keiser and to Redeem United Church of Jesus Christ Scholarship Committee of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Horace M. Kinter and to Roger J. Reschini by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Homer Neff by Senator Stewart.

### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Bessie Azalee Glenn Ross by Senator Fattah.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Angelo A. Guarino, mandatory retirement.

ROBERT P. CASEY.

#### RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, JUNE 18, 1991

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider the nomination of Julius Uehlein to the P.U.C.)	Room 8E-B Hearing Room East Wing
10:00 A.M.	FINANCE (Public Hearing on Senate Bill No. 1008)	Room 8E-A Hearing Room East Wing
10:00 A.M.	GAME AND FISHERIES (to consider Senate Bills No. 819 and 1199 and House	Room 461 4th Floor North Wing

Bill No. 89)

- 10:30 A.M. PUBLIC HEALTH AND Room 461  
WELFARE (to consider 4th Floor  
Senate Bills No. 196, 961, North Wing  
1171 and 1203, Regulation  
14-386 and any other business  
that may come before the  
Committee)
- 11:30 A.M. BANKING AND INSURANCE Room 460  
(to consider Senate Bills 4th Floor  
No. 1086, 1087, 1095 and North Wing  
1110 and House Bills No.  
686 and 739)
- 11:30 A.M. EDUCATION (to consider Room 461  
Senate Bills No. 2, 6, 4th Floor  
15, 379, 726, 764, North Wing  
1098 and 1099)

WEDNESDAY, JUNE 19, 1991

- 1:30 P.M. PUBLIC HEALTH AND Room 461  
WELFARE (Public Hearing 4th Floor  
- pursuant to the sunset North Wing  
termination of the Pennsyl-  
vania Advisory Council on  
Drug and Alcohol Abuse)

### ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Tuesday, June 18, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:30 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 18, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 38

### SENATE

TUESDAY, June 18, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend JOANNA WHITE, Pastor of St. Stephen's Cathedral, Harrisburg, offered the following prayer:

God, we thank You for all the blessings of creation You have bestowed on the Commonwealth of Pennsylvania. This office has given you a special mastery over the works of His hands. May the Lord empower you to be good stewards of our natural resources and may you have the grace to enjoy them. I pray, God, that this Senate will be filled with a sense of justice and compassion to meet the needs of the state's greatest resource, our people. God grant you the strength to share their burden as brothers and sisters, not problems to be solved, and for you I ask God's blessing on your efforts, the time and sacrifices you put forth. May this be for you a special time of joy and fulfillment. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 17, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Syed R. Ali-Zaidi, R. D. #2, Marianne Estates, Shippensburg 16254, Clarion County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph S. Harvey, 104 Greenwood Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Edgar L. Lawton, Wellsboro, whose term expired.

ROBERT P. CASEY.

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

### REPORTS FROM COMMITTEES

Senator ROBBINS, from the Committee on Game and Fisheries, reported the following bills:

**SB 819 (Pr. No. 871)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens.

**SB 1199 (Pr. No. 1347)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for reciprocal enforcement of Federal and State laws and regulations relating to fish and fishing and boats and boating; and further providing for repeat offenders.

**HB 89 (Pr. No. 2019) (Amended)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for senior resident license qualifications; and deleting certain license requirements for regulated hunting grounds.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

**SB 1086 (Pr. No. 1356) (Amended)**

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

**SB 1087 (Pr. No. 1357) (Amended)**

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for the purposes of incorporation, for capital stock, surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

**SB 1095 (Pr. No. 1212)**

An Act prohibiting group medical benefit contracts from requiring the insured to obtain prescription drugs from a mail-order pharmacy.

**SB 1110 (Pr. No. 1231)**

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," regulating exclusions for certificates of authority to do business.

**HB 686 (Pr. No. 751)**

An Act prohibiting persons who accept credit cards for the transaction of business from requiring certain additional information from the credit cardholder; providing for enforcement of the act; and imposing civil penalties.

**HB 739 (Pr. No. 816)**

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), referred to as the "Group Life Insurance Policy Law," further providing for policies issued to creditors.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 196 (Pr. No. 205)**

An Act requiring coroners and medical examiners to perform autopsies for sudden infant death syndrome; and requiring review.

**SB 961 (Pr. No. 1032)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; and providing for certain training programs.

**SB 1171 (Pr. No. 1355) (Amended)**

An Act amending the act of July 10, 1990 (P. L. 352, No. 81), entitled "Health Care Practitioners Medicare Fee Control Act," providing exceptions to the prohibition of balance billing by health care practitioners.

**SB 1203 (Pr. No. 1351)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for certain medical reimbursement.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I request temporary Capitol leave for Senator Hopper.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Fattah, Senator Jones, Senator Stout and Senator Williams.

The PRESIDENT. Senator Fisher asks for temporary Capitol leave for Senator Hopper and Senator Stapleton asks for temporary Capitol leaves for Senator Fattah, Senator Jones, Senator Stout and Senator Williams. The Chair hears no objection. Those leaves will be granted.

**LEAVES OF ABSENCE**

Senator FISHER asked and obtained leaves of absence for Senator CORMAN, Senator BELL and Senator HELFRICK, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

**REPORTS FROM COMMITTEE**

Senator RHOADES, from the Committee on Education, reported the following bills:

**SB 2 (Pr. No. 1358) (Amended)**

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

**SB 6 (Pr. No. 6)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments on account of building costs; and imposing powers and duties on the Department of Education.

**SB 15 (Pr. No. 15)**

An Act establishing a loan forgiveness program for certain professional nurses.

**SB 379 (Pr. No. 389)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing programs for the education of disruptive students.

**SB 764 (Pr. No. 809)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the determination of hazardous routes and removing certain traffic control devices from consideration.

**SB 1098 (Pr. No. 1359) (Amended)**

An Act providing for the Pennsylvania Children's Literacy Council; imposing duties on the Department of Public Welfare and the Department of Education; providing for goals; and making an appropriation.

**SB 1099 (Pr. No. 1360) (Amended)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring the Department of Education to establish a Model Summer Reading Grant Program; and making an appropriation.

**CALENDAR**

**SB 1051 CALLED UP OUT OF ORDER**

**SB 1051 (Pr. No. 1162)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1051 (Pr. No. 1162)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose" to include cave exploration.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

**LEGISLATIVE LEAVE**

Senator STAPLETON. Mr. President, I would ask for a temporary Capitol leave for Senator Fumo.

The PRESIDENT. Senator Stapleton asks for a temporary Capitol leave for Senator Fumo. The Chair hears no objection. That leave will be granted.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—46**

Afflerbach	Greenleaf	Madigan	Salvatore
Andrezeski	Greenwood	Mellow	Scanlon
Armstrong	Hart	Musto	Schwartz
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bodack	Jones	Peterson	Stapleton
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Dawida	Lemmond	Reibman	Tilghman
Fattah	Lewis	Rhoades	Wenger
Fisher	Lincoln	Robbins	Williams
Fumo	Loeper		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Williams and Senator Stout. Their temporary Capitol leaves will be cancelled.

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR EARL M. BAKER  
PRESENTED TO SENATE**

Senator BAKER. Mr. President, I am pleased today to introduce two special people from Chester County, our Chief Historic Preservation Officer, Jane Davidson, and preservation specialist Gabrielle Rowan, who is a student at West Chester University. They do a very fine job of working for the historical interests in Chester County, and I hope we can welcome them to the Senate today.

The PRESIDENT. Would the guests of Senator Baker please rise so we can acknowledge your presence and welcome you to the Senate of Pennsylvania.

(Applause.)

### **GUESTS OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE**

Senator BORTNER. Mr. President, first I would just like to extend my appreciation to my friend Reverend Joanna White, who served as our Chaplain for this week. I would also like to recognize a guest page who is serving in the Senate today from Central York High School. Her name is Jennifer Budoff and she is seated at the front of the Senate.

The PRESIDENT. Would Jennifer please rise so we could welcome you and thank you for your efforts.

(Applause.)

Senator BORTNER. Finally, Mr. President, I would like to recognize in the gallery members of the York Composite of Squadron 301 of the Civil Air Patrol, their Commander, Lt. Ron Spicer, and four cadets: Cadet Dave All, Cadet Damien Hess, Cadet Derrick Hess and Cadet Norman Goodenough. I would ask that the Senate extend its usual warm welcome to all of these guests.

The PRESIDENT. Would the members of the Civil Air Patrol and the guests of Senator Bortner please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

### **GUEST OF SENATOR NOAH W. WENGER PRESENTED TO SENATE**

Senator WENGER. Mr. President, it is my pleasure to introduce to the Senate a very special guest who we have in the gallery today. His name is Clair Wolf. He is the Prothonotary in Lancaster County. He is the former Mayor of the Borough of Ephrata in northern Lancaster County. He is a good friend of mine and a fine Pennsylvanian, and I am pleased to introduce Clair Wolf to the Senate of Pennsylvania and ask that you extend our welcome to him today.

The PRESIDENT. Would the guest of Senator Wenger please rise so we could welcome you.

(Applause.)

### **SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Permission has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

### **RECESS**

Senator WENGER. Mr. President, I would ask that the Senate stand in recess for the appropriate Republican caucus.

Senator BODACK. Mr. President, we would like to have a Democratic caucus to begin immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

### **AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### **CONSIDERATION OF CALENDAR RESUMED**

#### **FINAL PASSAGE CALENDAR**

#### **BILL OVER IN ORDER**

**SB 916** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

### **LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Jubelirer, Senator Loeper and Senator Tilghman and legislative leaves for Senator Greenleaf and Senator Lemmond.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Scanlon, Senator Mellow, Senator Lewis and Senator Dawida.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Jubelirer, Senator Loeper and Senator Tilghman, also legislative leaves for Senator Greenleaf and Senator Lemmond. Senator Stapleton requests temporary Capitol leaves for Senator Scanlon, Senator Mellow, Senator Lewis and Senator Dawida. The Chair hears no objections. The leaves will be granted.

### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Jones is back from her temporary Capitol leave. Her leave will be cancelled.

### **CONSIDERATION OF CALENDAR RESUMED**

#### **THIRD CONSIDERATION CALENDAR**

#### **BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 10 (Pr. No. 2007)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring the superintendent of every public school district to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:



## YEAS—31

Andrezeski	Greenwood	Lincoln	Robbins
Baker	Hart	Loeper	Salvatore
Belan	Holl	Mellow	Shaffer
Bortner	Hopper	Musto	Shumaker
Brightbill	Jubelirer	Peterson	Stapleton
Fisher	LaValle	Porterfield	Stewart
Fumo	Lemmond	Punt	Stout
Greenleaf	Lewis	Rhoades	

## NAYS—14

Afflerbach	Fattah	Reibman	Tilghman
Armstrong	Jones	Scanlon	Wenger
Bodack	Madigan	Schwartz	Williams
Dawida	Pecora		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**SB 752** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILL ON THIRD CONSIDERATION AMENDED**

**SB 985 (Pr. No. 1079)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," further providing for membership on retirement boards; and authorizing cost-of-living increases.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator ANDREZESKI, by unanimous consent, offered the following amendment No. A1482:

Amend Bill, page 1, lines 9 through 19; page 2, lines 1 through 21, by striking out all of said lines on said pages and inserting:

Section 1. Section 3 of the act of May 23, 1945 (P.L.903, No.362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," amended July 18, 1986 (P.L.1413, No.128), is amended to read:

Section 3. In any such city which creates such retirement system there shall be created a board to be known as the "Officers and Employees Retirement Board," consisting of the mayor, the city controller, the director of finance, two employees to be chosen by the employees contributing to the retirement fund, subject to the condition that if, on or after September 1, 1991, a vacancy occurs among the employee members of the board, a retired city employee chosen by the association of retired city employees shall be appointed to the board and a retired city employee shall thereafter hold membership on the board and, if members of council participate in the retirement fund and are members of the fund, a member of council, chosen by council. It shall be the duty of said board to register all persons employed by

the said city, and to administer the collections and distribution of the fund, herein provided for, and make such reasonable rules in the premises as such board may deem necessary to carry into effect the provisions of this act.

Section 2. The act is amended by adding a section to read:

Section 4.1. (a) Provided that the provisions of section 305 of the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," have been satisfied, the board may, subject to the approval required under subsection (b), increase the compensation of any member of the fund by reason of and after the termination of the services of such member of the fund. Such increases shall be in conformity with a uniform scale, which shall be based on the Consumer Price Index for all urban consumers calculated by the Bureau of Labor Statistics of the United States Department of Labor, but the total of any such allowance shall not at any time exceed one-half of the current salary being paid to nonuniformed employes of the highest pay grade.

(b) The board may recommend the increase described in subsection (a) to the city council at any time. Provided that the provisions of section 305 of the "Municipal Pension Plan Funding Standard and Recovery Act" have been satisfied, the council, by ordinance, may approve this increase subject, however, to the approval of the mayor.

Section 3. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator ANDREZESKI and were as follows, viz:

## YEAS—45

Afflerbach	Greenleaf	Loeper	Salvatore
Andrezeski	Greenwood	Madigan	Scanlon
Armstrong	Hart	Mellow	Schwartz
Baker	Holl	Musto	Shaffer
Belan	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Rhoades	Wenger
Fisher	Lincoln	Robbins	Williams
Fumo			

## NAYS—1

Reibman

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Senate Bill No. 985 will go over in its order, as amended.

**SECOND CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**SB 515** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILL OVER IN ORDER**

**HB 23** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL ON SECOND CONSIDERATION

**SB 88 (Pr. No. 1328)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," reducing minimum age requirements of minors who sell newspapers or merchandise in public places.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL ON SECOND CONSIDERATION AMENDED

**HB 146 (Pr. No. 772)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the jurisdiction of second class township supervisors over its police force.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SHAFFER offered the following amendment No. A1410 and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 5, by removing the period after "force" and inserting: ; and prohibiting horse race meets at certain racetracks.

Amend Bill, page 3, by inserting between lines 15 and 16:

Section 2. The act is amended by adding a section to read:

Section 703. Racetracks.—(a) Notwithstanding the provisions of this act and the act of December 17, 1981 (P.L.435, No.135), known as the "Race Horse Industry Reform Act," no licensed corporation shall conduct a horse race meet at a racetrack in a township if the racetrack was not in operation prior to January 1, 1991, unless the racetrack is located outside a fifty-mile area of a racetrack which was in operation prior to January 1, 1991. The fifty-mile area of a racetrack is defined as that land area included in a circle drawn with the racetrack which was in operation prior to January 1, 1991, as the center and a radius of fifty air miles.

(b) The definitions provided for in the "Race Horse Industry Reform Act" shall apply to this section.

Amend Sec. 2, page 3, line 16, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 189** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL LAID ON THE TABLE

**SB 347 (Pr. No. 1141)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

Upon motion of Senator FISHER, and agreed to, the bill was laid on the table.

## BILLS OVER IN ORDER

**SB 516, 518 and 559** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILL ON SECOND CONSIDERATION

**SB 727 (Pr. No. 770)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**HB 795 and SB 872** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILL ON SECOND CONSIDERATION

**SB 950 (Pr. No. 1325)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; further providing for acquisitions of the stock of a savings association; revising proxy rules; further providing for number and qualification of directors; and making repeals.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**SB 1034 and 1053** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILL ON SECOND CONSIDERATION

**SB 1115 (Pr. No. 1236)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 1118** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**SENATE RESOLUTION NO. 68, CALLED UP**

Senator FISHER, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 68**, entitled:

A Resolution directing the Senate Environmental Resources and Energy Committee to monitor the Federal Clean Air Act Amendments of 1990 and urging the Governor to coordinate Clean Air Act programs in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

Senator GREENWOOD offered the following amendment No. A1357:

Amend Last Resolve Clause, page 3, line 9, by inserting after "organizations;": four members of

Amend Last Resolve Clause, page 3, line 10, by inserting after "Assembly": , one of whom shall be appointed by the President pro tempore of the Senate, one of whom shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed by the Minority Leader of the Senate and one of whom shall be appointed by the Minority Leader of the House of Representatives

On the question,  
Will the Senate agree to the amendment?

Senator GREENWOOD. Mr. President, this is an amendment that just requires that of this committee one Member would be appointed by each of the Majority and Minority Members in the House and Senate, and it is supported by the prime sponsor of the resolution.

And the question recurring,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate adopt the resolution, as amended?

**SENATE RESOLUTION NO. 68 ADOPTED,  
AS AMENDED**

Senator FISHER. Mr. President, I move that the Senate do adopt Senate Resolution No. 68, as amended.

The motion was agreed to and the resolution was adopted.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Scanlon and Senator Hopper. Their temporary Capitol leaves will be cancelled.

**HOUSE CONCURRENT RESOLUTION  
NO. 106, CALLED UP**

Senator FISHER, without objection, called up from page 6 of the Calendar, **House Concurrent Resolution No. 106**, entitled:

A Concurrent Resolution memorializing the Governor of the Commonwealth of Pennsylvania to invoke the duties and authority of section 125 of the Clean Air Act, if necessary, to prevent significant local or regional economic disruption or unemployment.

On the question,  
Will the Senate concur in the resolution?

Senator RHOADES offered the following amendment No. A1372:

Amend Last Whereas Clause, page 2, line 20, by striking out "fuels" and inserting: coal or coal derivatives

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate concur in the resolution, as amended?

**SENATE CONCURS IN HOUSE CONCURRENT  
RESOLUTION NO. 106, AS AMENDED**

Senator FISHER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 106, as amended.

The motion was agreed to and the resolution was concurred in.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**RECESS**

Senator FISHER. Mr. President, I would request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room to the rear of the Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in brief recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**COMMUNICATION FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY**

June 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of Nitza I.

Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

##### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marilyn Painter, 549 Allenby Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

##### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

April 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kenneth E. Gaudi, 302 Sarah Court, Jeannette 15644, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Walter Cook, Oil City, whose term expired.

ROBERT P. CASEY.

##### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lucille M. Tabler, 1140 Grandview Road, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Joseph S. Harvey, Oil City, whose term expired.

ROBERT P. CASEY.

##### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William H. Reed, Jr. (Public Member), 8017 Thon Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Judith C. Lieberman, Allentown, resigned.

ROBERT P. CASEY.

##### MEMBER OF THE STATE BOARD OF PODIATRY

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. DiBacco, D.P.M., 5755 Schultz Road, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael R. Marino, D.P.M., Pittsburgh, whose term expired.

ROBERT P. CASEY.

##### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

March 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 1996, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frank R. Fischl, Jr., Allentown, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patricia A. Byrne (Democrat), 2028 Sixteenth Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. Gioiosa (Democrat), 1103 Peach View Lane, Duncansville 16635, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Michael J. Brennan, Altoona, deceased.

ROBERT P. CASEY.

MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carole B. Grissinger (Republican), 501 East Poplar Street, McConnellsburg 17233, Fulton County, Thirtieth Senatorial District, for reappointment as a member of the Fulton County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathleen J. Zimmerman (Democrat), HCR 80, Box 168, Warfordsburg 17267, Fulton County, Thirtieth Senatorial District, for reappointment as a member of the Fulton County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert W. Parsons (Democrat), Box 300, R. D. 1, Blairs Mills 17213, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Hazel B. Parks, Huntingdon, whose term expired.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA  
LABOR RELATIONS BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendell W. Young, III, 4041 Cottler Drive, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1995 and until his successor is appointed and qualified, vice Ralph F. Scalera, Esquire, Beaver, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo. His temporary Capitol leave will be cancelled.

And the question recurring,  
Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—44

Afflerbach	Fumo	Loeper	Salvatore
Andrezeski	Greenleaf	Mellow	Scanlon
Armstrong	Greenwood	Musto	Schwartz
Baker	Hart	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bodack	Jones	Peterson	Stapleton
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Dawida	Lemmond	Reibman	Tilghman
Fattah	Lewis	Rhoades	Wenger
Fisher	Lincoln	Robbins	Williams

## NAYS—2

Holl Madigan

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—45

Afflerbach	Greenleaf	Loeper	Salvatore
Andrezeski	Greenwood	Madigan	Scanlon
Armstrong	Hart	Mellow	Schwartz
Baker	Holl	Musto	Shaffer
Belan	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams

Fumo

NAYS—1

Robbins

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

April 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore T. Metzger, Jr. (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
INDIANA COUNTY

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Martin, Esquire, 89 Shady Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as Judge of the Court of Common Pleas of Indiana County, to serve until the first Monday of January, 1992, vice The Honorable Robert C. Earley, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—46

Afflerbach	Greenleaf	Madigan	Salvatore
Andrezeski	Greenwood	Mellow	Scanlon
Armstrong	Hart	Musto	Schwartz
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bodack	Jones	Peterson	Stapleton
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Dawida	Lemmond	Reibman	Tilghman
Fattah	Lewis	Rhoades	Wenger
Fisher	Lincoln	Robbins	Williams
Fumo	Loeper		

## NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF TRUSTEES  
OF CLARKS SUMMIT STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Malloy, 1532 Quincy Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Janet Brown, Scranton, deceased.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick W. Taylor, 48 Smithfield Village, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen F. Koegler, R. D. 1, Box 65, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EDINBORO UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin D. Dombrowski, 825 East 43rd Street, Erie 16504, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur S. Foreman, 4347 Crestview Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF KUTZTOWN UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard A. Gray, Jr., 3866 Lilac Road, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.



MEMBER OF THE STATE BOARD  
OF MEDICINE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Gerald A. Chesin, 123 Beechwood Lane, Pittsburgh 15206, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Medicine, to serve until April 25, 1993 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Mary Ellen Weinberg, Philadelphia, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. West, Jr. (Public Member), R. D. 2, Box 2208, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara K. Shore, Ph.D., Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony J. Swanick, 126 Nottoway Drive, Penllyn 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Edgar C. LeBlanc, Jr., Oreland, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF NURSING

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alice Joyce Kennedy Johnston, 303 Springwater Drive, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Margaret M. Irwin, Bradfordwoods, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet Goodson (Public Member), 1825 Watkins Street, D-4, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve until June 20, 1992 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene A. Hudak, Nanticoke, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Madeline Leth (Public Member), 221 East First Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Edward R. Melodini, 318 Point View Road, Pittsburgh 15227-3136, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Jay R. Bair, Wrightsville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Pysher, Jr., 84 Roosevelt Street, Wind Gap 18091, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice William H. Parsonage, Ph.D., State College, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

May 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony R. Barone, 9575 Walley Avenue, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 192, approved December 12, 1990.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis P. McManus, (Public Member), 428 Sunnyland Avenue, Pittsburgh 15227, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Betty Hoffman Shultz, Lebanon, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL**

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eleanor L. Palka, 1220 North Tenth Street, Reading 19604, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL**

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Redith F. Snoberger, 133 Hillside Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
WOODVILLE STATE HOSPITAL**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Love, R. D. 1, Box 91, Oakdale 15071, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Trustees of Woodville State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Margaret B. Wolak, Pittsburgh, resigned.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marjorie S. Ajay (Republican), 1173 Christopher Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hershel B. Donald (Democrat), 726 Menoher Boulevard, Johnstown 15901, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert B. Helsel (Democrat), 146 Theatre Drive, Johnstown 15904, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CAMBRIA COUNTY  
BOARD OF ASSISTANCE**

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dolores A. Porcher (Democrat), 420 Oak Street, Johnstown 15902, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David M. George (Democrat), 620 Spring Street, Houtzdale 16651, Clearfield County, Thirty-fourth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank S. Provenzano (Democrat), Box 147, Penfield 15849, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, R. Curtis Smith (Democrat), 201 Weaver Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ralph J. Palmiero (Democrat), 441 West Main Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald J. Watts (Democrat), 50 Second Street, Box 185, Millville 17846, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne K. Wilson (Democrat), R. D. 9, Box 60, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melissa A. Curry (Democrat), 255 McClellan Street, Cambridge Springs 16403, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sally A. Moore (Democrat), R. D. 3, Box 339, Linesville 16424, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James M. Cookerly (Democrat), 624 Fourth Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clem C. Switaj (Democrat), 1105 Apple Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ERIE COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Agnes R. Priscaro (Democrat), 1123 East Lake Road, Erie 16507, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ELK COUNTY  
BOARD OF ASSISTANCE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Milton E. Wilson (Republican), 412 Willard Street, Ridgway 15853, Elk County, Twenty-fifth Senatorial District, for reappointment as a member of the Elk County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Willis E. Kauffman (Democrat), HCR - 63, Box 65, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, June M. Niemond (Democrat), HCR - 63, Box 13A, Richfield 17086, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fred N. Noble (Democrat), R. D. 1, Box 197, Honey Grove 17035, Juniata County, Thirty-third Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thelma A. Shelley (Democrat), R. D. 2, Box 84, McAlisterville 17049, Juniata County, Thirty-fourth Senatorial District, for reappointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE LAWRENCE COUNTY  
BOARD OF ASSISTANCE

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn P. Ward (Democrat), 517 Bell Avenue, New Castle 16101, Lawrence County, Twenty-first Senatorial District, for appointment as a member of the Lawrence County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Limmie Morgan, New Castle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louise T. Ott (Democrat), 75 Mercedes Drive, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandra S. Piccone (Republican), 149 James Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick M. Sicilio (Democrat), 109 Cedarwood Drive, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lloyd W. Baysore (Democrat), 711 Elm Street, Watsonstown 17777, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

March 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margot F. Guinan (Democrat), 15 South Maple Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eileen T. Groom (Democrat), 111 West George Street, Milford 18337, Pike County, Twentieth Senatorial District, for appointment as a member of the Pike County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Helen Thielhelm, Lackawaxen, resigned.

ROBERT P. CASEY.

MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathleen O. Gross (Democrat), 701 Avenue O, Matamoras 18336, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Betty A. Nosak (Republican), R. D. 1, Box 9, Greentown 18426, Pike County, Twentieth Senatorial District, for reappointment as a member of the Pike County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary B. Gere (Democrat), Box 214, Route 29, South Montrose 18843, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kim Marie Spoonhower (Democrat), 303 Broad Avenue, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin A. Isaacson, Jr. (Republican), 256 South Williamson Road, Blossburg 16912, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bertha W. Janeski (Democrat), R. D. 1, Box 16, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gail A. Ruef (Democrat), 312 Mill Street, Westfield 16950, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

April 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donn T. Shepard (Democrat), R. D. 3, Box 2100, Honesdale 18431, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jerome F. Fuhr (Republican), R. D. 3, Box 189, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

DISTRICT JUSTICE

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hall E. Solomon, Sr., 112 North Eighth Street, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as District Justice in and for the County of Union, Magisterial District 17-3-02, to serve until the first Monday of January, 1994, vice William D. Yohn, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alan G. Naylor, 53 North Main Street, Manchester 17345, York County, Thirty-first Senatorial District, for appointment as District Justice in and for the County of York, Magisterial District 19-02-04, to serve until the first Monday of January, 1992, vice Donald G. Rode, deceased.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—46

Afflerbach	Greenleaf	Madigan	Salvatore
Andrezeski	Greenwood	Mellow	Scanlon
Armstrong	Hart	Musto	Schwartz
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bodack	Jones	Peterson	Stapleton
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Dawida	Lemmond	Reibman	Tilghman
Fattah	Lewis	Rhoades	Wenger
Fisher	Lincoln	Robbins	Williams
Fumo	Loeper		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Charles H. Blake, Sr., Mr. and Mrs. Jerome Engle, Mr. and Mrs. Jay Nelson Wise, Mr. and Mrs. H. Lester Weaver and to Mr. and Mrs. J. Vernon Good by Senator Armstrong.

Congratulations of the Senate were extended to Charlie Grese by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. John Krajewski by Senator Fumo.

Congratulations of the Senate were extended to Lynette Rae Jacobs by Senator Hart.

Congratulations of the Senate were extended to Florence K. Eckard and to the Delmont Scout Reservation by Senator Holl.

Congratulations of the Senate were extended to Tyrone Lodge No. 212, Benevolent and Protective Order of Elks by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Phinney by Senator Lemmond.

Congratulations of the Senate were extended to Jason Bennett, William Watkins, Jason Jordan and to Joseph Ashton by Senator Musto.

Congratulations of the Senate were extended to Dr. Robert P. Matsko by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. G. Stanley Vanderhoff, Mr. and Mrs. Mervin Smith, Mr. and Mrs. Arthur Harper, Mr. and Mrs. Robert Snyder, Mr. and Mrs. Louis J. Colella and to Mr. and Mrs. Gottlob Kradel by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin Schreffler by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Riffer and to Mr. and Mrs. Frank Zanotti by Senator Stapleton.

#### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late William I. Acker by Senator Jubelirer.

#### BILLS ON FIRST CONSIDERATION

Senator RHOADES. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 2, 6, 15, 196, 379, 764, 819, 961, 1086, 1087, 1095, 1098, 1099, 1110, 1171, 1199, 1203, HB 89, 686 and 739.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

#### PETITIONS AND REMONSTRANCES

Senator RHOADES. Mr. President, I rise to bring to the Members' attention and to the attention of their staffs, and I guess anyone in listening distance, that there is at the present time in the new addition, 8E, 8A and 8B, a demonstration of distance learning which is being placed here in the Capitol for us, our staffs and anyone else who is interested on Monday,



Tuesday, Wednesday and Thursday. They will finish at 5:00 p.m. so they will only be there for about 10 minutes, but they will be here tomorrow from 12:00 noon until 5:00 p.m. and on Thursday from 12:00 noon until 5:00 p.m. I bring this to your attention. Let me just throw some things out here. Japan will spend \$250 billion in this decade to link all of its major governmental agencies, educational institutions and corporations for voice, video and data communications into a single national network. The importance of these technologies for teaching and for knitting the diverse sectors of society together into a coherent and economically competitive fabric cannot be overstated. Let me add to this. I have had one committee meeting of people interested in this and we were talking about emergency management being involved, our local officials being trained over this, our police being trained over this, teachers being trained over this. The ramifications of this kind of technology are limitless. Right now we could look at it just by placing it within our schools and saying that if we wanted to teach Chinese in a school in northwestern Pennsylvania and one in southeastern Pennsylvania, through interactive distance learning we would be able to do that. The, shall we say, opportunities for this are limitless. When we look at the issues of equity and choice, this can make those things available without great expenditure to us. There will be a cost to this, but I think in terms of the end result, what can be done for us is just fabulous. The other thing, if you want to see Orwell's "1984," I guess we can go downstairs and see, let us say, distance learning 2000 and beyond because that is, in essence, what it is. It is definitely futuristic in its application. It is something that is going to be here, and I think it is the time for us to get into it here in Pennsylvania. There is an opportunity to see this firsthand downstairs in 8E, 8A and 8B. It is set up for you to take a look at it.

Senator FISHER. Mr. President, just to follow up on the comments made by Senator Rhoades, not only is the distance learning concept futuristic, it is really the present in some school districts around the Commonwealth. I know in at least two of my districts which I had a chance to visit not too long ago, students in those two districts are learning Japanese through a distance learning technique that was being produced, I believe, at the University of Kansas. In those two separate classes in two different districts you had anywhere from four to six students who were learning Japanese on a live feed, and it was really a fantastic way for a small population in the district to be able to learn something and to take another course for which they received credit. Even of more importance, that district was able to put on that course for a relatively small amount of money. Clearly, this concept, which has limitless applications not only for our schools but for every particular walk of life, is something we have to take an awfully close look at, and I commend Senator Rhoades for bringing the distance learning experiment here to the Capitol, and I would encourage everyone to stop down and take a look at it before the week is over.

Senator REIBMAN. Mr. President, I would like to endorse what Senator Rhoades and Senator Fisher have said. I had

Senator Rhoades as my guest to come to a demonstration at Lehigh University where we first saw this distance learning. Since then we have learned that the State of Kentucky has this and the State of South Carolina is using this. I have also learned that, since we are trying to train our young people to be competitive in a global economy, Japan is putting in almost a trillion dollars to hook up every classroom, every school, every university, every business and every government agency into this kind of distance learning interactive telecommunication. Can you imagine the competition our kids will have if they do not have the opportunity to be exposed to learning languages, learning physics, learning all kinds of programs which many school districts cannot afford to have on their own. As Senator Fisher said, it is absolutely limitless. The technology is here. It ought to be used. I think it is one of the most exciting things I have ever heard about, and I would urge all of our colleagues to see this demonstration and see how kids can react to this. Can you imagine a youngster in a very poor district up in some area of the Commonwealth who will be able to interact and talk with, perhaps, a Nobel laureate on physics from a university like either MIT or the University of Pennsylvania or any place in the country, how much this can turn on many of our students to the excitement of learning. I think that is our answer to the subsidy questions, for the inequity between poor and rich districts, and as well as for choice, because this certainly can also be used in the nonpublic schools just as well.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond Hamill, 421 Ridge Street, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kimberly M. Allen, 1255 Paso Fino Drive, Warrington 18976, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Jennifer Crissman, Harrisburg, graduated.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Monica A. Douglas, 300 Bryce Lane, Elizabeth 15037, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Mary P. Napoli, Readers, graduated.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick J. Geho, 363 Wayne Street, Baden 15005, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Darren K. Parr, Thorndale, graduated.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Curtis L. Thompson, 206 Level Street, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

ROBERT P. CASEY.

**CORRECTION TO NOMINATION BY THE  
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated June 4, 1991 for the appointment of John C. Pittenger, Esquire, Pittwillow Farm, 85 Willow Road, Nottingham 19362, Bucks County, Sixth Senatorial District, as a member of the State Board of Education to serve until October 1, 1996 or until his successor is appointed and qualified, vice Dr. Fred E. Bryan, Wormleysburg, whose term expired, should be corrected to read:

John C. Pittenger, Esquire, Pittwillow Farm, 85 Willow Road, Nottingham 19362, Chester County, Thirty-sixth Senatorial District, as a member of the State Board of Education, to serve until October 1, 1996 or until his successor is appointed and qualified, vice Dr. Fred E. Bryan, Wormleysburg, whose term expired.

**BILL SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**HB 171.**

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

**WEDNESDAY, JUNE 19, 1991**

10:00 A.M.	INTERGOVERNMENTAL AFFAIRS (to consider Senate Bills No. 1040 and 1200, Senate Resolutions No. 6 and 28 and House Resolution No. 105)	Room 461 4th Floor North Wing
1:30 P.M.	PUBLIC HEALTH AND WELFARE (Public Hearing - pursuant to the sunset termination of the Pennsylvania Advisory Council on Drug and Alcohol Abuse)	Room 461 4th Floor North Wing

**ADJOURNMENT**

Senator FISHER. Mr. President, I move the Senate do now adjourn until Wednesday, June 19, 1991, at 10:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:00 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 19, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 39

### SENATE

WEDNESDAY, June 19, 1991.

The Senate met at 10:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty God, we pause this morning to ask Your presence and blessing in this Senate Chamber as issues of great importance to the people of Pennsylvania are considered. Help these Senators to always realize that they are Your servants and servants of Your people. Guide them, that their decisions are pleasing to You and provide for the good of the Commonwealth. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 18, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### CHANGE IN STANDING COMMITTEE OF THE SENATE

The PRESIDENT. The Chair wishes to announce the President pro tempore, upon the recommendation of the Minority Leader, has appointed Senator J. William Lincoln to serve as a Member of the Intergovernmental Affairs Committee to fill the vacancy caused by the resignation of Senator Hardy Williams.

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request legislative leaves for Senator Lemmond and Senator Brightbill.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fattah and Senator Williams and legislative leave for Senator O'Pake.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Lemmond and Senator Brightbill. Senator Mellow requests temporary Capitol leaves for Senator Fattah and Senator Williams and legislative leave for Senator O'Pake. On the leave requests, the Chair hears no objection. The leaves will be granted.

### LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator BELL, Senator CORMAN and Senator HELFRICK, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leaves of absence for Senator FUMO and Senator LYNCH, for today's Session, for personal reasons.

### CALENDAR

#### FINAL PASSAGE CALENDAR

#### BILL LAID ON THE TABLE

**SB 916 (Pr. No. 1172)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for manner of filling appointments.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 752 (Pr. No. 1354)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for administrative expenses.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—45

Afflerbach	Greenwood	Madigan	Salvatore
Andrezeski	Hart	Mellow	Scanlon
Armstrong	Holl	Musto	Schwartz
Baker	Hopper	O'Pake	Shaffer
Belan	Jones	Pecora	Shumaker
Bodack	Jubelirer	Peterson	Stapleton
Bortner	LaValle	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Dawida	Lewis	Reibman	Tilghman
Fattah	Lincoln	Rhoades	Wenger
Fisher	Loeper	Robbins	Williams
Greenleaf			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS****SON OF SENATOR MICHAEL E. BORTNER  
PRESENTED TO SENATE**

Senator BORTNER. Mr. President, I would like to introduce a guest page who is with me today serving in the Senate. He is Nathan Bortner, who will be an eighth grade student at Hanna Penn Middle School, and he also happens to be my son. I would ask the Senate to extend its usual warm welcome.

The PRESIDENT. If the young Mr. Bortner would rise, we could recognize you appropriately and welcome you to the Pennsylvania Senate.

(Applause.)

**RECONSIDERATION OF  
EXECUTIVE NOMINATION****NOMINATION LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I move that the Senate reconsider the vote by which Paul J. Mahon was confirmed on June 18, 1991, as a member of the Pennsylvania Fish Commission.

The motion was agreed to.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator SALVATORE. Mr. President, I request that the nomination of Paul J. Mahon be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

**SPECIAL ORDER OF BUSINESS  
EXECUTIVE NOMINATIONS****EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

**NOMINATION TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

March 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 1996, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frank R. Fischl, Jr., Allentown, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

**LEGISLATIVE LEAVES**

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Afflerbach and Senator Scanlon and legislative leave for the remainder of the day for Senator Schwartz.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach and Senator Scanlon and a legislative leave for Senator Schwartz. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator LINCOLN. Mr. President, I think we have an opportunity today to confirm an individual to the Public Utility Commission in Pennsylvania who would really reflect a point of view of all the people in Pennsylvania who work for a living.

I had the honor and the privilege of speaking at Mr. Uehlein's retirement as President of the AFL/CIO here in Pennsylvania, along with Lynn Williams, who is the president of the steelworkers' union nationally, and Governor Casey. It is amazing when you look at someone who has spent most of their adult life doing things for people. I know there are people who will say, well, why would we want a labor leader over there? There are individuals who are going to say that this is the fifth Democrat on that commission and there should not be five Democrats.

I think if you look through the history of the PUC you will find at times there has always been a smattering. There have been five Republicans. There have been two Democrats and three Republicans. I really do not think a person's party registration has a great deal to do with the kinds of decisions they are going to end up making over there. In that case, why would a Republican care if a Republican steelworker or

AFSCME worker, or whatever that person's registration is, is represented by an individual who has displayed nothing in their lifetime but concern for other human beings? Julius Uehlein has another character trait that is hard to imagine not wanting him in a position of being a member of the PUC. The steelworkers, when they were organized, one of their strongest arguments was that management needed help and they have always had a philosophy that there should be labor and management groups. They have been in the forefront of something in the '80s that became a very strong word in our government and our management of our resources, both through labor and management groups. I think Julius has a record of accomplishment that would be one that we should be pleased he would be willing to take his time and give his effort to go over and deal with some of the problems of a magnitude that are hard to believe. Do not make this decision based strictly on the fact that he comes from the labor movement. I mean, think about why he was in the labor movement. He was there to help people, and they banded together to protect themselves from some unfair management practices and over the years became part of decisions that made business better. I believe today, whenever you vote, you have an opportunity to complete the full complement of members at the PUC, but you also have an opportunity to send over there a true representative of the people of this Commonwealth, someone who is going to make decisions based on what is best for the people they represent. I would hope party affiliation and partisan politics, and all the other things that come out of our having to vote on appointments occasionally, do not become part of this discussion and that we would honor a person who deserves that honor by allowing him to represent working men and women throughout this Commonwealth on the Public Utility Commission. I strongly urge a "yes" vote.

Senator LOEPER. Mr. President, I would just simply say that our public position on this side of the aisle has been that we believe there should be at least one Republican on the Public Utility Commission and, therefore, I would ask for a negative vote.

And the question recurring,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred:)

Senator JONES. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The lady will be so recorded.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—22

Andrezeski	Jones	O'Pake	Schwartz
Belan	LaValle	Pecora	Stapleton
Bodack	Lewis	Porterfield	Stewart
Bortner	Lincoln	Reibman	Stout
Dawida	Mellow	Scanlon	Williams
Fattah	Musto		

#### NAYS—22

Armstrong	Hart	Madigan	Salvatore
Baker	Holl	Peterson	Shaffer
Brightbill	Hopper	Punt	Shumaker
Fisher	Jubelirer	Rhoades	Tilghman
Greenleaf	Lemmond	Robbins	Wenger
Greenwood	Loeper		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### MEMBER OF THE STATE BOARD OF PODIATRY

April 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. DiBacco, D.P.M., 5755 Schultz Road, Erie 16509, Erie County, Fortyninth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael R. Marino, D.P.M., Pittsburgh, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—21

Andrezeski	Jones	Musto	Schwartz
Belan	LaValle	O'Pake	Stapleton
Bodack	Lewis	Porterfield	Stewart
Bortner	Lincoln	Reibman	Stout
Dawida	Mellow	Scanlon	Williams
Fattah			

#### NAYS—23

Armstrong	Hart	Madigan	Salvatore
Baker	Holl	Pecora	Shaffer
Brightbill	Hopper	Peterson	Shumaker
Fisher	Jubelirer	Punt	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Greenwood	Loeper	Robbins	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marilyn Painter, 549 Allenby Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

April 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kenneth E. Gaudi, 302 Sarah Court, Jeannette 15644, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Walter Cook, Oil City, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lucille M. Tabler, 1140 Grandview Road, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Joseph S. Harvey, Oil City, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS**

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William H. Reed, Jr. (Public Member), 8017 Thon Drive, Verona 15147, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Judith C. Lieberman, Allentown, resigned.

ROBERT P. CASEY.

**MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patricia A. Byrne (Democrat), 2028 Sixteenth Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel J. Gioiosa (Democrat), 1103 Peach View Lane, Duncansville 16635, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Michael J. Brennan, Altoona, deceased.

ROBERT P. CASEY.

**MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carole B. Grissinger (Republican), 501 East Poplar Street, McConnellsburg 17233, Fulton County, Thirtieth Senatorial District, for reappointment as a member of the Fulton County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE FULTON COUNTY  
BOARD OF ASSISTANCE**

March 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathleen J. Zimmerman (Democrat), HCR 80, Box 168, Warfordsburg 17267, Fulton County, Thirtieth Senatorial District, for reappointment as a member of the Fulton County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert W. Parsons (Democrat), Box 300, R. D. 1, Blairs Mills 17213, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Hazel B. Parks, Huntingdon, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—45

Afflerbach	Greenwood	Madigan	Salvatore
Andrezski	Hart	Mellow	Scanlon
Armstrong	Holl	Musto	Schwartz
Baker	Hopper	O'Pake	Shaffer
Belan	Jones	Pecora	Shumaker
Bodack	Jubelirer	Peterson	Stapleton
Bortner	LaValle	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Dawida	Lewis	Reibman	Tilghman
Fattah	Lincoln	Rhoades	Wenger
Fisher	Loeper	Robbins	Williams
Greenleaf			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet to consider certain nominations during today's Session and the Committee on Intergovernmental Affairs to consider Senate Resolution No. 6, Senate Bill No. 1040, Senate Resolution No. 28, House Resolution No. 105 and Senate Bill No. 1200.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has requested a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room to the rear of the Senate Chamber, and for that purpose the Senate will stand in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

Senator LOEPER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Haggerty, 1031 Park Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice LaRoy G. Davis, Feasterville, whose term expired.

ROBERT P. CASEY.

SECRETARY OF EDUCATION

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Donald M. Carroll, Jr., 440 Woodcrest Drive, Mechanicsburg, 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Education, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.



MEMBER OF THE PENNSYLVANIA  
ENERGY DEVELOPMENT AUTHORITY

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James H. Cawley, 7 East Gate Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Joseph F. Welch, Wyomissing, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry M. Byrne, Jr., 116 Ellis Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Patricia Jenkins, Esquire, Media, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator LOEPER. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 88 (Pr. No. 1328)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," reducing minimum age requirements of minors who sell newspapers or merchandise in public places.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—44

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Madigan	Salvatore
Armstrong	Hart	Mellow	Scanlon
Baker	Holl	Musto	Shaffer

Belan	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams

NAYS—1

Schwartz

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**HB 146 (Pr. No. 2055)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the jurisdiction of second class township supervisors over its police force; and prohibiting horse race meets at certain racetracks.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—45

Afflerbach	Greenwood	Madigan	Salvatore
Andrezeski	Hart	Mellow	Scanlon
Armstrong	Holl	Musto	Schwartz
Baker	Hopper	O'Pake	Shaffer
Belan	Jones	Pecora	Shumaker
Bodack	Jubelirer	Peterson	Stapleton
Bortner	LaValle	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Dawida	Lewis	Reibman	Tilghman
Fattah	Lincoln	Rhoades	Wenger
Fisher	Loeper	Robbins	Williams
Greenleaf			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

**SB 727 and 950** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 985 (Pr. No. 1361)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," further providing for membership on retirement boards; and authorizing cost-of-living increases.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—45

Afflerbach	Greenwood	Madigan	Salvatore
Andrezski	Hart	Mellow	Scanlon
Armstrong	Holl	Musto	Schwartz
Baker	Hopper	O'Pake	Shaffer
Belan	Jones	Pecora	Shumaker
Bodack	Jubelirer	Peterson	Stapleton
Bortner	LaValle	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Dawida	Lewis	Reibman	Tilghman
Fattah	Lincoln	Rhoades	Wenger
Fisher	Loeper	Robbins	Williams
Greenleaf			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 1115** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

##### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**SB 515 (Pr. No. 1353)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," providing for the Amusement Ride Safety Advisory Board.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 2 (Pr. No. 1358)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 6, 15, HB 23, 89, SB 189, 196, 379, 516, 518, 559, HB 686, 739, SB 764, HB 795 and SB 819** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 872 (Pr. No. 1258)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Public Transportation Consumer Protection Act; and requiring public transportation companies to seek competitive proposals from private transportation companies to operate at least 10% of their lines.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 961 and 1034** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 1053 (Pr. No. 1253)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1086, 1087, 1095, 1098, 1099, 1110, 1118, 1171, 1199 and 1203** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### UNFINISHED BUSINESS

##### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Jeffrey H. Balkovec and to Mark Joseph Caputo by Senator Fisher.

Congratulations of the Senate were extended to Bernard C. Watson, Ph.D. by Senator Jones.

Congratulations of the Senate were extended to Steve Oliver by Senator Lemmond.

Congratulations of the Senate were extended to the Susquehanna Sojourners by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin Maggs, Mr. and Mrs. John E. Jurec and to Mr. and Mrs. Charles E. Helm by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Walter DePolio, Carol Akers Coleman and to Church of Holy Family of Scranton by Senator Mellow.

Congratulations of the Senate were extended to Vertus Jones, Jr., Gregory Jones, George Carter and to Michael May by Senator Porterfield.

Congratulations of the Senate were extended to Dr. John E. Kosoloski by Senator Rhoades.

Congratulations of the Senate were extended to Stephanie Kubinski by Senator Shaffer.

Congratulations of the Senate were extended to Police Chief Donald J. Hack and to Lieutenant Ronald O. Gramigni by Senator Shumaker.

### PETITIONS AND REMONSTRANCES

Senator ANDREZESKI. Mr. President, today we passed Senate Bill No. 985, which was prime sponsored by Senator Pecora. I was one of the cosponsors of this bill. I would like to state for the record that this bill provides an authorization for cost-of-living increases for retired employees who worked in third class cities. The point I would like to make, Mr. President, is this bill was brought about by citizens who came to their elected officials and spoke about a problem they had and what they felt was a real inequity in the pension system for public employees of third class cities in Pennsylvania. This is the second Session that we have dealt with this bill. It has passed the Senate and I am hoping for quick action in the House. For the record, I would like to state that we would not be at this point if retirees of the city pension system of the City of Erie, and especially Mr. Frank DeLuca, had not been persistent citizens with all people involved. These retirees drove to Harrisburg on numerous occasions. They met with myself, Senator Pecora and Representative DeLuca to accomplish this. I would like to, in the Senate record, congratulate them for being good citizens, informed citizens and citizens who were willing to work and be persistent with us in our legislative endeavors. On that, when you work in government, government should respond. When you go to your elected officials, elected officials should respond, and Senate Bill No. 985, which was passed today, is in response to our constituents' needs.

### REPORTS FROM COMMITTEE

Senator BAKER, from the Committee on Intergovernmental Affairs, reported the following bills:

#### SB 1040 (Pr. No. 1148)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America.

#### SB 1200 (Pr. No. 1348)

An Act authorizing counties of the third, fourth, fifth, sixth, seventh and eighth classes to meet their obligations under programs mandated by Federal or State law and to support recog-

nized tourist promotion agencies and other tourism related programs by imposing a tax on room rentals.

### RESOLUTIONS REPORTED FROM COMMITTEE

Senator BAKER, from the Committee on Intergovernmental Affairs, reported the following resolutions:

#### SR 6 (Pr. No. 1363) (Amended)

A Resolution supporting "glasnost" and the emigration of Soviet Jews and Christians.

#### SR 28 (Pr. No. 489)

A Concurrent Resolution extending to the Slovak Republic of Czechoslovakia an invitation to join the Commonwealth of Pennsylvania as a sister city-state.

#### HR 105 (Pr. No. 1518)

A Concurrent Resolution memorializing the Congress of the United States to restore \$600 million preexisting funding for the Clean Coal Technology Program in support of the use of coal in an environmentally compatible manner.

The PRESIDENT pro tempore. The resolutions will be placed on the Calendar.

### BILLS ON FIRST CONSIDERATION

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

#### SB 1040 and 1200.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Williams and Senator O'Pake and their temporary Capitol leaves are cancelled.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, June 24, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:15 a.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 24, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 40

### SENATE

MONDAY, June 24, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend RALPH S. GEIMAN, Pastor of Grace United Church of Christ, Greencastle, offered the following prayer:

Let us pray.

O Lord, our God, we are most thankful that our state and nation are governed by those who have been duly elected by the people. To remember that at this time is especially fitting as they struggle with the issues at hand. As they individually and collectively seek to discharge their responsibilities, guide and direct them, O God, in the decisions they will make this day. Open to them the inspiration of Your will and help them to humbly seek to do what is right. Grant all of our Senators the insight to see clearly and to work diligently, and without passion or personal ambition do everything with a sense of calm conviction. We pray in the name of Jesus, the Christ. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Geiman who is the guest this week of Senator Punt.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 19, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 10**.

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 21, 1991

**HB 541, 542, 543 and 1491** — Committee on State Government.

**HB 1131** — Committee on Public Health and Welfare.

**HB 1323, 1591, 1607 and 1644** — Committee on Appropriations.

**HB 1492** — Committee on Agriculture and Rural Affairs.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

June 24, 1991

Senators GREENWOOD, SHAFFER, LEWIS, WENGER, AFFLERBACH and BRIGHTBILL presented to the Chair **SB 1204**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing volunteer fire companies to withdraw water from State parks.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 24, 1991.

Senators GREENWOOD, PETERSON, HOPPER, JONES, SALVATORE, BRIGHTBILL, SCHWARTZ and ANDREZESKI presented to the Chair **SB 1205**, entitled:

An Act providing for proper immunization of all children in this Commonwealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 24, 1991.

Senators GREENWOOD, PETERSON, HOPPER, JONES, REIBMAN, SALVATORE, BRIGHTBILL and ANDREZESKI presented to the Chair **SB 1206**, entitled:

An Act establishing a system of maternal and child health care in this Commonwealth; providing for assistance, coordination and support of the development of comprehensive primary health care services for pregnant women and children; and expanding eligibility for medical assistance benefits.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 24, 1991.

Senators GREENWOOD, HOPPER, JONES, REIBMAN, SALVATORE, JUBELIRER, PETERSON, BRIGHTBILL, SCHWARTZ and ANDREZESKI presented to the Chair **SB 1207**, entitled:

An Act requiring the Department of Public Welfare to provide a subsidy for child care for certain low-income families.

Which was committed to the Committee on AGING AND YOUTH, June 24, 1991.

Senators GREENWOOD, HOPPER, JONES, SALVATORE, PETERSON, BRIGHTBILL, SCHWARTZ and ANDREZESKI presented to the Chair **SB 1208**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring school districts to provide space to nonprofit day-care providers.

Which was committed to the Committee on EDUCATION, June 24, 1991.

Senators GREENWOOD, HOPPER, JONES, PETERSON, BRIGHTBILL, SCHWARTZ, SHAFFER, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1209**, entitled:

An Act providing for the location and operation of family day care in private residential homes.

Senators GREENWOOD, PETERSON, HOPPER, JONES, REIBMAN, SALVATORE, BRIGHTBILL, SCHWARTZ, HART and ANDREZESKI presented to the Chair **SB 1210**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, establishing a Statewide and State-managed adoption system for children with special needs; making an appropriation; and making a repeal.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 24, 1991.

Senators STOUT, CORMAN, JONES, WILLIAMS, REIBMAN, STAPLETON, O'PAKE, BELAN, AFFLERBACH, PECORA, PORTERFIELD and LYNCH presented to the Chair **SB 1211**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the definition of "ignition interlock device," the use of ignition interlock devices on motor vehicles of offenders convicted of driving under the influence; and providing for a fund, for responsibilities of the court, for costs of interlock devices and for offenses and penalties.

Which was committed to the Committee on JUDICIARY, June 24, 1991.

Senator GREENLEAF presented to the Chair **SB 1212**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for voting at primary elections.

Which was committed to the Committee on STATE GOVERNMENT, June 24, 1991.

Senator GREENLEAF presented to the Chair **SB 1213**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for copying onto recorded devices.

Which was committed to the Committee on JUDICIARY, June 24, 1991.

Senators HART, SALVATORE, BELL, HOPPER, GREENWOOD, REIBMAN, CORMAN, STOUT, LOEPER, FISHER, MADIGAN, PECORA, TILGHMAN, SHUMAKER, RHOADES, PETERSON and LEMMOND presented to the Chair **SB 1214**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of seized or forfeited vehicles.

Which was committed to the Committee on JUDICIARY, June 24, 1991.

Senators SHUMAKER, BELL, FISHER, REIBMAN, PETERSON, ANDREZESKI, HELFRICK, PUNT, SCANLON, JONES and ANDREZESKI presented to the Chair **SB 1215**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for telephone message services.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 24, 1991.

Senator GREENLEAF presented to the Chair **SB 1216**, entitled:

An Act prohibiting a monopoly, an attempt to monopolize or action that substantially lessens competition in waste disposal or waste processing services; prohibiting discrimination in prices, services or facilities by persons who provide waste disposal or waste processing services; providing for the powers and duties of the Attorney General; providing for damages and injunctive relief for violations of the act; and imposing civil and criminal penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 24, 1991.

Senators PETERSON, LOEPER, SHAFFER, SALVATORE, WENGER, HELFRICK, ROBBINS and SHUMAKER presented to the Chair **SB 1217**, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, June 24, 1991.

## APPOINTMENT TO STANDING COMMITTEE

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointment:

Senator Robert J. Mellow to serve as a Member of the Intergovernmental Affairs Committee to fill the vacancy caused by the resignation of Senator Vincent J. Fumo.

**GENERAL COMMUNICATION****ANNUAL REPORT TO THE GENERAL ASSEMBLY**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
Harrisburg

May 31, 1991

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

The enclosed Annual Report to the General Assembly is forwarded to you in compliance with Act 225 of 1974. A copy has also been forwarded to the Honorable Robert W. O'Donnell, Speaker of the House of Representatives.

If you have any questions on the information included in the report, please contact me.

Sincerely,

JOSEPH L. ZAZYCZNY  
Secretary of Administration

The PRESIDENT pro tempore. This report will be filed in the Library.

**BILL SIGNED**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

**HB 10.**

**REPORTS FROM COMMITTEE**

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**SB 2 (Pr. No. 1358) (Rereported)**

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

**SB 4 (Pr. No. 1378) (Amended) (Rereported)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and assistance and for the rights of crime victims.

**SB 748 (Pr. No. 1379) (Amended) (Rereported)**

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the licensing and regulation of agents and brokers; and imposing penalties.

**HB 1323 (Pr. No. 1526)**

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**HB 1591 (Pr. No. 2011)**

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**SPECIAL ORDER OF BUSINESS****ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request a temporary legislative leave for today's Session for Senator Brightbill.

Senator STAPLETON. Mr. President, I request a legislative leave for Senator Lewis.

The PRESIDENT pro tempore. Senator Fisher requests a temporary legislative leave for Senator Brightbill. Senator Stapleton has requested a temporary legislative leave for Senator Lewis. Without objection, those leaves will be granted.

**LEAVES OF ABSENCE**

Senator FISHER asked and obtained leave of absence for Senator BELL, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leave of absence for Senator LYNCH, for a portion of today's Session, for personal reasons.

**CALENDAR****SENATE CONCURRENT RESOLUTION  
NO. 28, CALLED UP OUT OF ORDER**

Senator LOEPER, without objection, called up out of order from page 7 of the Calendar, as a Special Order of Business, **Senate Concurrent Resolution No. 28**, entitled:

A Concurrent Resolution extending to the Slovak Republic of Czechoslovakia an invitation to join the Commonwealth of Pennsylvania as a sister city-state.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION  
NO. 28, ADOPTED**

Senator LOEPER. Mr. President, I move the Senate do adopt Senate Concurrent Resolution No. 28.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—48**

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR TERRY L. PUNT  
PRESENTED TO SENATE**

Senator PUNT. Mr. President, it is indeed a privilege to have with us today, and for the next several days, our Chaplain. Reverend Ralph S. Geiman is not only a constituent of mine but one who twists my arm on many occasions on how to vote, and I want this for the public record. I can legitimately say this because he is my father-in-law. Reverend Geiman, it is indeed a pleasure to have you with us today.

At a dinner several years ago Reverend Geiman gave the invocation, and he was encouraging them to make the right decisions. After he concluded his invocation, the master of ceremonies stood up and said, "Well, Reverend, that is the way it should be. You should save the souls and the Legislature will save the Commonwealth." Ralph, it is indeed a pleasure to have you with us. I would also like to introduce to the Senate his wife and my mother-in-law who is in the gallery, Ruby Geiman. Ruby, will you stand. I would like to ask the Senate to please extend its most kind, warm reception to our guests.

The PRESIDENT pro tempore. We are always pleased to have family members here and the Senate certainly welcomes you.

(Applause.)

**FAMILY AND GUEST OF SENATOR  
J. BARRY STOUT PRESENTED TO SENATE**

Senator STOUT. Mr. President, I am very proud today to have three special guests who have come to Harrisburg to witness this budget finality. In the gallery is my wife Lenore and on the floor serving as a page this week is Bethany, the youngest of our five daughters, and her friend Kara Bizick. Kara and Bethany are both juniors at the Bentworth School in my home district in Washington County.

A number of years ago, back in the '70s, when I first got elected to the Senate after coming over from the House, Bethany was in kindergarten and they were having "Show and Tell." As the other students were explaining what their fathers did for a living, they said, "Bethany, what does your father do?"

She said, "Well, he is a Senator."

They said, "Will you tell the class what a Senator does?"

She said, "Well, I guess he types."

So she is down here this week to see what a Senator does here in Harrisburg. I would like the Senate to extend its usual warm welcome to my wife Lenore, daughter Bethany and a special friend, Kara Bizick.

The PRESIDENT pro tempore. Would those very special guests of Senator Stout who are in the gallery please stand and we welcome you too. We are always glad to have family members visit here in the Senate.

(Applause.)

**RECESS**

Senator FISHER. Mr. President, I ask for a recess of the Senate for the purpose of a Republican caucus, with intentions to return to the floor at 3:30 p.m.

Senator MELLOW. Mr. President, I would request an immediate caucus for the Democratic Members upon recess.

The PRESIDENT pro tempore. For purposes of Democratic and Republican caucuses to begin immediately in their respective caucus rooms, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**SB 515 (Pr. No. 1353)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," providing for the Amusement Ride Safety Advisory Board.



Considered the third time and agreed to,  
And the amendments made thereto having been printed as  
required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of  
the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Porterfield	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted  
"aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill  
to the House of Representatives for concurrence.

### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary  
Capitol leaves for Senator Afflerbach, Senator Fattah,  
Senator Andrezski, Senator Fumo and Senator Mellow.

Senator FISHER. Mr. President, I request temporary  
Capitol leaves for Senator Loeper and Senator Tilghman.

The PRESIDENT. Senator Lincoln requests temporary  
Capitol leaves for Senator Afflerbach, Senator Fattah,  
Senator Andrezski, Senator Fumo and Senator Mellow.  
Senator Fisher requests temporary Capitol leaves for Senator  
Loeper and Senator Tilghman. The Chair hears no objection.  
Those leaves will be granted.

### LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on  
the floor of Senator Lynch. His personal leave will be can-  
celled.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL OVER IN ORDER

**SB 727** — Without objection, the bill was passed over in its  
order at the request of Senator FISHER.

#### BILL REREFERRED

**SB 872 (Pr. No. 1258)** — The Senate proceeded to consider-  
ation of the bill, entitled:

An Act establishing the Public Transportation Consumer Pro-  
tection Act; and requiring public transportation companies to  
seek competitive proposals from private transportation compa-  
nies to operate at least 10% of their lines.

Upon motion of Senator FISHER, and agreed to, the bill  
was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 950, 1053 and 1115** — Without objection, the bills were  
passed over in their order at the request of Senator FISHER.

### SECOND CONSIDERATION CALENDAR

#### BILLS REREFERRED

**SB 6 (Pr. No. 6)** — The Senate proceeded to consideration  
of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14),  
entitled "Public School Code of 1949," further providing for  
payments on account of building costs; and imposing powers and  
duties on the Department of Education.

Upon motion of Senator FISHER, and agreed to, the bill  
was rereferred to the Committee on Appropriations.

**SB 15 (Pr. No. 15)** — The Senate proceeded to consider-  
ation of the bill, entitled:

An Act establishing a loan forgiveness program for certain pro-  
fessional nurses.

Upon motion of Senator FISHER, and agreed to, the bill  
was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**HB 23 and 89** — Without objection, the bills were passed  
over in their order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 189 (Pr. No. 198)** — The Senate proceeded to consider-  
ation of the bill, entitled:

An Act designating a bridge which straddles the border  
between Norristown and Bridgeport Boroughs in Montgomery  
County as the DeKalb Veterans' Memorial Bridge.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consider-  
ation.

#### BILL OVER IN ORDER

**SB 196** — Without objection, the bill was passed over in its  
order at the request of Senator FISHER.

#### BILL REREFERRED

**SB 379 (Pr. No. 389)** — The Senate proceeded to consider-  
ation of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14),  
entitled "Public School Code of 1949," establishing programs  
for the education of disruptive students.

Upon motion of Senator FISHER, and agreed to, the bill  
was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 516 (Pr. No. 1323)** — The Senate proceeded to consider-  
ation of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment No. A1374 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 2711), page 1, lines 13 and 14, by striking out the brackets before "2701" in line 13 and after "assault," in line 15

Amend Sec. 1 (Sec. 2711), page 1, line 14, by inserting a bracket before "2702"

Amend Sec. 1 (Sec. 2711), page 1, line 15, by striking out the bracket before "or"

Amend Sec. 1 (Sec. 2711), page 1, line 15, by striking out the underscored comma after the bracket

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 518** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

**SB 559 (Pr. No. 1257)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting driving of pedalcycles on limited access highways; further providing for reports by police, for an exception for maximum wheel weights and for the determination of average fuel consumption for the motor carrier road tax; authorizing the Secretary of Transportation and the Secretary of Revenue to enter into road tax agreements; providing for the enforcement of liquid fuels and fuel use taxes; imposing a motor-bus road tax; providing penalties; and making repeals.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

#### STOUT AMENDMENT I

Senator STOUT offered the following amendment No. A1366:

Amend Sec. 2 (Sec. 3751), page 2, line 7, by inserting brackets before and after "a" and inserting immediately thereafter: an initial

Amend Sec. 2 (Sec. 3751), page 2, line 8, by inserting after "department.": If the initial report is not complete, a supplemental report shall be submitted at a later date.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

#### STOUT AMENDMENT II

Senator STOUT offered the following amendment No. 1250:

Amend Sec. 1 (Sec. 3510), page 1, line 16, by inserting before "NO": (a) General rule.—

Amend Sec. 1 (Sec. 3510), page 1, by inserting between lines 17 and 18:

(b) Exception.—The department and local authorities, on highways under their respective jurisdictions, may issue permits for a procession or event prohibited under subsection (a) upon a determination that:

(1) the pedalcycle procession or event is of national, State or regional interest; and

(2) the results of an engineering and traffic study indicate that the procession or event can be conducted with safety.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

#### STOUT AMENDMENT III

Senator STOUT offered the following amendment No. A1251:

Amend Sec. 2 (Sec. 4944), page 2, line 11, by striking out the bracket before "NO"

Amend Sec. 2 (Sec. 4944), page 2, lines 11 and 12, by striking out " ] EXCEPT AS PROVIDED IN SUBCHAPTER D (RELATING TO SPECIAL PERMITS FOR EXCESSIVE SIZE AND WEIGHT), NO"

Amend Sec. 2 (Sec. 4944), page 2, lines 15 through 17, by striking out "IN INSTANCES OF SPECIAL PERMITS," in line 15, all of lines 16 and 17 and inserting: Special mobile equipment may be authorized to carry up to 1,000 pounds per nominal inch of tire width subject to the issuance of a permit by the department.

On the question,

Will the Senate agree to the amendment?

It was agreed to

Upon motion of Senator FISHER, and agreed to, the bill, as amended, was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**HB 686** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**HB 739 (Pr. No. 816)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), referred to as the "Group Life Insurance Policy Law," further providing for policies issued to creditors.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 764 (Pr. No. 809)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the determination of hazardous routes and removing certain traffic control devices from consideration.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**HB 795** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 819 (Pr. No. 871)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 961 (Pr. No. 1032)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; and providing for certain training programs.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1034, 1040, 1086, 1087 and 1095** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILLS REREFERRED

**SB 1098 (Pr. No. 1359)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Pennsylvania Children's Literacy Council; imposing duties on the Department of Public Welfare and the Department of Education; providing for goals; and making an appropriation.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1099 (Pr. No. 1360)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring the Department of Education to establish a Model Summer Reading Grant Program; and making an appropriation.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1110, 1118 and 1171** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 1199 (Pr. No. 1347)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for reciprocal enforcement of Federal and State laws and regulations relating to fish and fishing and boats and boating; and further providing for repeat offenders.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 1200** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL REREFERRED

**SB 1203 (Pr. No. 1351)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for certain medical reimbursement.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### SENATE RESOLUTION NO. 6, CALLED UP

Senator FISHER, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 6**, entitled:

A Resolution supporting "glasnost" and the emigration of Soviet Jews and Christians.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 6, ADOPTED

Senator FISHER. Mr. President, I move that the Senate do adopt Senate Resolution No. 6.

The motion was agreed to and the resolution was adopted.

#### RECESS

Senator FISHER. Mr. President, I would ask for a short recess of the Senate for the purpose of a meeting of the Com-

mittee on Rules and Executive Nominations to be held in the Rules Committee room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate will stand in brief recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lewis and Senator Fattah. Their temporary Capitol leaves will be cancelled.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony P. Emmi, 1015 West Linden Street, Scranton 18504, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene W. Charles, Lancaster, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James R. Oesterling, R. D. 2, Box 2014, Reading 19605, Berks County, Eleventh Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1993 and until his successor is appointed and qualified, vice Terry L. Rarick, Blandon, resigned.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James H. Cawley, 7 East Gate Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Joseph F. Welch, Wyomissing, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

March 21, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate  
for the advice and consent of the Senate, John J. Haggerty, 1031  
Park Street, Scranton 18509, Lackawanna County, Twenty-  
second Senatorial District, for appointment as a member of the  
Council of Trustees of Bloomsburg University of Pennsylvania of  
the State System of Higher Education, to serve until the third  
Tuesday of January, 1997, and until his successor is appointed  
and qualified, vice LaRoy G. Davis, Feasterville, whose term  
expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE  
and were as follows, viz:

YEAS—8

Bodack	Hopper	Lincoln	O'Pake
Fumo	Jones	Mellow	Stapleton

NAYS—41

Afflerbach	Greenleaf	Lynch	Salvatore
Andrezeski	Greenwood	Madigan	Scanlon
Armstrong	Hart	Musto	Schwartz
Baker	Helfrick	Pecora	Shaffer
Belan	Holl	Peterson	Shumaker
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Corman	Lemmond	Reibman	Tilghman
Dawida	Lewis	Rhoades	Wenger
Fattah	Loeper	Robbins	Williams
Fisher			

Less than a majority of all the Senators having voted  
"aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table  
certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate  
for the advice and consent of the Senate, Harry M. Byrne, Jr.,  
116 Ellis Road, Havertown 19083, Delaware County, Seven-  
teenth Senatorial District, for appointment as a member of the  
Board of Trustees of Haverford State Hospital, to serve until the  
third Tuesday of January, 1995, and until his successor is  
appointed and qualified, vice Patricia Jenkins, Esquire, Media,  
resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on  
the floor of Senator Loeper. His temporary Capitol leave will  
be cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred:)

Senator ARMSTRONG. Mr. President, I would like to  
change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator SALVATORE  
and were as follows, viz:

YEAS—22

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Reibman	Stout
Dawida	Lincoln		

NAYS—25

Armstrong	Hart	Loeper	Robbins
Baker	Helfrick	Madigan	Salvatore
Brightbill	Holl	Pecora	Shaffer
Corman	Hopper	Peterson	Shumaker
Fisher	Jubelirer	Punt	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Greenwood			

Less than a majority of all the Senators having voted  
"aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the  
Executive Session do now rise.

The motion was agreed to.

UNFINISHED BUSINESS

SENATE RESOLUTIONS

DESIGNATING THE WEEK OF JULY 21  
THROUGH 27, 1991, AS "NORTHEASTERN  
FEDERATION OF WOMEN'S CLUBS AND  
YOUTH CLUBS WEEK" IN PENNSYLVANIA

Senators JONES, REIBMAN, WILLIAMS, STOUT,  
DAWIDA, MUSTO, ARMSTRONG, HELFRICK,  
MADIGAN, SHAFFER, HART, GREENLEAF and  
ROBBINS offered the following resolution (*Senate Resolu-  
tion No. 79*), which was read, considered and adopted:

In the Senate, June 24, 1991.

A RESOLUTION

Designating the week of July 21 through 27, 1991, as "Northeast-  
ern Federation of Women's Clubs and Youth Clubs Week" in  
Pennsylvania.

WHEREAS, The Northeastern Federation of Women's Clubs and Youth Clubs will be observing its 95th Anniversary and its 20th Biennial Convention on July 24 through 27, 1991, at the Hershey Hotel in Philadelphia, Pennsylvania; and

WHEREAS, The convention theme is "Using the Past as a Bridge to the 21st Century"; and

WHEREAS, The Northeastern Federation of Women's Clubs and Youth Clubs is the oldest organization in the National Association of Colored Women's Clubs, Inc.; and

WHEREAS, Originally known as the Northeastern Federation of Women's Clubs, the organization was formed on June 3, 1896, in Boston, Massachusetts, by Mary H. Dickerson, who was one of the concerned women who answered the "Call to Organize" by Josephine St. Pierre Ruffin; and

WHEREAS, The organization was formed to address the concerns of African American women and its motto is "For God and Humanity"; and

WHEREAS, The organization is comprised of women from Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Connecticut, Delaware and Washington, D.C.; and

WHEREAS, Through the years, it has been the constant aim of the organization to encourage and foster the work of women's clubs in the region along lines which lead toward the uplifting of humanity, equal rights for women and higher education among women; and

WHEREAS, Currently, the Northeastern Federation of Women's Clubs and Youth Clubs is involved in projects designed to strengthen the African American family by breaking the welfare cycle, decrease illiteracy in the African American community, support Sickle Cell Anemia research, and encourage African American youth to remain in school and strive for excellence; and

WHEREAS, The Northeastern Federation of Women's Clubs and Youth Clubs is continuing a legacy of civic and club work as an inspiration to future generations of youth and women; therefore be it

RESOLVED, That the Senate designate the week of July 21 through 27, 1991, as "Northeastern Federation of Women's Clubs and Youth Clubs Week" in Pennsylvania.

#### **HONORING THE CITY OF YORK ON THE OCCASION OF ITS 250TH ANNIVERSARY**

Senators BORTNER, HOPPER, SHUMAKER, JONES, O'PAKE, MELLOW, MUSTO, SCHWARTZ, STEWART, PUNT, PORTERFIELD, AFFLERBACH, ANDREZESKI, BELAN, BODACK, DAWIDA, FATTAH, FUMO, LaVALLE, LEWIS, LINCOLN, LYNCH, REIBMAN, SCANLON, STAPLETON, STOUT, WILLIAMS and HELFRICK offered the following resolution (**Senate Concurrent Resolution No. 80**), which was read, considered and adopted:

In the Senate, June 24, 1991.

#### **A CONCURRENT RESOLUTION**

Honoring the City of York on the occasion of its 250th Anniversary.

WHEREAS, In 1741, the Pennsylvania proprietaries and governors approved a petition from settlers residing in "Springettsbury Manor" to lay out a town at the crossing of the Monocacy Road and the Codorous Creek; and

WHEREAS, This town, named "York" after Yorkshire, England, was to be, after Philadelphia, the second of seven towns established by the proprietaries during their period of governance, and the first legal settlement west of the Susquehanna River; and

WHEREAS, "York Town" adopted the White Rose of the House of York as its symbol and a village plan of broad streets and open squares bearing names such as King, Queen, George, and Princess; and

WHEREAS, This community of pioneers and patriots distinguished itself in the Revolutionary War when it served as the seat of government for the Continental Congress from September 30, 1777, until June 28, 1778; and

WHEREAS, York was officially recognized in the Congressional Record as the location of the adoption of Articles of Confederation, a forerunner to the Constitution, and as such, is considered to be the first capital of the United States of America; and

WHEREAS, York has produced many illustrious citizens, including Colonel James Smith, signer of the Declaration of Independence; William Goodridge, noted black businessman and key figure in the Underground Railroad movement; and General Jacob C. Devers, Commander of Allied Forces in Europe during World War II; and

WHEREAS, York has, throughout its history, grown and prospered through the skills and labors of its residents, embracing and exemplifying the energy, dedication and diversity from which this Commonwealth and the Nation draw their strength; therefore be it

RESOLVED, (the House of Representatives concurring), That the Senate honor the City of York on the occasion of the 250th anniversary of its incorporation; and be it further

RESOLVED, That a copy of this resolution be transmitted to the mayor of the City and to the members of York City Council.

#### **REQUESTING RETURN OF EXECUTIVE NOMINATION FROM THE GOVERNOR**

Senator SALVATORE offered the following resolution which was read, considered and adopted:

In the Senate, June 24, 1991.

#### **RECALL RESOLUTION**

WHEREAS, On June 18, 1991, the Senate resolved itself into Executive Session for the purpose of considering the nomination of James S. Biery, Jr., 3718 Vista Terrace, Harrisburg 17111, Dauphin County, to be a Member of the Pennsylvania Fish Commission for the term to serve until the second Tuesday of January, 1998, made by the Governor in his communication to the Senate dated April 17, 1991; and

WHEREAS, Two-thirds of the Senators assented that the Senate do advise and consent to this nomination and the nomination along with the Senate certification to such action was returned to the Governor; and

WHEREAS, The Senate desires to further consider the nomination of James S. Biery, Jr., as a Member of the Pennsylvania Fish Commission; therefore be it

RESOLVED, That the Senate does hereby request that the Governor return said nomination to the Senate for further consideration.

#### **REQUESTING RETURN OF EXECUTIVE NOMINATION FROM THE GOVERNOR**

Senator SALVATORE offered the following resolution, which was read, considered and adopted:

In the Senate June 24, 1991.

#### **RECALL RESOLUTION**

WHEREAS, On June 18, 1991, the Senate resolved itself into Executive Session for the purpose of considering the nomination of Theodore T. Metzger, Jr., 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, to be a Member of the Penn-

sylvania Fish Commission for the term to serve until the second Tuesday of January, 1998, made by the Governor in his communication to the Senate dated April 17, 1991; and

WHEREAS, Two-thirds of the Senators assented that the Senate do advise and consent to this nomination and the nomination along with the Senate certification to such action was returned to the Governor; and

WHEREAS, The Senate desires to further consider the nomination of Theodore T. Metzger, Jr. as a Member of the Pennsylvania Fish Commission; therefore be it

RESOLVED, That the Senate does hereby request that the Governor return said nomination to the Senate for further consideration.

### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to H. Leon Senft and to Hanover Area Jaycees by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Pete Veltre by Senator Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. Herbert E. Kratz by Senator Greenleaf.

Congratulations of the Senate were extended to Jason Dean Neely and to Craig R. Forbes by Senator Greenwood.

Congratulations of the Senate were extended to Mary Agnes Doyle by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Thorp T. Beachel, Mr. and Mrs. C. George Bressler, Mr. and Mrs. George C. Rhodes, Mr. and Mrs. Ben R. Pollock, Mr. and Mrs. Stanley Good, Mr. and Mrs. Robert Yoder, Mr. and Mrs. Herbert Parr, Mr. and Mrs. Weldin Roberts, Mr. and Mrs. Marlin J. Dietterick, Mr. and Mrs. Dale W. Payne, Reverend and Mrs. G. Edward Loreman, Mr. and Mrs. Frank A. Ferrari, Mr. and Mrs. LaRue Moser, Mr. and Mrs. Robert Pursell, Mr. and Mrs. Raymond Marshall, Mr. and Mrs. Samuel Brouse, Jason C. Tanney, William H. Snyder, Michael J. Miller and to William F. Gittler by Senator Helfrick.

Congratulations of the Senate were extended to Howard C. Hinish by Senator Jubelirer.

Congratulations of the Senate were extended to Yukari Okajima and to Vicente and DeLa Cruz by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas B. Frantz by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Rudolph Rosetti, Mr. and Mrs. Joseph J. Carroll, Dr. Sandra Featherman, Esther Cohen Singer and to May Listanski by Senator Mellow.

Congratulations of the Senate were extended to Mrs. Eleanor Wallace, RN, by Senator Musto.

Congratulations of the Senate were extended to the citizens of the Borough of South Greensburg by Senator Porterfield.

Congratulations of the Senate were extended to Anthracite Underground Rescue Team of Tremont by Senator Rhoades.

Congratulations of the Senate were extended to Isabelle Tesh and to the citizens of Cambridge Springs Borough by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Robert L. Rothermel and to Mildred F. Clark by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Cortlandt Byron, Mr. and Mrs. Sharon Bowser and to Robert H. Hogg by Senator Stapleton.

### CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Richard E. Eck and to the family of the late Louis W. Wasser by Senator Afflerbach.

### BILLS ON FIRST CONSIDERATION

Senator ROBBINS. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**HB 1323 and 1591.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

### MOTION TO RECONSIDER EXECUTIVE NOMINATIONS

Senator SALVATORE. Mr. President, I move that the Senate do now reconsider the vote by which the nominations of James S. Biery, Jr., and Theodore T. Metzger, Jr., were confirmed as members of the Pennsylvania Fish Commission on June 18, 1991.

The PRESIDENT. The vote on the motion is pending the return of the nominations from the Governor.

### COMMUNICATION FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF OPTOMETRY

June 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Francis R. Grady, 815 Mandy Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

### PETITIONS AND REMONSTRANCES

Senator BORTNER. Mr. President, a short time ago the Senate unanimously passed a concurrent resolution honoring the City of York on the occasion of its 250th anniversary.

In 1741 a petition from settlers was received by the Pennsylvania proprietaries and governors requesting that a town be laid out at the crossing of the Monocacy Road and the Codorous Creek which was then designated as Springettsbury Manor, the name Springettsbury having some significance in that it was the son of William Penn. The town eventually became known as York, named after Yorkshire, England, and adopted the white rose, the symbol of the House of York, as its symbol, and a plan was laid out for streets and squares. If you ever visit York, this relationship to English history will be obvious when you notice streets such as King, Queen, George and Princess.

The City of York, I am very proud to say, distinguished itself during the Revolutionary War when it served as the seat of government of the Continental Congress from June 30, 1777, to June 28, 1778. It was during that time that the Articles of Confederation were adopted, the forerunner to our Constitution, and as a result, York lays claim and is considered as the first capital of the United States.

During the succeeding 250 years, York has produced a number of citizens who have contributed a great deal to the history of our great country. Colonel James Smith was a signer of the Declaration of Independence. William Goodridge was a noted black businessman and a key figure in the Underground Railroad movement and his home is recognized as a historic landmark in York. General Jacob C. Devers, whose name is now on an elementary school in the City of York, was the Commander of Allied Forces in Europe during World War II.

Mr. President, I am very proud to stand here today, sponsoring the resolution honoring the City of York on its 250th anniversary. This celebration will take place over the next year and will end New Year's Eve with the celebration in downtown York, as it was kicked off this past New Year's Eve. I would invite all Senators as well as their constituents to visit York and take part in this celebration, and I thank them for the support in this resolution on behalf of myself and on behalf of the residents of the City of York.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, JUNE 25, 1991

9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 1066 and 1067, House Bills No. 175, 401 and 1344)	Room 460 4th Floor North Wing
9:30 A.M.	TRANSPORTATION (to consider Senate Bills No. 386, 876, 879, 948, 984 and 1173 and House Bills No. 59, 68, 161, 554, 840 and 1055)	Room 8E-A Hearing Room East Wing
10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 252, 315, 1063, Senate Resolution 78 and House Bill No. 222 and consideration of alternate comment policy on proposed regulations)	Room 461 4th Floor North Wing
10:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider Senate Bill No. 1217 and House Bills No. 1105, 1106 and any other business that may come before the Committee)	Room 461 4th Floor North Wing
11:00 A.M.	FINANCE (to consider Senate Bills No. 1008, 1059, and House Bills No. 185, 521 and 804)	Room 8E-A Hearing Room East Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 465, 978, 1037 and 1083. Also Public Hearing on the nomination of Clyde G. Tempest, Esq., Monongahela, for the Court of Common Pleas, Washington County)	Room 8E-B Hearing Room East Wing
11:45 A.M.	BANKING AND INSURANCE (to consider Insurance Department Regulations 11-91)	Room 461 4th Floor North Wing
1:00 P.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 1141 and 1197 and any other business that may come before the Committee)	Room 461 4th Floor North Wing

WEDNESDAY, JUNE 26, 1991

- |            |   |  |
|------------|---|--|
| 10:00 A.M. | MILITARY AND<br>VETERANS AFFAIRS (to<br>consider nominations of<br>Brig. Generals Joseph F.<br>Perugino, Allen E. Chandler<br>and Col. Henry F. Coyne for<br>the National Guard; and<br>Senate Bills No. 868, 1058,<br>1112 and 1180) | Room 460<br>4th Floor<br>North Wing    |
| 10:00 A.M. | STATE GOVERNMENT<br>(to consider House Bill<br>No. 541 and any other<br>business that shall come<br>before the committee)   | Room 461<br>4th Floor<br>North Wing    |
| 1:00 P.M.  | PUBLIC HEALTH AND<br>WELFARE (Public Hearing -<br>Sunset Review of Pennsyl-<br>vania Advisory Council on<br>Drug and Alcohol Abuse)   | Room 8E-A<br>Hearing Room<br>East Wing |
| 2:00 P.M.  | URBAN AFFAIRS AND<br>HOUSING (Public Hearing<br>to consider Senate Bill<br>No. 373)   | Room 461<br>4th Floor<br>North Wing    |

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, June 25, 1991, at 1:00 p.m., Eastern Daylight Saving Time. The motion was agreed to.

The Senate adjourned at 5:55 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 25, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 41

### SENATE

TUESDAY, June 25, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend RALPH S. GEIMAN, Pastor of Grace United Church of Christ, Greencastle, offered the following prayer:

Let us pray.

It is another day of work, O Father, one which offers to us the opportunity to work and in the process to learn something both new and beneficial. Much labor has been expended in preparation for discussion and debate this day. In this way, perhaps, if we allow, cooperation and understanding will result. All of us, most of the time, know what is the correct thing for us to do. The problem is, however, will we do it. As followers of You and Your Son make us want to do exactly that. In the name of Jesus, Your Son and Our Lord, we pray. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 24, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### RECALL RESOLUTION OF THEODORE T. METZGER, JR.

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

In the Senate, June 24, 1991.

WHEREAS, On June 18, 1991, the Senate resolved itself into Executive Session for the purpose of considering the nomination of Theodore T. Metzger, Jr., 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, to be a Member of the Penn-

sylvania Fish Commission for the term to serve until the second Tuesday of January, 1998, made by the Governor in his communication to the Senate dated April 17, 1991; and

WHEREAS, Two-thirds of the Senators assented that the Senate do advise and consent to this nomination and the nomination along with the Senate certification to such action was returned to the Governor; and

WHEREAS, The Senate desires to further consider the nomination of Theodore T. Metzger, Jr. as a Member of the Pennsylvania Fish Commission; therefore be it

RESOLVED, That the Senate does hereby request that the Governor return said nomination to the Senate for further consideration.

The foregoing Resolution was adopted by the Senate on the 24th day of June, 1991.

MARK S. SINGEL

President of the Senate

MARK R. CORRIGAN

Secretary of the Senate

Approved by the Governor the 25th day of June, 1991.

ROBERT P. CASEY  
Governor

### RECONSIDERATION OF EXECUTIVE NOMINATION

#### NOMINATION LAID ON THE TABLE

Senator SALVATORE. Mr. President, I move that the Senate reconsider the vote by which the nomination of Theodore T. Metzger, Jr., as a member of the Pennsylvania Fish Commission, was confirmed on June 18, 1991.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. On this communication, the matter pending before the Senate is whether to reconsider the vote by which Theodore T. Metzger, Jr. was confirmed. This motion was made by Senator Salvatore at yesterday's Session.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator SALVATORE. Mr. President, I request the nomination be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

### RECALL RESOLUTION OF JAMES. S. BIERY, JR.

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

In the Senate, June 24, 1991.

WHEREAS, On June 18, 1991, the Senate resolved itself into Executive Session for the purpose of considering the nomination of James S. Biery, Jr., 3718 Vista Terrace, Harrisburg 17111, Dauphin County, to be a Member of the Pennsylvania Fish Commission for the term to serve until the second Tuesday of January, 1998, made by the Governor in his communication to the Senate dated April 17, 1991; and

WHEREAS, Two-thirds of the Senators assented that the Senate do advise and consent to this nomination and the nomination along with the Senate certification to such action was returned to the Governor; and

WHEREAS, The Senate desires to further consider the nomination of James S. Biery, Jr., as a Member of the Pennsylvania Fish Commission; therefore be it

RESOLVED, That the Senate does hereby request that the Governor return said nomination to the Senate for further consideration.

The foregoing Resolution was adopted by the Senate on the 24th day of June, 1991.

MARK S. SINGEL  
President of the Senate

MARK R. CORRIGAN  
Secretary of the Senate

Approved by the Governor the 25th day of June, 1991.

ROBERT P. CASEY  
Governor

### RECONSIDERATION OF EXECUTIVE NOMINATION

#### NOMINATION LAID ON THE TABLE

Senator SALVATORE. Mr. President, I move that the Senate reconsider the vote by which the nomination of James S. Biery, Jr., as a member of the Pennsylvania Fish Commission, was confirmed on June 18, 1991.

On the question,  
Will the Senate agree to the motion?

The PRESIDENT. On this communication, the motion before the Senate, which was made by Senator Salvatore yesterday, is whether to reconsider the vote by which James S. Biery, Jr. received confirmation.

And the question recurring,  
Will the Senate agree to the motion?  
It was agreed to.

And the question recurring,  
Will the Senate advise and consent to the nomination?

Senator SALVATORE. Mr. President, I request the nomination be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

### RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

June 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 1991, for the appointment of Anne d'Harnoncourt Rishel, 2322 Delancey Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1993 and until her successor is appointed and qualified, vice Gerald R. Hildebrandt, Philadelphia, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### BILL INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bill numbered, entitled and referred as follows, which was read by the Clerk:

June 25, 1991

Senators PUNT, LEMMOND and LOEPER presented to the Chair **SB 1226**, entitled:

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), entitled, as amended, "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," increasing the borrowing authority limit and eliminating a countersignature and conforming certain provisions.

Which was committed to the Committee on STATE GOVERNMENT, June 25, 1991.

### REPORTS FROM COMMITTEES

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bills:

#### SB 252 (Pr. No. 261)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties of the Department of Environmental Resources.

#### SB 315 (Pr. No. 325)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for bicycle and jogging paths in State parks.

#### SB 1063 (Pr. No. 1385) (Amended)

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for

the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto;....," extending application of the act to landslides; adding and amending certain definitions; and further providing for premiums and for claims against the fund.

**HB 222 (Pr. No. 2093) (Amended)**

An Act excluding the sale of recyclable material from municipal personal property sale restrictions.

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported the following bills:

**SB 1066 (Pr. No. 1183)**

An Act providing for subsidies for the purchase of multiperil crop insurance; establishing the Multiperil Crop Insurance Subsidy Fund and providing for its administration; conferring powers and duties upon the Department of Agriculture; and making an appropriation.

**SB 1067 (Pr. No. 1386) (Amended)**

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," further defining "normal farming operations"; further providing for agricultural security areas, for decisions on proposed areas and for agricultural conservation easements; and making an appropriation.

**HB 175 (Pr. No. 2094) (Amended)**

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

**HB 401 (Pr. No. 2095) (Amended)**

An Act amending the act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," further providing for the vote on the review of the marketing program and for the collection of producer charges by sales agents.

**HB 1344 (Pr. No. 2096) (Amended)**

An Act relating to agriculture and rural youth; creating an Agriculture and Rural Youth Organization Grant Program; imposing duties on the Department of Agriculture; and making an appropriation.

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

**SB 1217 (Pr. No. 1377)**

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

**HB 1105 (Pr. No. 1255)**

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), known as the "Site Development Act," extending the expiration of approval authority.

**HB 1106 (Pr. No. 1256)**

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 1141 (Pr. No. 1277)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," requiring the Department of Public Welfare to provide and increase a State supplement to the Federal Supplemental Security Income Program for individuals requiring personal-care services who reside in licensed personal-care homes; and making an appropriation.

**SB 1197 (Pr. No. 1388) (Amended)**

An Act relating to high-risk pregnancy and high-risk infant follow-up programs and services for pregnant and postpartum substance-abusing women and their newborns; defining Department of Public Welfare and county children and youth social service agency responsibilities; and making an appropriation.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 978 (Pr. No. 1387) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for tolling the statute of limitations.

**SB 1037 (Pr. No. 1132)**

An Act amending the act of December 5, 1980 (P. L. 1107, No. 190), entitled "Philadelphia Municipal Court Fee Law," increasing the fee for initial service of process.

**SB 1083 (Pr. No. 1200)**

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

## RESOLUTION REPORTED FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following resolution:

**SR 78 (Pr. No. 1352)**

A Resolution commending Philadelphia Electric Company for its environmental conservation efforts relating to reintroducing shad to the Susquehanna River by constructing a fish lift at the Conowingo Dam and by improving water quality in the river and Chesapeake Bay.

The PRESIDENT. The resolution will be placed on the Calendar.

## SPECIAL ORDER OF BUSINESS

### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for the day for Senator Bell.

Senator STAPLETON. Mr. President, I request legislative leaves for Senator Lewis and Senator Lynch and temporary Capitol leaves for Senator Belan, Senator Bodack and Senator Williams.

The PRESIDENT. Senator Fisher asks for legislative leave for Senator Bell. Senator Stapleton asks for legislative leaves for Senator Lewis and Senator Lynch and temporary Capitol leaves for Senator Belan, Senator Bodack and Senator Williams. The Chair hears no objection. Those leaves will be granted.

## CALENDAR

## THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED OVER IN ORDER

**SB 748** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 189 (Pr. No. 198)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge which straddles the border between Norristown and Bridgeport Boroughs in Montgomery County as the DeKalb Veterans' Memorial Bridge.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR STEWART J.  
GREENLEAF PRESENTED TO SENATE

Senator GREENLEAF. Mr. President, I would like to call to the Senate's attention a number of constituents who are here today visiting the Senate. They are Leanore Goodenow and Reba Mohan and her daughter Tara who are from Montgomery County. Mrs. Goodenow has recently moved here from Colorado where she was very much involved in the legislative process there. I hope we could give them a warm welcome.

The PRESIDENT. Would the guests of Senator Greenleaf please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

GUESTS OF SENATOR DAVID J.  
BRIGHTBILL PRESENTED TO SENATE

Senator BRIGHTBILL. Mr. President, we are pleased to have here today as guest pages Blue and Piper Goodhart, who are the children of Michele Williams, a member of my staff here in Harrisburg.

The PRESIDENT. Would the guests of Senator Brightbill please rise so we could welcome you to the Chamber.

(Applause.)

GUESTS OF SENATOR ALLYSON Y.  
SCHWARTZ PRESENTED TO SENATE

Senator SCHWARTZ. Mr. President, I have two guests in the gallery today. I have the daughter of my legislative aide, Tom Gluck, who is here. Lauren Wagner, I believe, is in the gallery and I would ask her to stand. She has been spending the day helping out in the office and she lives in Carlisle and is eight years old. She was very good at what she did, so she is ready to move right along. If Lauren is in the gallery, I would ask her to stand. I would also introduce Josh Freely, who is a student at Central High School in Philadelphia and is spending a week with me on a special program called Free Enterprise Fellowship, and he has been working all week in the Philadelphia office and spending just today here in Harrisburg. I would ask you to welcome both Josh and Lauren, if they would stand.

The PRESIDENT. Would the two of you please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

GUESTS OF SENATOR MICHAEL A. O'PAKE  
PRESENTED TO SENATE

Senator O'PAKE. Mr. President, earlier today, as you well know, we had guests in the gallery, specifically the Boyertown Area High School Bears Baseball Team, this year's state champion. They beat North Allegheny High School a week ago last Friday at Shippensburg for the second state cham-



pionship in the last ten years. They were here with their coaches, the principal of the high school and the athletic director. Unfortunately, they could not wait for the delayed two o'clock Session because they have an American Legion baseball game this afternoon. It is part of the rich baseball tradition in the Boyertown area that we are very proud of, and I would ask the Members of the Senate to recognize in absentia the Boyertown Area High School Baseball Team, the PIAA-AAA State Champions once again.

The PRESIDENT. Would the Senate give its appropriate applause to the State Champion Boyertown Bears.

(Applause.)

### **GUEST OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE**

Senator BORTNER. Mr. President, with me today is a guest page. His name is Ben Ruby. He is 17. He is a senior at Northeastern High School in York and the President of the Student Council and, I might add, also interested in a future in politics. I would ask that the Senate give him its usual warm welcome as well.

The PRESIDENT. Would our guest page please rise so we could welcome you to the Senate of Pennsylvania and thank you for your service.

(Applause.)

### **RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4:00 p.m.

Senator STAPLETON. Mr. President, the Democrats will caucus immediately in our caucus room in the back of the Chamber.

The PRESIDENT. For purposes of Democrat and Republican caucuses to begin immediately, the Senate will stand in recess.

### **AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### **CONSIDERATION OF CALENDAR RESUMED**

#### **THIRD CONSIDERATION CALENDAR RESUMED BILL OVER IN ORDER**

**SB 516** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### **LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Belan and Senator Williams and their temporary Capitol leaves will be cancelled.

### **LEGISLATIVE LEAVES**

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Fumo, Senator Mellow and Senator Scanlon.

Senator LOEPER. Mr. President, I request a temporary Capitol leave for Senator Pecora who has been called from the floor; also, temporary Capitol leaves for Senator Holl, Senator Hopper and Senator Corman who are attending a meeting of the Committee on Banking and Insurance along with Senator Salvatore.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator Mellow and Senator Scanlon. Senator Loeper requests temporary Capitol leaves for Senator Pecora, Senator Holl, Senator Hopper, Senator Corman and Senator Salvatore. The Chair hears no objection. Those leaves will be granted.

### **HB 244 TAKEN FROM THE TABLE**

**HB 244 (Pr. No. 1438)** — Without objection, Senator LOEPER called from the table **HB 244**, as a Special Order of Business.

#### **RECONSIDERATION OF HB 244 THE OBJECTIONS OF THE GOVERNOR TO THE CONTRARY NOTWITHSTANDING**

#### **MOTION TO PASS HB 244 OVER GOVERNOR'S VETO, DEFEATED**

**HB 244 (Pr. No. 1438)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

Senator LOEPER. Mr. President, I move that the Senate proceed to reconsider House Bill No. 244, Printer's No. 1438, and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

The Clerk read the Governor's veto message as follows:

May 3, 1991

TO THE HONORABLE THE HOUSE OF  
REPRESENTATIVES OF THE COMMONWEALTH  
OF PENNSYLVANIA

I am returning herewith, without my approval, House Bill 244, Printer's No. 1438, entitled "An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing

or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined,' requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution."

This bill does not permit any department of the Commonwealth to close, sell, lease or otherwise transfer the ownership or operational control of any State-owned institution or to materially reduce the work force or services at a State-owned institution unless the department holds a public hearing in the affected area and secures approval from the General Assembly. By its own definition, this bill would apply, without limitation, to schools, colleges, universities, armories, hospitals, mental hospitals, mental retardation centers, and correctional facilities. Its provisions would not only be triggered by closures or other transfers of ownership and control, but also by any reduction in staff equal to 25% of the then existing staff complement.

The following procedure is required by the bill for approval by the General Assembly. The departmental proposal is submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. They each refer the proposal to a standing committee of the respective chamber over which each presides. Each such committee is then required to hold a public hearing and issue a report to their respective chamber. The committee report and the accompanying proposal are then placed before both the House of Representatives and the Senate on their respective calendars. If the General Assembly would disapprove the departmental proposal within five (5) legislative days after receiving the committee report, the proposed action of the department is stopped.

This bill is unconstitutional because it violates the principle of separation of powers by providing for a legislative veto of administrative actions which executive agencies are authorized by existing law to perform. The principle of separation of powers requires that once the legislature enacts a law, it can neither retain participation in the administrative process nor control the details of seeing that the law is fully and faithfully executed. The paramount significance of this principle has been recognized under the Federal Constitution by the United States Supreme Court in the leading cases of Immigration and Naturalization Service v. Chadha, 462 U.S. 919, 103 S.Ct. 2764, 77 L.Ed.2d 317 (1983) and Bowsher v. Synar, 478 U.S. 714, 106 S.Ct. 3181, 92 L.Ed.2d 583 (1986). The Supreme Court of this Commonwealth accorded the principle the same paramount constitutional status under our Constitution in the case of Commonwealth v. Sessoms, 516 Pa. 365, 532 A.2d 775 (1987) wherein it adopted the Chadha and Bowsher reasoning. This bill gives the legislature active participation in the administrative process of managing State-owned institutions in a manner which violates the very essence of the fundamental principle of separation of powers — i.e., the constitutional necessity to avoid absolute governance by one branch of government, in this case, the legislature.

It is absolutely clear from the federal and state court decisions that the legislative branch of government can constitutionally affect the administration and execution of duly enacted laws only through the passage of new and subsequent legislation which either establishes new governmental policy or clarifies existing governmental policy. This bill does not meet this test.

Under the system of government ordained in our Constitution, bicameral consideration of legislation and its presentation to the Governor for review and approval are inherent and integral to the principle of separation of powers. Article III, Sections 1, 2, 3 and 4 of the Constitution require a full and complete consideration of bills by each chamber of the legislature. The legislative process required by these sections insures a deliberative process focused on promoting rational and sound public policy. Article IV, Section 15 as well as Article III, Section 9 of the Constitution require that all legislation be presented to the Governor for approval. This requirement of presentment to the executive branch of government is a safeguard which protects against the enactment of improvident laws. Together, the bicameral process and the involvement of the executive branch of government in the enactment of laws require a constitutional procedure which must be exhaustive and which cannot be short circuited.

Moreover, upholding the principle of separation of powers is more than a mere academic exercise. It goes to the very heart of the ability of the executive branch of government to efficiently and effectively carry out the laws of the Commonwealth.

The ability of the Governor to manage executive agencies without interference is especially important when economic conditions require decisive action to reduce costs and control spending. This bill severely limits the Governor's ability to deal responsibly on an ongoing basis with the operations of various State institutions. To this extent, the bill not only violates the specific constitutional requirements for legislative action, it also establishes an unacceptable public policy that would undermine the constitutional principles those requirements were designed to protect.

Therefore, for the reasons set forth herein, I hereby disapprove this bill and return it to the General Assembly without my signature.

The PRESIDENT. Senator Loeper moves that the Senate proceed to reconsider House Bill No. 244, Printer's No. 1438, and agree to pass the same, the objections of the Governor to the contrary notwithstanding. The vote required for this motion is two-thirds of the Senators or 34 votes.

On the question,

Will the Senate agree to the motion?

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a temporary Capitol leave on behalf of Senator Madigan who has been called to his office.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Madigan. The Chair hears no objection. That leave will be granted as well.

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator O'Pake who is attending a hearing of the Committee on Banking and Insurance.

The PRESIDENT. Without objection, we will add Senator O'Pake to those on temporary Capitol leave.

And the question recurring,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, I think it is important to put into perspective the move we have just made to override the Governor's veto of House Bill No. 244, a bill that deals with the closing of state hospitals across this Commonwealth. I think it is important that we note that the move to override

the veto of a Governor is not a step any of us take very lightly. It is a very serious consideration, and I think, Mr. President, it is important to note that on the issue that is before us, the fate of state institutions and facilities, an override of the Governor's veto is very much in order. I think, Mr. President, if we were to take a look at the Governor's veto, we would see that he has really framed this issue as a battle of power between the Executive Branch of government and the Legislative Branch of government. It is about community interest, really, and it is not about power between the Branches.

I think, as this issue has been debated on this floor and on the House floor before, we have heard too much about the Governor's power to balance the budget and too little from the administration about any sense of concern for the future of those facilities, those employees who have been affected by the closing or, in particular, Mr. President, the effect that those closings are having upon the local communities, communities that host important institutions that the facilities are an intricate part of, and the public service and economic structure certainly is something that state policy is something more than here today and gone tomorrow. Mr. President, I think it is important, if the state is seeking to end a long running investment and commitment, it ought to be able to defend and justify that decision. Certainly the Governor has used and appreciated, as many of us have in the past, the ability to go to bat for federal facilities, and, in particular, many of us from the southeast have risen to the cause to try and preserve the Philadelphia Naval Shipyard. It seems why, then, should the same opportunity not be available for these state facilities that are facing imminent closings. I think we as a Senate owe the communities and people who have supported these institutions for many years something more than an abrupt termination notice, which is exactly what they received earlier this year because of state budget considerations. We, at least, owe them the opportunity to look for alternatives to see whether other alternatives may be available rather than closing and the impact it will have upon those communities, and I think, Mr. President, at the very least, we owe them the transition time to undertake an orderly conversion of those facilities. The purpose of this legislation is not to absolutely block changes in state holdings. Instead, I think it is important to note that we are not issuing guarantees that state facilities, once created, exist forever. I think it is obvious we see that needs change over periods of time and, therefore, that facilities may not necessarily be in the best interests of a location for a long period of time. However, I think what we are trying to do in House Bill No. 224 is provide protection against abrupt terminations that ignore community considerations, and, obviously, decisions that are made in desperation of a fiscal freefall do not well reflect the long-term interest of those communities that are affected. Today the controversy is in Coaldale, Ashland, Shamokin and Scotland, but yet tomorrow it could unexpectedly be in any of the other locations where the state has maintained a presence in the past, unless a better or more reasonable procedure is finally adopted. Even if this measure becomes law, missions will still

change. Facilities will still outlive their usefulness. Policy shifts will render others obsolete, but the changes will come without the disruption that follows when the only goal is to close a facility quickly in order to balance the state budget and save some money. I think, finally, it is important to note that the Governor's ability to balance a budget does not rise or fall with the fate of this legislation. The dollars that are involved are not of the dimension to tie the hands of a chief executive, no matter how tough the budget problems we face may be. It will, however, make a lasting difference for community prospects, and the long-term success of service privatization. Mr. President, a vote to override is a vote for fairness for the people in the communities that are specifically affected by this legislation. Mr. President, I would ask for an affirmative vote on the override motion.

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I need a temporary Capitol leave for Senator Dawida, who is going to a meeting of the Committee on Banking and Insurance, and I need Senator Williams back on temporary Capitol leave.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Dawida and Senator Williams. The Chair hears no objection. The leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo. He is hereby removed from temporary Capitol leave.

And the question recurring,

Will the Senate agree to the motion?

Senator LINCOLN. Mr. President, this is an issue that we have discussed at some length when the bill was before us. There has been a great deal of discussion surrounding the crux of the issue causing the veto override. I think it is very apparent that we have a Governor who has attempted to deal with some of the very serious fiscal problems that have arisen in the past six months. I think it is very important that as the chief administrator of Pennsylvania state government, that the latitude of making the decisions that are very difficult at times, such as closing a hospital, stay with the Governor. I think it is also very important to note that in this vote we are talking about overriding a veto. It is not just the state hospitals that we are talking about being affected by this action. If the Governor were to close a state highway shed, it would take legislative action at that point in time, according to this bill, before he could do it. I do not know about you, but sometimes I think I am fortunate that I do not have to be involved in those decisions. I think that anyone who is prepared to take on the responsibility of dealing with every small issue of state government in allowing the Legislature to intervene itself in those particular decisions, I think, with the circumstances we have witnessed over the 20 years that I have been here, the General Assembly may be the last place we would want to put those kinds of decisions in their hands. I also think it is extremely important to note that we ought to be talking about what this

is going to cost. I think we ought to be talking about the price that we are going to pay by saying to the Governor, you cannot make certain decisions in trying to pare down government. If you are in favor of big government, if you are in favor of keeping things going that do not actually have any merit, then I think that is what this vote means when you vote to override the Governor. If you want good, sound government, if you want an administrator who has the ability to make decisions, whether they be easy or hard, then I think you should vote to sustain the Governor's veto, and I would ask that that is what would happen by all 47 Members who are voting here today.

Senator HELFRICK. Mr. President, I rise in support of this legislation. I have never been one who believes that I should win a battle and lose a war. I feel it is more important to avoid the war in the first place. I am smart enough to know that in given time these institutions will be transferred to local communities, and I am all for that. I think it is the thing to do. I think it is time for this state to get out of the hospital business. All this legislation does is give us time.

Mr. President, right now time translates into compassion for those employees. I think if this legislation is passed, given a year or so, I am sure the state will be out of the hospital business. Our communities will take these hospitals over and I think the employees will be happy, and I think the Governor, in his heart, will find out he did the right thing by going along with this.

Senator PUNT. Mr. President, I shall keep my remarks as I am in height.

One, I believe we have every right to have some input in a decision to close any institution and particularly one that would have a significant impact upon a local economy. We have continuously funded those institutions, and I think we, the Legislature, should have some say regarding such action. The legislation does not prohibit any closure. All it simply says is the standing committee shall have, I think it is five days, X days, to review that decision. If the committee takes action then they can stop it. Otherwise, that institution can continue to be closed by authorization of the Chief Executive.

Secondly, we have heard the Governor say and others say that we have no business, that this is unconstitutional jurisdiction for the Legislature. I would like to remind everyone that when the Philadelphia Naval Yard was called upon to be closed, Governor Casey was the first one to call upon Pennsylvania's congressional delegation to hold hearings to prevent the closure of the Philadelphia Naval Yard, but when the Legislature asked to have some input and consideration with the closure of state institutions, the Governor says it is unconstitutional and we cannot do this. I disagree with that. I would ask for an affirmative vote.

Senator RHOADES. Mr. President, I guess I will put it this way. I will take as much time as I think necessary for one simple reason. The first time I spoke at this microphone 11 years ago was on the closing of Locust Mountain State Hospital. I was sworn into office on Tuesday, and the administration was closing Locust Mountain State Hospital on

Saturday. It just happened to be that that was Governor Thornburgh, the Governor from my own side. I felt like this. Between the yelling and the screaming and the grief we gave him, he, or his administration, began to change their attitude and procedure and then agreed to a divestiture, an orderly transition from the state to the private sector. We had that in place. As a matter of fact, we had Ashland ready to divest in 1986. But then the Governor was running for office, and he told the people in Schuylkill and Carbon Counties that he opposed the Thornburgh Administration's plan to divest the state general hospitals because it was not fair, it was not correct, and if he were elected he would maintain those hospitals in the state system. While I opposed the Thornburgh closure plan, I did agree with his divestiture plan, because I think in that case Ashland and Coaldale Hospitals would have been properly removed from state oversight in such a way as to maintain their essential services for their communities and preserve the jobs of those working in the hospitals.

What Governor Casey has done is the worst of all scenarios. He completely dropped the divestiture plan, thereby eliminating any hope for an orderly transition to new ownership. He promised the state hospitals would remain state controlled. But in that process, and I guess this is where I had to try to decipher this, in April of 1987 the Secretary of the Department of Public Welfare, in a press conference at Ashland, said we would divest Ashland. It is now June of 1991 and Ashland is on the chopping blocks, as is Coaldale, as is Shamokin. Therefore, we all—and I would add to that too because we were interested in what was going to happen to Coaldale—received a letter from the Governor, or from the Governor's Office, saying that Coaldale would not be divested during the Governor's first term. He was not even officially sworn into office for the second term and already he had made a decision to close Coaldale Hospital. We have been lulled into a false sense of security. Although we had attempts to fund some capital projects, as soon as this decision was made it was all cut. No hirings. No equipment. No programs. Suddenly, without warning, the Governor announced he was unilaterally closing the hospitals completely, thus making it more difficult to find a buyer and threaten our very existence because we have had a number of employees who have transferred out to other areas, either within the state or within the private sector. The end result is that the services are not there and the very lifeblood is being threatened.

The Governor's rhetoric was hot and heavy during the campaign, but as soon as he ran out of campaign time and needed to keep his budget in balance, he quickly forgot his promises regarding the state hospitals.

When the Legislature expressed the will of the people they represent by approving House Bill No. 244, which requires legislative approval before the Governor can close or sharply reduce services at any state-owned hospitals, schools or other institutions, the Governor vetoed this legislation claiming that it interfered with his constitutional right to manage the departments of this Commonwealth. However, the state hospitals are a creation of the General Assembly, not the Governor.

nor's Office, and if they are to be closed, the General Assembly has every right to have a say in the matter. While the Governor does indeed have responsibility for administering the various departments of state government, I believe the Governor is stretching the point when he includes under his definition of administering the power to close an institution. All this rhetoric about separation of powers wrapped around the veto seems nothing more than an executive reluctance to have to defend the bad decisions. Apparently the Governor does not believe the communities and individuals should have the power to fight for state institutions, but yet I notice, as previous speakers have said, he does not hesitate to do exactly the same thing when it comes to the federal government's decision to close the Philadelphia Naval Yard or Indiantown Gap. Since we in the Legislature have a voice in how the funds were allocated to these institutions, we and our constituents have a voice when actions are taken against them. This measure calls for responsible action and consultation with communities like Ashland and Coaldale before vital state institutions are closed. I ask for an "aye" vote to override the Governor's veto.

Senator FUMO. Mr. President, I rise to support the Governor's veto. It is never easy to cut back spending, and I am very happy that I heard all the remarks of the previous speakers because when it comes time to vote for tax increases here, I hope they are the first ones to step up and say "yes." I have heard about time and compassion needed for workers. I have heard about the local economies of various areas that would be affected. Mr. President, there is a very simple doctrine. If you want to play you have to pay. We are currently looking at the possibility of new taxes in the range of \$3 billion or more, and what do we do in reaction to that? We say, A, I am not voting for any new taxes. I am going to be a hero when I go home, and, B, I am also not voting to cut any money out of the budget. I am going to be a hero when I go home. The simple fact still remains in arithmetic that one and one equals two. Mr. President, I challenge those individuals today who spoke in favor of an override that they better damn well be here when we vote taxes and they better damn well vote "yes" or I will label them the biggest hypocrites to ever come into this Chamber. You cannot sit here and say I am not going to cut and I am not going to raise taxes. You took an oath to uphold the Constitutions, and one of the premises of this government in this state is a balanced budget. If you want to spend money, you have to raise money to bring it in so we can spend it. It is very simple. I am enthusiastically looking forward to the gentleman from Franklin, Senator Punt, the gentleman from Schuylkill, Senator Rhoades, the gentleman from Northumberland, Senator Helfrick, and others, to be the first in line on that side of the aisle when we have to put up tax votes because I will be here and I will put up my tax vote in addition to voting to sustain the Governor's veto, because I think the last thing we want to do is get into every petty decision that has to be made because of the very simple fact that we in this Chamber lack the courage to do what has to be done. Our very actions speak louder than our words. You

need money to come in if you are going to spend it out the back, and if we do not have the courage to do that, how in the name of God will we ever have the courage to make the kinds of decisions that this legislation calls for. This is the year, ladies and gentlemen, that the hypocrisy will stop. We will balance this budget with a lot of pain. These closings that were talked about that this bill addresses are going to be the very least of those pains. Together I do not think they make up \$20 million, and we are talking about \$3 billion. So if you have the courage to pay for these programs, just stand up here and make a pledge and I will vote to override, but stop the hypocritical rhetoric. Mr. President, I urge a vote to sustain the veto.

Senator LINCOLN. Mr. President, it really bothers me a little bit when I hear a debate and I listen to people who are talking about making a decision on something as serious as what this bill would force, not only this Governor but every governor who comes after him or her to do. I think maybe they have not read the bill, which even worries me more because it is very short and it is very easy to read, and I am going to take a minute and read to you what voting to override the veto is, in effect, doing. It is Section 508.1 of the Administrative Code. "Notice and Public Hearing Requirements for State-Owned Institutions.—(a) At least thirty (30) days prior to any department making a decision to close, sell, lease or otherwise transfer the ownership or operational control of any State-owned institution or to allow the material reduction of complement, services or staff at any State-owned institution, the department controlling the institution shall hold a public hearing in the affected area."

The gentleman from Franklin, Senator Punt, mentioned five days, that it was only going to take five days. Well, there are 30 already. You have to give a 30 day notice and you have to have a hearing. Then you have to come back with a report which would be some time.

"(b) As used in this section and section 508.2, 'State-owned institution' shall mean any facility which is owned by the Commonwealth and currently in service, including, but not limited to, schools, colleges, universities, armories, hospitals, mental hospitals, mental retardation centers, correctional facilities and other facilities of a similar nature. A State general hospital is in service if it is currently providing hospital services on April 22, 1991, on an inpatient or outpatient basis."

Listen to the next section about what we are saying to the Governor of this Commonwealth that you cannot do.

"Maintenance of Services at State-Owned Institutions.—A department may not close, sell, lease or otherwise transfer the ownership or operational control of any State-owned institution, nor may a department materially reduce services at State-owned institutions, or materially reduce staff levels without presenting a departmental proposal to the General Assembly. Material reductions shall mean an annual reduction in the staff complement of an institution of twenty-five per centum (25%); and a material staff reduction shall mean a twenty-five per centum (25%) annual reduction of the staff

complement within an institution. A departmental proposal shall be submitted to the President pro tempore of the Senate and the Speaker of the House of Representatives who shall refer such proposal to the appropriate standing committees of the Senate and the House of Representatives, respectively. Each committee shall hold a public hearing on the departmental proposal within thirty (30) calendar days"—there is another 30-day period of time—"of referral and report back to the Senate and the House of Representatives, respectively, not later than the first session day more than sixty (60) days following the referral...If the General Assembly disapproves of the departmental proposal within five (5) legislative days"—which, God knows, could be five months—"after receipt of the committee reports, then such proposed action shall not take effect. No such departmental proposal shall be transmitted to the General Assembly less than five (5) legislative days immediately prior to or during any period of recess or adjournment of either house for a period of one (1) week or more."

One of the things that is really interesting that I read in the paper about the Republican Party—and the gentleman from Allegheny, Senator Fisher, I think, is one of the people who I have been reading about in the paper—is about privatization of the liquor stores. According to this, if you vote to override the Governor's veto, there is no way you can ever do anything with privatization of the liquor stores, ever, ever, ever, because they are state-owned, and it says, "not limited to," so it is anything the state owns. I mean this is a very serious step you are taking. I think you are taking a big pair of handcuffs and putting them on a governor, no matter who it is or who it may be in the future, and I think this is a very, very serious and irresponsible manner in which to proceed.

Senator FISHER. Mr. President, I rise in support of the override.

I think House Bill No. 244 is a very, very logical way to proceed in the closing of state institutions. I disagree with my colleague, the Minority Whip, the gentleman from Fayette, Senator Lincoln, that if we got to the point of closing the state stores that, in fact, this bill would apply. Notwithstanding that, I hope we get to that point and then we can argue whether House Bill No. 244 does apply to the closing of the state store system. Beyond that, Woodville State Hospital is located in my Senatorial district, and this year in the budget presentation the Governor proposed the closing or the consolidation of Woodville State Hospital with a neighboring state hospital, Mayview. I do not know what the final result of that proposed consolidation is. I do not know whether it is going to go through. I do not know whether the budget is going to permit it to go through. Only time will tell. We tried to utilize a process in trying to hear out the facts, a process to try to determine who was right and who was wrong with the closing of Woodville. We used that in a fashion that is very similar to the procedures that are contemplated in House Bill No. 244. I do not see anything wrong with that kind of process. What we did was got all of the Senators and Legislators together from the affected area and we held a public hearing and we came to

certain conclusions and we conveyed those opinions and conclusions to the Department of Public Welfare and to the Governor's Office. As I said, I do not know what the final result will be, but I see nothing absolutely wrong with the procedure that is outlined in House Bill No. 244. We are a coequal branch of government, no matter what institution it is, whether it is Woodville or any other state mental hospital or state general hospital. We, as a coequal branch of government, I believe, should have full and thorough input in the decision-making, as to whether or not the patients are going to be moved—in my instance, they, perhaps, would only be moved distances as short as five miles—whether or not the employees are going to be transferred all over western Pennsylvania or across the state. We deserve that input. That is all House Bill No. 244 would do, give us a formal review process. It would give us that input, and for that reason I would urge my colleagues to join with me in the override of House Bill No. 244.

Senator RHOADES. Mr. President, I would just like to remind my good friend, the gentleman from Fayette, Senator Lincoln, that in 1981 he and I voted together—I think it was Senator Hopper's bill, which is basically very similar to this bill—to do primarily the same thing, to give us time. I also would say to the gentleman from Philadelphia, Senator Fumo, all I am asking for is the same kind of consideration that St. Mary's, now Neumann Center, got in Philadelphia for Ashland and Coaldale. This would give us the time and the opportunity to do that.

Senator LINCOLN. Mr. President, I have a great deal of respect for the gentleman from Schuylkill, Senator Rhoades, and the only thing I want to say to him is since 1981 until now we did transfer my hospital. It was taken over by a private hospital. It is one of the most successful hospitals in my Senatorial district and ten years is a long time from 1981, and anyone who has not made a serious effort to get those hospitals transferred for the community betterment, I do not know how much longer we can go on. This has been an issue we have all had to deal with since 1973 when I came into the General Assembly. We did do it, and it has been successful and I think could have been done everywhere else.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Mellow, Senator Corman, Senator Salvatore and Senator Bodack. Their temporary Capitol leaves will be cancelled.

And the question recurring,  
Will the Senate agree to the motion?

The PRESIDENT. This again is the vote on the override to House Bill No. 244. This requires two-thirds vote or 34 votes. The motion has been placed in the positive. Therefore, an "aye" vote is a vote to override the Governor and a "no" vote is a vote to sustain the Governor.

And the question recurring,



### Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—30

Afflerbach	Helfrick	Madigan	Salvatore
Armstrong	Holl	Pecora	Shaffer
Baker	Hopper	Peterson	Shumaker
Bell	Jubelirer	Porterfield	Stapleton
Brightbill	LaValle	Punt	Stewart
Fisher	Lemmond	Rhoades	Tilghman
Greenleaf	Lewis	Robbins	Wenger
Hart	Loeper		

#### NAYS—17

Andrezeski	Dawida	Lincoln	Reibman
Belan	Fumo	Lynch	Scanlon
Bodack	Greenwood	Mellow	Stout
Bortner	Jones	Musto	Williams
Corman			

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### BILL LAID ON THE TABLE

Senator LOEPER. Mr. President, I move that the bill and the veto message be laid on the table.

The PRESIDENT. The bill and the veto message will be laid on the table.

## CONSIDERATION OF CALENDAR RESUMED

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL OVER IN ORDER

**SB 727** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 739 (Pr. No. 816)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), referred to as the "Group Life Insurance Policy Law," further providing for policies issued to creditors.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart

Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SB 819 (Pr. No. 871)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 950 (Pr. No. 1325)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; further providing for acquisitions of the stock of a savings association; revising proxy rules; further providing for number and qualification of directors; and making repeals.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:



## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

**SB 1053 and 1115** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1199 (Pr. No. 1347)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for reciprocal enforcement of Federal and State laws and regulations relating to fish and fishing and boats and boating; and further providing for repeat offenders.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED ON SECOND CONSIDERATION

**SB 4 (Pr. No. 1378)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and assistance and for the rights of crime victims.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

PREFERRED APPROPRIATION BILLS ON  
SECOND CONSIDERATION AND RECOMMITTED

**HB 1323 (Pr. No. 1526)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1591 (Pr. No. 2011)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

## BILL OVER IN ORDER

**SB 2** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**HB 23 (Pr. No. 165)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on thefts of leased property.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**HB 89 (Pr. No. 2019)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for senior resident license qualifications; and deleting certain license requirements for regulated hunting grounds.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 196** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 518 (Pr. No. 1324)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the registration of foreign court orders, responsibilities of local law enforcement agencies, hearing proceedings, preliminary arraignments and contempt; and providing for full faith and credit.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HART offered the following amendment No. A1437:

Amend Sec. 1 (Sec. 6104), page 1, lines 15 and 16, by striking out "and orders issued by courts of another state"

Amend Sec. 1 (Sec. 6104), page 1, line 16, by inserting after "chapter": and orders issued by courts of another state pursuant to statutory provisions similar to this chapter

Amend Sec. 4 (Sec. 6118), page 5, line 29, by inserting after "STATE": and registered under section 6104 (relating to registration of order)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

Senator SCHWARTZ offered the following amendment No. A1484 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 6105), page 3, lines 8 through 10, by striking out all of lines 8 and 9 and "(IX)" in line 10 and inserting: (viii)

Amend Sec. 1 (Sec. 6105), page 3, line 11, by striking out "(X)" and inserting: (ix)

Amend Sec. 1 (Sec. 6105), page 3, line 13, by striking out "(XI)" and inserting: (x)

Amend Sec. 1 (Sec. 6105), page 3, line 15, by striking out "(XII)" and inserting: (xi)

Amend Sec. 1 (Sec. 6105), page 3, line 17, by striking out "(XIII)" and inserting: (xii)

Amend Sec. 1 (Sec. 6105), page 3, line 18, by striking out "(XIV)" and inserting: (xiii)

Amend Sec. 1 (Sec. 6105), page 3, line 19, by striking out "(XV)" and inserting: (xiv)

Amend Sec. 1 (Sec. 6105), page 3, line 21, by striking out "(XVI)" and inserting: (xv)

Amend Sec. 1 (Sec. 6105), page 3, line 23, by striking out "(XVII)" and inserting: (xvi)

Amend Sec. 1 (Sec. 6105), page 3, line 25, by striking out "(XVIII)" and inserting: (xvii)

Amend Sec. 1 (Sec. 6105), page 3, line 26, by striking out "(XIX)" and inserting: (xviii)

Amend Sec. 1 (Sec. 6105), page 3, line 29, by striking out "(XX)" and inserting: (xix)

Amend Sec. 1 (Sec. 6105), page 3, line 30, by striking out "(XXI)" and inserting: (xx)

Amend Sec. 1 (Sec. 6105), page 4, line 3, by striking out "(XXII)" and inserting: (xxi)

Amend Sec. 1 (Sec. 6105), page 4, by inserting between lines 17 and 18:

(d) Access to report restricted.—Except as provided in this section, a domestic violence offense report shall be confidential and shall not be made available to anyone except by court order in a criminal proceeding.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 686, 795 and SB 1034** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 1040 (Pr. No. 1148)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1086 and 1087** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 1095 (Pr. No. 1212)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting group medical benefit contracts from requiring the insured to obtain prescription drugs from a mail-order pharmacy.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

**SB 1110 (Pr. No. 1231)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," regulating exclusions for certificates of authority to do business.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 1118** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 1171 (Pr. No. 1355)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P. L. 352, No. 81), entitled "Health Care Practitioners Medicare Fee Control Act," providing exceptions to the prohibition of balance billing by health care practitioners.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 1200** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### RECESS

Senator LOEPER. Mr. President, I would ask at this time for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator LINCOLN. Mr. President, the reason I asked to have this done now is I think, probably, we are pretty much finished with the voting for the day and a lot of the Members will be leaving the floor. Could the gentleman outline his plans to us for tomorrow in the Senate?

Senator LOEPER. Mr. President, it would be the Majority's intention to convene the Senate tomorrow in regular Session at 11:00 a.m. and try to proceed with a relatively quick voting Session. Based on the progress of budget negotiations by that point tomorrow, we ought to be able to give the Members an indication of a schedule further from that tomorrow.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess. Would all Members of the Committee on Rules and Executive Nominations please report to the Rules room for a very brief meeting.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### JUDGE, COURT OF COMMON PLEAS, WASHINGTON COUNTY

March 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clyde G. Tempest, Esquire, 149 Chess Street, Monongahela 15063, Washington County, Forty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Washington County, to serve until the first Monday of January, 1992, vice Hon. Samuel Rodgers, mandatory retirement.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert L. Krommes, 37 North Fourth Street, Cressona 17929, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard L. Orwig, Esquire, 404 Lynne Avenue, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Kermit Kistler, M.D., Allentown, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA MINORITY  
BUSINESS DEVELOPMENT AUTHORITY**

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Royal E. Brown, 1429 South 15th Street, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1992, and until his successor is appointed and qualified, vice Michael Haskins, Philadelphia, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA MINORITY  
BUSINESS DEVELOPMENT AUTHORITY**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Luis Columba, 1089 Debbie Lane, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1993, and until his successor is appointed and qualified, vice Julio Tio, Harrisburg, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George E. Kern (Public Member), 2234 Mack Boulevard, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel J. West, Jr., Moscow, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable John Chronister, 2181 Blenheim Court, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice The Honorable John C. Dowling, Harrisburg, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Vincent Cirillo, 825 Bryn Mawr Avenue, Penn Valley 19072, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**COMMUNICATION FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

June 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 1991, for the appointment of Anne d'Harnoncourt Rishel, 2322 Delancey Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1993 and until her successor is appointed and qualified, vice Gerald R. Hildebrandt, Philadelphia, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**NOMINATION RETURNED TO THE GOVERNOR**

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony P. Emmi, 1015 West Linden Street, Scranton 18504, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene W. Charles, Lancaster, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James R. Oesterling, R. D. 2, Box 2014, Reading 19605, Berks County, Eleventh Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1993 and until his successor is appointed and qualified, vice Terry L. Rarick, Blandon, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair would recognize the presence on the floor of Senator Holl. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

### HB 14 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 14, Printer's No. 1466, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

### UNFINISHED BUSINESS

#### REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Transportation, reported the following bills:

#### SB 386 (Pr. No. 399)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further establishing a duty to stop vehicles at accident scenes; and providing an exception from the duty for emergency vehicles.

#### SB 876 (Pr. No. 945)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from registration fees.

#### SB 879 (Pr. No. 948)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for interference with traffic-control devices or signals.

#### SB 948 (Pr. No. 1019)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for charges for emission inspection.

#### SB 984 (Pr. No. 1078)

An Act designating the Southern Expressway to the Greater Pittsburgh International Airport as the Senator John Heinz Expressway.

**SB 1173 (Pr. No. 1309)**

An Act designating the bridge on which Central Avenue crosses over the Tookany Creek in Cheltenham Township, Montgomery County, as the Edmund F. Drach Bridge.

**HB 59 (Pr. No. 1884)**

An Act designating the bridge connecting the Township of Lenox with the Township of Harford, Susquehanna County, as the Angelo P. Padula Memorial Bridge; and requiring the Department of Transportation to erect designation signs.

**HB 68 (Pr. No. 1558)**

An Act designating a certain bridge in Troy Township, Bradford County, as the John Burgess Bridge; designating the newly constructed bridge connecting the City of Scranton with the Borough of Taylor, Lackawanna County, as the Veterans Memorial Bridge; and requiring the Department of Transportation to erect designation signs.

**HB 161 (Pr. No. 1469)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

**HB 554 (Pr. No. 1754)**

An Act designating a portion of Hemlock Avenue in the Borough of Kane as Chuck Daly Drive.

**HB 840 (Pr. No. 1589)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for funeral processions.

**HB 1055 (Pr. No. 1198)**

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," increasing the debt authorization.

Senator ARMSTRONG, from the Committee on Finance, reported the following bills:

**SB 1008 (Pr. No. 1390) (Amended)**

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of certain tax-exempt income.

**SB 1059 (Pr. No. 1391) (Amended)**

An Act authorizing the Secretary of Revenue to establish a period during which interest and penalties on certain unpaid taxes will be waived if the taxes are paid in full; authorizing political subdivisions to adopt similar provisions; and providing for penalties.

**HB 185 (Pr. No. 1185)**

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exclusions from sales and use tax.

**HB 521 (Pr. No. 1291)**

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the "Third Class County Assessment Board Law," prohibiting spot reassessment; providing for changes in valuation in certain cases; and further providing for appeals by persons who have suffered catastrophic losses to their property.

**HB 804 (Pr. No. 887)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the continuation of medical insurance coverage for survivor-spouse annuitants.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Thomas L. Flannery, Ph.D. by Senator Armstrong.

Congratulations of the Senate were extended to Dr. Robert Howard Hanna by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Malick, Mr. and Mrs. Cyril Menges and to Mr. and Mrs. Edgar Fenstermacher by Senator Helfrick.

Congratulations of the Senate were extended to Reverend and Mrs. Robert H. Sheehan, Ruth Sherman, Doyle L. Thomas and to Reverend Father Arnold R. Smith by Senator Lemmond.

Congratulations of the Senate were extended to William E. Scott by Senator Loeper.

Congratulations of the Senate were extended to Penn Lake Association by Senator Musto.

Congratulations of the Senate were extended to Corey J. MacQueen and to John L. Stadler by Senator Peterson.

Congratulations of the Senate were extended to Dr. Richard E. Miller by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew J. Molchany by Senator Stewart.

Congratulations of the Senate were extended to Anibel Brown and to Mary Hickman by Senator Stout.

## CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Honorable David E. Mellenberg by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Don Feola by Senator Fumo.

## BILLS ON FIRST CONSIDERATION

Senator REIBMAN. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 252, 315, 386, 876, 879, 948, 978, 984, 1008, 1037, 1059, 1063, 1066, 1067, 1083, 1141, 1173, 1197, 1217, HB 59, 68, 161, 175, 185, 222, 401, 521, 554, 804, 840, 1055, 1105, 1106 and 1344.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, JUNE 26, 1991

10:00 A.M.	MILITARY AND VETERANS AFFAIRS (to consider nominations of Brig. Generals Joseph F. Perugino, Allen E. Chandler and Col. Henry F. Coyne for the National Guard; and Senate Bills No. 868, 1058, 1112 and 1180)	Room 460 4th Floor North Wing
10:30 A.M.	APPROPRIATIONS (to consider Senate Bills No. 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138 and House Bills No. 547, 1319, 1320, 1321, 1322, 1323, 1536 and 1591)	Room 461 4th Floor North Wing
10:45 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 960 and 1226 and House Bill No. 541 and any other business that shall come before the committee)	Room 461 4th Floor North Wing
11:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 1109 and House Bill No. 1020 also any other business that shall come before the committee)	Room 460 4th Floor North Wing
1:00 P.M.	PUBLIC HEALTH AND WELFARE (Public Hearing - Sunset Review of Pennsyl- vania Advisory Council on Drug and Alcohol Abuse)	Room 8E-A Hearing Room East Wing
2:00 P.M.	URBAN AFFAIRS AND HOUSING (Public Hearing to consider Senate Bill No. 373)	Room 461 4th Floor North Wing

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, June 26, 1991, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:20 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 26, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 42

### SENATE

WEDNESDAY, June 26, 1991.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend RALPH S. GEIMAN, Pastor of Grace United Church of Christ, Greencastle, offered the following prayer:

Let us pray.

One more day of debate and discussion faces our elected representatives, O Lord. Teach them and all of us the wisdom of patience and understanding, for sometimes it is much harder to wait than to proceed. For as the Holy Scriptures remind us, when we wait upon the Lord, we will not be ashamed, but shall find our strength renewed. A pause to listen to You and to really hear Your word can make a difference. For what is rooted and grounded in You has real value and worth. Guide and direct Your servants this day and always. We pray in Jesus' name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 25, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and laid on the table:

### MEMBER OF THE PENNSYLVANIA FISH COMMISSION

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 1991 for the appointment of James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998, and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### MEMBER OF THE PENNSYLVANIA FISH COMMISSION

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 1991 for the appointment of Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998, and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### MEMBER OF THE PENNSYLVANIA FISH COMMISSION

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 1991 for the reappointment of Theodore T. Metzger, Jr., (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE**

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of George E. Kern (Public Member), 2234 Mack Boulevard, Allentown 18103, Lehigh County, Sixteenth Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel J. West, Jr., Moscow, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

DISTRICT JUSTICE

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 12, 1991 for the appointment of Roy Josephson, R. D. #1, Box 505, Avondale 19311, Chester County, Thirty-sixth Senatorial District, as District Justice in and for the County of Chester, Magisterial District 15-3-04, to serve until the first Monday of January, 1992, vice Eugene DiFilippo, Jr., resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**RESOLUTION INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

June 26, 1991

**URGING THE USE OF RESPECTFUL "PERSON  
FIRST" LANGUAGE IN REFERRING TO  
PEOPLE WITH DISABILITIES IN THE  
VERNACULAR OF THE COMMONWEALTH**

Senators AFFLERBACH, MUSTO, BELAN, HOPPER, WILLIAMS, RHOADES, BORTNER, MELLOW, LaVALLE, REIBMAN, SALVATORE, LYNCH, BODACK, STAPLETON, GREENWOOD, SCANLON,

HART, DAWIDA, JONES and ANDREZESKI offered the following resolution (**Senate Resolution No. 81**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 26, 1991.

**A RESOLUTION**

Urging the use of respectful "person first" language in referring to people with disabilities in the vernacular of the Commonwealth.

WHEREAS, Many laws, regulations and documents written in the Commonwealth refer to people with disabilities by personifying their disabilities, as "the blind," "the disabled," "the handicapped," "the mentally retarded," "the deaf" and so on, or by using their disabilities as adjectives, as "epileptic child," "blind person," "disabled person" and "handicapped person," and so on; and

WHEREAS, A goal of the disability rights' movement is to dissolve the barriers of psychological exclusivity which many archaic terms promote; and

WHEREAS, Terms such as "disabled person," "the disabled," "mentally retarded person," "the mentally retarded" and "epileptic child" subtly encourage another to recognize the person in terms of the disability alone, while "person first" terms such as "people with a disability," "person with mental retardation" and "child with epilepsy" encourage recognition that the disability is only one of the person's characteristics; and

WHEREAS, The policy of the Commonwealth towards people with disabilities is to recognize them as "persons first" and as having a disability second; therefore be it

RESOLVED, That the Senate adopt the procedure of using "person first" language in all statutes and other official documents in which such a reference is appropriate; and be it further

RESOLVED, That the specific goals of this procedure be to avoid language which personifies disabilities and to avoid using disabilities and physical conditions as adjectives, but to use, instead, language which identifies an incapacity only if necessary and then to describe the incapacity in a modifying phrase which follows the word "person"; and be it further

RESOLVED, That the Senate urge the Governor to institute this policy within the executive branch of government, and the Chief Justice of the Supreme Court to likewise institute this policy within the judicial branch; and be it further

RESOLVED, That copies of this resolution be transmitted to Governor Robert P. Casey, to Chief Justice Robert N. C. Nix, Jr., and to John W. Hartman, Director of the Legislative Reference Bureau.

**GENERAL COMMUNICATION**

**PENNSYLVANIA EMERGENCY MANAGEMENT  
COUNCIL**

**PROGRESS IN PREPAREDNESS REPORT**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Lieutenant Governor's Office  
Harrisburg, Pa. 17120-0002

June 25, 1991

Mr. Mark R. Corrigan  
Secretary  
Senate of Pennsylvania  
462 - Main Capitol  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

As required by Title 35 of the Pennsylvania Consolidated Statutes, I am hereby submitting the 1990 annual report of the Pennsylvania Emergency Management Council. The report entitled *Progress in Preparedness* celebrates forty years in emergency management.

1990 will be recognized as an historic year in the history of this program. Major legislative initiatives were successfully completed, a new emergency operations center was dedicated, a new satellite-based warning and telecommunications network was finished, and the final phase of the State Fire Academy is in process.

The legislative initiatives included passage of the Hazardous Material Emergency Planning and Response Act, the "911" Emergency Telephone Act, and the Volunteer Loan Assistance Program improvements.

All of these accomplishments would have been impossible without the support of the members of the General Assembly. I appreciate that support and ask for your continued assistance in helping a valuable agency like PEMA through these difficult economic times.

With best wishes,

MARK S. SINGEL

Lieutenant Governor and Chairman  
Pennsylvania Emergency Management  
Council

The PRESIDENT. This report will be filed in the Library.

## REPORTS FROM COMMITTEES

Senator LEMMOND, from the Committee on State Government, reported the following bills:

### **SB 960 (Pr. No. 1404) (Amended)**

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

### **SB 1226 (Pr. No. 1389)**

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), entitled, as amended, "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," increasing the borrowing authority limit and eliminating a countersignature and conforming certain provisions.

### **HB 541 (Pr. No. 2053)**

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing for a procedure for certain electors.

Senator PECORA, from the Committee on Local Government, reported the following bills:

### **SB 1109 (Pr. No. 1226)**

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

### **HB 1020 (Pr. No. 1554)**

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," further providing for the entry, extension and discharge of tax claims.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bill:

### **SB 465 (Pr. No. 1402) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue of juvenile matters, for informal hearings and for disposition of dependent children.

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

### **SB 1131 (Pr. No. 1265) (Rereported)**

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

### **SB 1132 (Pr. No. 1266) (Rereported)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

### **SB 1133 (Pr. No. 1267) (Rereported)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

### **SB 1134 (Pr. No. 1403) (Amended) (Rereported)**

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

### **SB 1135 (Pr. No. 1269) (Rereported)**

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

### **SB 1136 (Pr. No. 1270) (Rereported)**

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

### **SB 1137 (Pr. No. 1271) (Rereported)**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

### **SB 1138 (Pr. No. 1272) (Rereported)**

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

### **HB 547 (Pr. No. 2138) (Amended) (Rereported)**

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission and the Office of Consumer Advocate.

**HB 1319 (Pr. No. 1631) (Rereported)**

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards associated thereto.

**HB 1320 (Pr. No. 1523) (Rereported)**

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

**HB 1321 (Pr. No. 1524) (Rereported)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

**HB 1322 (Pr. No. 1525) (Rereported)**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**HB 1323 (Pr. No. 1526) (Rereported)**

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**HB 1536 (Pr. No. 1797) (Rereported)**

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**HB 1591 (Pr. No. 2011) (Rereported)**

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills

incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Senator PUNT, from the Committee on Military and Veterans Affairs, reported the following bills:

**SB 868 (Pr. No. 937)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for a paralyzed veteran's pension.

**SB 1058 (Pr. No. 1169)**

An Act authorizing the State Armory Board, with the approval of the Governor, to purchase a parcel of land located in the Borough of Taylor, Lackawanna County, Pennsylvania; and making an appropriation.

**SB 1112 (Pr. No. 1233)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans' real estate tax exemption.

**SB 1180 (Pr. No. 1316)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing the Department of Military Affairs to the Department of Military and Veterans Affairs.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Shumaker and a legislative leave for the day for Senator Bell.

Senator STAPLETON. Mr. President, I request a legislative leave for Senator Lynch for the day and a temporary Capitol leave for Senator Lewis who will be here shortly.

The PRESIDENT. Senator Fisher asks temporary Capitol leave for Senator Shumaker and a legislative leave for the day for Senator Bell. Senator Stapleton asks legislative leave for the day for Senator Lynch and temporary Capitol leave for Senator Lewis. The Chair hears no objection and the leaves will be granted.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 4 (Pr. No. 1378)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and assistance and for the rights of crime victims.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

### LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Stapleton asks temporary Capitol leave for Senator Williams. The Chair hears no objection. That leave will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE

Senator BORTNER. Mr. President, it is my pleasure to introduce to the Members of the Senate today two very special guests. One is seated in the gallery. She is Tracy Wright who is a graduate of Southwestern High School in the Hanover area of York County. She is a 1990 pre-law graduate from Shippensburg University. Tracy is entering her second year at the University of Dayton Law School this fall and is currently serving as a summer intern in my York district office and working in the Harrisburg office for today.

The PRESIDENT. Would the guest of Senator Bortner please rise so we could welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

Senator BORTNER. My second guest is serving as a page and is a special guest. That is my youngest son Seth Bortner. Seth will be attending Hanna Penn Middle School in York and spends his spare time as a catcher on the baseball team and is here with us today as a guest page seated at the front of the Senate.

The PRESIDENT. We would be delighted if Seth Bortner would rise so we could thank you for your good service as a page.

(Applause.)

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 748 (Pr. No. 1379)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the licensing and regulation of agents and brokers; and imposing penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I would ask for temporary Capitol leaves for Senator Fattah and Senator Jones.

The PRESIDENT. Senator Stapleton asks for temporary Capitol leaves for Senator Fattah and Senator Jones. The Chair hears no objection. The leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 14 (Pr. No. 1466)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the arrest and detention of persons wanted in other counties; and further providing for sentencing and for intermediate punishment.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 23 (Pr. No. 165)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on thefts of leased property.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 89 (Pr. No. 2019)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for senior resident license qualifications; and deleting certain license requirements for regulated hunting grounds.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SB 516 (Pr. No. 1381)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator SCHWARTZ. Mr. President, I rise to oppose Senate Bill No. 516. We have before us a bill which may sound good and look good, but what it really is is an attempt to grandstand on the issue of domestic violence without creating any positive changes for victims of domestic violence crimes.

In fact, the Pennsylvania Coalition Against Domestic Violence, which this Commonwealth funds to provide services to victims of domestic violence across the state, is opposed to this legislation and has asked me to speak in opposition to this legislation. The Pennsylvania Coalition Against Domestic Violence has 58 centers serving all 67 counties across this Commonwealth. Domestic violence is a problem which affects people in every county in this Commonwealth, of every race and every income level. In fiscal year 1989-90 centers served 74,699 clients, including 61,727 victims of domestic violence. This included 8,587 children and 4,385 significant others. These domestic violence groups provided over 450,000 hours of counseling services and over 170,000 days of shelter.

There are two provisions in this bill that are of great concern. The first would create an exemption from liability for police officers for personal injury or property damage incurred in a good faith effort to protect a victim of domestic violence. The fact is that the police are already exempt from liability in performance of their duties. We are not aware of any cases where police have been found liable. The danger, by passing this provision, is that police may use undue force in breaking up domestic violence which may be physically harmful to the victim.

I want to be clear about this. I support the intervention of police officers in domestic violence situations. So do victims and so do those who serve victims. However, in the name of protecting victims of domestic violence, we should not give blanket immunity to police officers for destruction of property or personal injury.

The second part of the bill which I feel is very harmful to victims of domestic violence would encourage Advanced Rehabilitation Disposition (ARD) for first time batterers. There are several reasons for concern with this provision. First, there is consensus among both batterer treatment programs and battered women's programs that treatment for batterers should occur post conviction. It is critical that batterers enter treatment with adjudication rather than deferral of prosecution. The additional motivation to attend treatment is often crucial.

Domestic violence assaults are difficult to prosecute months later. After conviction, if there is no recurring violence, violation of a condition of probation permits swift and certain punishment while reinstituting prosecution does not.

Mr. President, on behalf of the victims of domestic violence and on behalf of those who serve those victims, I urge you to vote against this bill.

Senator HART. Mr. President, I rise in support of Senate Bill No. 516. In response to the lady from Philadelphia, Senator Schwartz, I would like to stress that the intent of Senate Bill No. 516 is to encourage protection of victims of domestic violence. The provision on limitations of liability to police officers attempts to give law enforcement the tools they need to step in and stop domestic violence. It offers law enforcement commonsense protections from lawsuits filed resulting when personal injury or property damage occurs

during a good faith effort to protect a domestic violence victim. Police officers have said that they are reluctant to aggressively enforce the law because their department could be slapped with a lawsuit by an abuser or they could be slapped with a lawsuit. It does not provide a license for local police departments to turn into a squad of "Rambos" in enforcing domestic violence laws. It does not suspend the Constitution, nor does it waive anyone's individual protections under the law.

This bill does not condone police brutality, and I can promise you that I would not be the prime sponsor of this measure if it did. The bottom line is that it will allow police to do what they are trained to do, and that is to protect victims and arrest people who break the law. And statistics show that arrest is one of the most effective deterrents for abusers to encourage avoidance of repeat of the crime.

On the ARD portion of Senate Bill No. 516, I think it is important that we recognize that some, and I repeat only some, people who are charged with domestic abuse can be rehabilitated. We are aware of that fact. We must create a vehicle that will provide incentive to get those people the help they need. It makes no sense to make a person run through the already overcrowded criminal justice system if they can truly be helped by the ARD system. The system has built up a strong record in rehabilitating drunken drivers which, like domestic violence, is a noxious crime that society finds abhorrent. This legislation does not provide an escape hatch for abusers, however. If an abuser has already been found guilty of a domestic violence offense, or if an abuser has already accepted ARD for a domestic violence offense, he or she will be rejected for that program. And if an abuser committed any other act in connection with the domestic violence offense that an attorney for the Commonwealth constitutes as a violation of offenses defined as "abuse," he or she will be rejected for ARD.

This bill will protect victims. It will increase the likelihood that the law will be enforced. It will help abusers who can be helped to get help and, therefore, save the family. Above all, it will help reduce the hundreds of thousands of abuse cases that are reported in the Commonwealth each year.

Mr. President, I encourage a positive vote on Senate Bill No. 516 as well as Senate Bill No. 518.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fattah. His temporary Capitol leave will be cancelled.

#### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request temporary Capitol leave for Senator Fumo, who has been called to his office, and also for Senator Scanlon.

The PRESIDENT. Senator Stapleton asks for temporary Capitol leaves for Senator Fumo and Senator Scanlon. The Chair hears no objection. Those leaves will be granted.



And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—34

Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Pecora	Shaffer
Belan	Helfrick	Peterson	Shumaker
Bell	Holl	Porterfield	Stapleton
Bodack	Hopper	Punt	Stewart
Brightbill	Jubelirer	Rhoades	Stout
Corman	LaValle	Robbins	Tilghman
Fisher	Lemmond	Salvatore	Wenger
Greenleaf	Loeper		

## NAYS—16

Afflerbach	Fattah	Lincoln	O'Pake
Andrezeski	Fumo	Lynch	Reibman
Bortner	Jones	Mellow	Schwartz
Dawida	Lewis	Musto	Williams

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 518 (Pr. No. 1392)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the registration of foreign court orders, responsibilities of local law enforcement agencies, hearing proceedings, preliminary arraignments and contempt; and providing for full faith and credit.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 727** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1040 (Pr. No. 1148)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

**SB 1053, 1110, 1115 and 1171** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**SB 2, HB 59, 68, 161 and 175** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 185 (Pr. No. 1185)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exclusions from sales and use tax.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 196, HB 222, SB 252, 315, 386, HB 401, 521, 554, 686 and 795** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 804 (Pr. No. 887)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the continuation of medical insurance coverage for survivor-spouse annuitants.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**HB 840, SB 876, 879, 948, 978, 984, 1008, 1034, 1037 and HB 1055** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1059 (Pr. No. 1391)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Secretary of Revenue to establish a period during which interest and penalties on certain unpaid taxes will be waived if the taxes are paid in full; authorizing political subdivisions to adopt similar provisions; and providing for penalties.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1063, 1066, 1067, 1083, 1086, 1087, HB 1105, 1106, SB 1118, 1141, 1173, 1197 and 1200** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1217 (Pr. No. 1377)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**HB 1344** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR PREFERRED APPROPRIATIONS BILLS RECOMMITTED

**HB 1323 (Pr. No. 1526)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Appropriations.

**HB 1591 (Pr. No. 2011)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Appropriations.

#### SECOND CONSIDERATION CALENDAR PREFERRED APPROPRIATIONS BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION AND RECOMMITTED

**HB 547 (Pr. No. 599)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SB 1134 (Pr. No. 1268)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

#### PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION AND RECOMMITTED

**SB 1131 (Pr. No. 1265)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SB 1132 (Pr. No. 1266)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SB 1133 (Pr. No. 1267)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SB 1135 (Pr. No. 1269)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SB 1136 (Pr. No. 1270)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SB 1137 (Pr. No. 1271)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SB 1138 (Pr. No. 1272)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1319 (Pr. No. 1631)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1320 (Pr. No. 1523)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1321 (Pr. No. 1524)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1322 (Pr. No. 1525)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1536 (Pr. No. 1797)** — The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,  
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert L. Krommes, 37 North Fourth Street, Cressona 17929, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard L. Orwig, Esquire, 404 Lynne Avenue, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Kermit Kistler, M.D., Allentown, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

April 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Royal E. Brown, 1429 South 15th Street, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1992, and until his successor is appointed and qualified, vice Michael Haskins, Philadelphia, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA MINORITY  
BUSINESS DEVELOPMENT AUTHORITY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Luis Columba, 1089 Debbie Lane, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1993, and until his successor is appointed and qualified, vice Julio Tio, Harrisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable John Chronister, 2181 Blenheim Court, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice The Honorable John C. Dowling, Harrisburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Vincent Cirillo, 825 Bryn Mawr Avenue, Penn Valley 19072, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz

Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,  
WASHINGTON COUNTY

March 20, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clyde G. Tempest, Esquire, 149 Chess Street, Monongahela 15063, Washington County, Forty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Washington County, to serve until the first Monday of January, 1992, vice Hon. Samuel Rodgers, mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## UNFINISHED BUSINESS SENATE RESOLUTIONS

### RECOGNIZING THE YEAR 1991 AS THE 50th ANNIVERSARY OF THE ACTIVATION OF THE 28th INFANTRY DIVISION OF THE PENNSYLVANIA NATIONAL GUARD

Senators PUNT, SHUMAKER, BORTNER, STOUT, ROBBINS, HOPPER, MUSTO, JUBELIRER, PORTERFIELD, WENGER, BRIGHTBILL, O'PAKE, MADIGAN, STAPLETON, FISHER, CORMAN, HELFRICK, REIBMAN, BELAN and SALVATORE offered the following resolution (*Senate Resolution No. 82*), which was read, considered and adopted:

In the Senate, June 26, 1991.

#### A RESOLUTION

Recognizing the year 1991 as the 50th Anniversary of the activation of the 28th Infantry Division of the Pennsylvania National Guard.

WHEREAS, The 28th Infantry Division of the Pennsylvania National Guard is the oldest army division and can trace its historical roots back to the year 1747; and

WHEREAS, During World War II, the 28th Infantry withstood German attack with the result that the German Divisions failed to pass the Meuse River and reach Antwerp on the English Channel; and

WHEREAS, During World War II's Battle of the Bulge, the 28th Infantry Division fought against nine German divisions simultaneously, a military feat which has become known as the single greatest achievement in the history of the United States Army; and

WHEREAS, With courage, blood and skill, the 28th Infantry earned five campaign credits for their efforts in Normandy, Northern France, Ardennes - Alsace, Rhineland and Central Europe; and

WHEREAS, The 28th Infantry Division has a long history of distinguished service, courage and dedication; therefore be it

RESOLVED, That the Senate commemorate the actions of the members of the 28th Infantry Division of the Pennsylvania National Guard in the service of our country and recognize the year 1991 as the 50th Anniversary of the 28th Infantry Division's activation.

### CONGRATULATING CARDINAL ANTHONY J. BEVILACQUA ON HIS INSTALLATION AS A CARDINAL BY POPE JOHN PAUL II

Senators SALVATORE, LOEPER, ANDREZESKI, JUBELIRER, SCANLON, FISHER, SCHWARTZ, PECORA, TILGHMAN, REIBMAN, MELLOW, BELAN, JONES, DAWIDA, HART, SHUMAKER, LaVALLE, RHOADES, O'PAKE, HELFRICK, MUSTO, LYNCH, HOLL, WENGER and BELL offered the following resolution (*Senate Resolution No. 83*), which was read as follows:

In the Senate, June 26, 1991.

#### A RESOLUTION

Congratulating Cardinal Anthony J. Bevilacqua on his installation as a Cardinal by Pope John Paul II.

WHEREAS, The Most Reverend Anthony J. Bevilacqua, Archbishop of the Diocese of Philadelphia, has been installed as a Cardinal by Pope John Paul II, marking another milestone in a priesthood highlighted by his unwavering commitment to his Faith, his Church and his Flock; and

WHEREAS, After his ordination to the priesthood in 1949, Cardinal Bevilacqua found time during his years devoted to the duties of his priesthood, the people he had been called to serve and his work as a professor in various teaching assignments to continue his studies, receiving in 1975 his Doctor of Jurisprudence Degree from St. John's University Law School; and

WHEREAS, His tireless and unselfish work in each of these assignments and his total love for his Church led to his being ordained in 1980 as an Auxiliary Bishop of the Diocese of Brooklyn; and

WHEREAS, These same virtues led to his installation three years later as the tenth Bishop of the Diocese of Pittsburgh; and

WHEREAS, His continued interest in the law resulted in his being admitted to the Bar of the Supreme Court of Pennsylvania and the Bar of the Supreme Court of the United States, as well as county and district bars; and

WHEREAS, His untiring efforts as Bishop of Pittsburgh were recognized when he was appointed Archbishop of Philadelphia by Pope John Paul II, a position he has since served with the same total dedication to his Flock and unwavering devotion to his Faith; and

WHEREAS, His installation as a Cardinal on June 28 in Rome gives cause for celebration and thanksgiving; therefore be it

RESOLVED, That the Senate extend to Cardinal Anthony J. Bevilacqua its heartfelt congratulations on this most meaningful honor and wish him continued success in all his endeavors.

Senator SALVATORE asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 83, ADOPTED

Senator SALVATORE. Mr. President, I move that the Senate do adopt Senate Resolution No. 83.

On the question,

Will the Senate agree to the motion?

Senator SALVATORE. Mr. President, it is indeed an honor to introduce this resolution. We extend congratulations to the newly-elected Cardinal Anthony J. Bevilacqua. I ask that the resolution be laid up there on the table and anyone who wants to be added can be added as a sponsor.

The PRESIDENT. The Chair would advise all Members that the resolution honoring Cardinal-Elect Bevilacqua will remain at the desk for additional cosponsors. Any Senators wishing to sign should report to the desk to sign on.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

#### DESIGNATING JUNE 30 THROUGH JULY 6, 1991, AS "POOL SAFETY AWARENESS WEEK"

Senator LEWIS offered the following resolution (*Senate Resolution No. 84*), which was read, considered and adopted:

In the Senate, June 26, 1991.

## A RESOLUTION

Designating June 30 through July 6, 1991, as "Pool Safety Awareness Week."

WHEREAS, Drowning is the second leading cause of accidental death to children under age five; and

WHEREAS, Every year more than 4,600 drownings and near drownings occur in the United States, many as the result of swimming pool accidents; therefore be it

RESOLVED, That the week of June 30 through July 6, 1991, be designated as "Pool Safety Awareness Week"; and be it further

RESOLVED, That the Senate encourage citizens to undertake educational programs and functions designed to aid in the prevention of drowning and pool accidents, pursue training in CPR, and sponsor educational programs and functions on the principles of general pool safety.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Nathan S. Whitfield, Joel A. Martin and to Karyn Rosenberg by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. William Dix and to Mr. and Mrs. Nicholas J. Manchin by Senator Bell.

Congratulations of the Senate were extended to Eugene F. Connelly by Senator Bodack.

Congratulations of the Senate were extended to Norman E. Adam and to Dr. John N. Rightmyer by Senator Brightbill.

Congratulations of the Senate were extended to Boyd Yearick, Mr. and Mrs. Harris Brickley, Mr. and Mrs. Sylvester Hugney and to Mr. and Mrs. Bang Durkin by Senator Corman.

Congratulations of the Senate were extended to Gene Schall by Senator Greenleaf.

Congratulations of the Senate were extended to Reverend George Taraska and to Mr. and Mrs. Charles Frederick Kleeman by Senator Helfrick.

Congratulations of the Senate were extended to Brian R. Shunk, Daniel Joseph Gallagher and to David Paul Gormley by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Carl E. Smith, Mr. and Mrs. Cloyd Yocum and to Reverend and Mrs. Guy S. Fern by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Warren Shiner, Mr. and Mrs. John Charnitski, Mr. and Mrs. Joseph R. Victor, Mr. and Mrs. Charles Barnick, Mr. and Mrs. Joseph Bagi and to Mr. and Mrs. Allen Brace by Senator Lemmond.

Congratulations of the Senate were extended to Carol Ann O'Donnell and to Sandra E. Crowe by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Charles B. Brion, Mr. and Mrs. Robert D. Spotts, Mr. and Mrs. Nelson Waltz, Mr. and Mrs. Francis D. Ellenberger and to Mr. and Mrs. Harry P. Hackett by Senator Madigan.

Congratulations of the Senate were extended to Dorothy Glarner and to the Holy Family Church of Scranton by Senator Mellow.

Congratulations of the Senate were extended to Charles Arthur Brader and to Patrick F. Grady by Senator Rhoades.

Congratulations of the Senate were extended to David F. Desuta and to Joseph P. Desuta by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Harold E. Reichard, Mr. and Mrs. Henry Sterling Laubenstine and to Mr. and Mrs. John DeHart by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Adams, Mr. and Mrs. Ralph Parise, Mr. and Mrs. Lee Logsdon, Mr. and Mrs. John F. Washabaugh, Mr. and Mrs. Earl Park, Mr. and Mrs. Lou Valli, Mr. and Mrs. Floyd Laughlin, Mr. and Mrs. Paul F. Stabile, Mr. and Mrs. Edmund Ugulini and to Mr. and Mrs. William Eisert by Senator Stout.

Congratulations of the Senate were extended to Margaret A. Loney by Senator Tilghman.

## BILLS ON FIRST CONSIDERATION

Senator JUBELIRER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 465, 868, 960, 1058, 1109, 1112, 1180, 1226, HB 541 and 1020.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

## RECESS

Senator LOEPER. Mr. President, for the information of the Members at this time, I think, with the activities of the remainder of the week and the hectic schedule and time deadline we are facing, as far as the budget negotiations are concerned, I would at this time ask that we recess to the call of the President pro tempore with the understanding of the Members that it is very possible that tomorrow, the next day, the next day, the following day, up through June 30th, at any time we can be called back into Session in order to move bills to move forward the budget process. We will work diligently during that time to try and resolve the outstanding issues, that we will be able to bring in a spending and revenue plan before this Body in a timely fashion. In addition to that, I would also ask the Members of the Republican side of the aisle if they would meet in the Majority caucus room for a caucus to begin at 1:00 p.m. promptly, and at this time would ask that we recess to the call of the President pro tempore.

Senator MELLOW. Mr. President, I would ask that the Democrat Members report immediately to our caucus room.



The PRESIDENT. The Chair would advise Members of the Republican and Democratic caucuses that there will be a caucus in each of the respective caucus rooms following the recess. To make it absolutely clear, upon recess we will recess to the call of the President pro tempore.

#### **AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### **ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Sunday, June 30, 1991, at 3:10 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

SUNDAY, JUNE 30, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 43

### SENATE

SUNDAY, June 30, 1991.

The Senate met at 3:10 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, we pause this day to invoke Your blessing upon these elected leaders of our state as they meet in an effort to solve difficult budget problems. Lead, guide and direct them, that their work may be expeditiously concluded for the greater good of everyone. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 26, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

June 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Vincent Gianetti, 5185 Delores Drive, Pittsburgh 15227, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Theodore Lewandowski, Drexel Hill, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John B. Lewis (Public Member), 524 White Oak Road, Blue Bell 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul Breon, Centre Hall, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene E. Sillaman, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anne Marie McFeely, Kennett Square, whose term expired.

ROBERT P. CASEY.  
DISTRICT JUSTICE

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan Sussman, 915 Heatherstone Drive, Berwyn 19312, Chester County, Nineteenth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-1-02, to serve until the first Monday of January, 1994, vice Armand A. Pomante, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward Refice, 202 Mary Street, Apartment 23, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until November 29, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul H. Lauer, Shavertown, resigned.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Frank L. Fontana, M.D., Pittsburgh, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January, 1994, vice Arthur Sabulsky, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carl Balliet, 643 Poplar Street, Catasauqua 18032, Lehigh County, Sixteenth Senatorial District, for appointment as District Justice in and for the County of Lehigh, Magisterial District 31-1-05, to serve until the first Monday of January, 1994, vice James E. Stahl, resigned.

ROBERT P. CASEY.

### RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD  
OF EDUCATION

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 1991 for the appointment of Bernard E. Anderson, Ph.D., 906 Croton Road, Wayne 19087, Chester County, Nineteenth Senatorial District, as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified, vice Dr. Paul R. Vochko, Ambridge, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### HOUSE MESSAGE

#### SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 405** and **820**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**HB 23 and 739.**

**REPORTS FROM COMMITTEE**

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**SB 1217 (Pr. No. 1377) (Rereported)**

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

**HB 1321 (Pr. No. 2207) (Amended) (Rereported)**

An Act making appropriations to the Department of Public Welfare and the Treasury Department; and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the year beginning July 1, 1991, for the payment of cash grants and medical assistance and for the payment of general obligation debt service or arbitrage rebates and expenses accrued or incurred prior to and remaining unpaid on June 30, 1991.

**HB 1607 (Pr. No. 1881)**

An Act providing for the capital budget for the fiscal year 1991-1992.

**HB 1644 (Pr. No. 1941)**

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request a legislative leave for the day for Senator Bell and temporary Capitol leaves for Senator Lemmond and Senator Baker.

Senator STAPLETON. Mr. President, I request a legislative leave for the day for Senator Lynch and temporary Capitol leaves for Senator Jones and Senator Reibman.

The PRESIDENT. Senator Fisher requests legislative leave for Senator Bell and temporary Capitol leaves for Senator Lemmond and Senator Baker. Senator Stapleton requests legislative leave for Senator Lynch and temporary Capitol leaves for Senator Jones and Senator Reibman. The Chair hears no objection. Those leaves will be granted.

**CALENDAR****SENATE RESOLUTION NO. 78,  
CALLED UP OUT OF ORDER**

Senator LOEPER, without objection, called up out of order from page 11 of the Calendar, as a Special Order of Business, **Senate Resolution No. 78**, entitled:

A Resolution commending Philadelphia Electric Company for its environmental conservation efforts relating to reintroducing

shad to the Susquehanna River by constructing a fish lift at the Conowingo Dam and by improving water quality in the river and Chesapeake Bay.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 78, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 78.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

**SB 916 TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I move that Senate Bill No. 916, Printer's No. 1172, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lemmond. His temporary Capitol leave will be cancelled; also Senator Baker, his temporary Capitol leave will be cancelled.

**HB 244 TAKEN FROM THE TABLE**

**HB 244 (Pr. No. 1438 —** Without objection, Senator LOEPER called from the table **HB 244**, as a Special Order of Business.

**RECONSIDERATION OF HB 244  
THE OBJECTIONS OF THE GOVERNOR TO  
THE CONTRARY NOTWITHSTANDING**

**BILL LAID ON THE TABLE**

**HB 244 (Pr. No. 1438)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution.

Senator LOEPER. Mr. President, I would like at this time to call from the table House Bill No. 244, Printer's No. 1438, and move that the Senate proceed with the reconsideration and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

The PRESIDENT. Senator Loeper calls from the table House Bill No. 244, Printer's No. 1438. Senator Loeper further moves that the Senate proceed to reconsider House Bill No. 244, Printer's No. 1438, and agree to pass the same, the objections of the Governor to the contrary notwithstanding. The vote required for this motion is two-thirds or 34 votes.

Senator LOEPER. Mr. President, once that vote is reconsidered, I would move that the bill go over.

On the question,  
Will the Senate agree to the motion?

The PRESIDENT. With the acquiescence of the leadership on both sides of the aisle, the override vote will remain on the table.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with an expectation of returning to the floor at approximately 4:30 p.m.

Senator STAPLETON. Mr. President, the Democrats will caucus immediately in the caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE AMENDMENTS  
BY AMENDING SAID AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 146**.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 820, House Bill No. 146 and certain nominations.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**SB 727, 1053, 1110, 1115 and 1171** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR**

**BILLS ON SECOND CONSIDERATION**

**SB 2 (Pr. No. 1358)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**HB 59 (Pr. No. 1884)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge connecting the Township of Lenox with the Township of Harford, Susquehanna County, as the Angelo P. Padula Memorial Bridge; and requiring the Department of Transportation to erect designation signs.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**HB 68 (Pr. No. 1558)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge in Troy Township, Bradford County, as the John Burguess Bridge; designating the newly constructed bridge connecting the City of Scranton with the Borough of Taylor, Lackawanna County, as the Veterans Memorial Bridge; and requiring the Department of Transportation to erect designation signs.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**HB 161** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL REREFERRED

**HB 175 (Pr. No. 2094)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL ON SECOND CONSIDERATION

**SB 196 (Pr. No. 205)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring coroners and medical examiners to perform autopsies for sudden infant death syndrome; and requiring review.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**HB 222** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 252 (Pr. No. 261)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties of the Department of Environmental Resources.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 315 (Pr. No. 325)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for bicycle and jogging paths in State parks.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 386, HB 401, SB 465 and HB 521** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Andrezeski and Senator Porterfield.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski and Senator Porterfield. The Chair hears no objection. The leaves will be granted.

## LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones. Her temporary Capitol leave will be cancelled. Senator Reibman is also with us. Her temporary Capitol leave will be cancelled, and Senator Lynch has joined us. His legislative leave will be cancelled.

## SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 541 (Pr. No. 2053)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing for a procedure for certain electors.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Rules and Executive Nominations.

## BILL ON SECOND CONSIDERATION

**HB 554 (Pr. No. 1754)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of Hemlock Avenue in the Borough of Kane as Chuck Daly Drive.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**HB 686, 795 and 840** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 868 (Pr. No. 937)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for a paralyzed veteran's pension.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 876 (Pr. No. 945)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from registration fees.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.



## BILLS OVER IN ORDER

**SB 879 and 948** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL REREFERRED

**SB 960 (Pr. No. 1404)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**SB 978** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 984 (Pr. No. 1078)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the Southern Expressway to the Greater Pittsburgh International Airport as the Senator John Heinz Expressway.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL REREFERRED

**SB 1008 (Pr. No. 1390)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of certain tax-exempt income.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**HB 1020 and SB 1034** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 1037 (Pr. No. 1132)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1980 (P. L. 1107, No. 190), entitled "Philadelphia Municipal Court Fee Law," increasing the fee for initial service of process.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS REREFERRED

**HB 1055 (Pr. No. 1198)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose

of financing the Federal share of construction of interstate highways," increasing the debt authorization.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1058 (Pr. No. 1169)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the State Armory Board, with the approval of the Governor, to purchase a parcel of land located in the Borough of Taylor, Lackawanna County, Pennsylvania; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**SB 1063** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 1066 (Pr. No. 1183)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for subsidies for the purchase of multiperil crop insurance; establishing the Multiperil Crop Insurance Subsidy Fund and providing for its administration; conferring powers and duties upon the Department of Agriculture; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1067 (Pr. No. 1386)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," further defining "normal farming operations"; further providing for agricultural security areas, for decisions on proposed areas and for agricultural conservation easements; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 1083, 1086 and 1087** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS REREFERRED

**HB 1105 (Pr. No. 1255)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), known as the "Site Development Act," extending the expiration of approval authority.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**HB 1106 (Pr. No. 1256)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 1109** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 1112 (Pr. No. 1233)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans' real estate tax exemption.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 1118** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 1141 (Pr. No. 1277)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," requiring the Department of Public Welfare to provide and increase a State supplement to the Federal Supplemental Security Income Program for individuals requiring personal-care services who reside in licensed personal-care homes; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

**SB 1173 (Pr. No. 1309)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge on which Central Avenue crosses over the Tookany Creek in Cheltenham Township, Montgomery County, as the Edmund F. Drach Bridge.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS REREFERRED

**SB 1180 (Pr. No. 1316)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing the Department of Military Affairs to the Department of Military and Veterans Affairs.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1197 (Pr. No. 1388)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to high-risk pregnancy and high-risk infant follow-up programs and services for pregnant and postpartum substance-abusing women and their newborns; defining Department of Public Welfare and county children and youth social service agency responsibilities; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1200 and 1226** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**HB 1344 (Pr. No. 2096)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to agriculture and rural youth; creating an Agriculture and Rural Youth Organization Grant Program; imposing duties on the Department of Agriculture; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### SENATE CONCURRENT RESOLUTION NO. 64, CALLED UP

Senator LOEPER, without objection, called up from page 10 of the Calendar, **Senate Concurrent Resolution No. 64**, entitled:

A Concurrent Resolution expressing the opposition of the General Assembly of the Commonwealth of Pennsylvania to the provisions of the Department of Transportation and Related Agencies Appropriation Act, 1991, providing for mandatory reductions in certain State permitted obligations.

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION NO. 64, LAID ON THE TABLE

Senator LOEPER. Mr. President, I move that the Senate Concurrent Resolution No. 64 be laid on the table.

The motion was agreed to and the resolution was laid on the table.

#### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1321 (Pr. No. 2207)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Department of Public Welfare and the Treasury Department; and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the year beginning July 1, 1991, for the payment of cash grants and medical assistance and for the payment of general obligation debt service or arbitrage rebates and expenses accrued or incurred prior to and remaining unpaid on June 30, 1991.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, we are now only several hours away from the constitutional deadline for the approval of a state budget, and despite some intensive and extensive negotiations, unfortunately, there is not at this time a complete budget package before this Senate for consideration. I think we are all deeply concerned about the problems that are going to affect every individual, organization and community, as well as the damage that will be inflicted on the reputation of this Commonwealth if there should be a prolonged budget crisis. Mr. President, that is why we are continuing to work toward developing an acceptable balanced budget that will attract sufficient votes for passage, but there is also a recognition that the largest deficit in Pennsylvania history and the two largest tax hikes ever proposed by a Governor are not a combination that readily yields to a satisfactory solution. While this budget process continues toward conclusion, it is my view, Mr. President, that we must take some concrete steps to insure that those most needy in Pennsylvania do not suffer. It is my view, Mr. President, that the measure before us is designed to prevent a total shutdown of state government and to protect needy Pennsylvanians from being cut off from assistance. By further providing for the payment of debt service, we make it clear to the Wall Street investors that Pennsylvania will not default on its obligations. The Budget Secretary on Friday admitted that based on court rulings, the state could continue to process cash grants in the weeks ahead. Mr. President, it is our view that because this is unprecedented, and because the state would be breaking new ground in this regard, that our action here today to approve the spending would remove the considerable constitutional doubt about the administration's course of action in that regard. There are groups of people beyond cash grant recipients, however, who will be hurt if payments are not continued. Some people regard total crisis and absolute stoppage of payments as productive pressure. We, Mr. President, do not. We view it as a painful price paid by individuals for no good purpose, particularly those who are most at risk and most in need. It is my view, Mr. President, that we should take a look at this issue, not as a debate over what is preferred public policy, but as a matter of preventing a total crisis that is not in the best interest of Pennsylvanians who are dependent on our state for their help and subsistence. The Governor, Mr. President, has in recent weeks stated his objections to any type of stopgap spending measure, but Friday's admission of the Governor in a press conference on cash grants in reality constitutes an Executive Branch version of stopgaps. Back in 1988 when there was another budget dispute, Governor Casey signed a partial budget and argued at that time in 1988, "There is no reason for crisis, no reason at all to shut down state government." Well, Mr. President, it is our view that that remains true today and this stopgap measure we have before us keeps some essential state services ongoing through

the period of time that is going to be needed for making the remainder of the choices on spending and the revenue, choices that undeniably are critical to the Commonwealth's future as we move ahead in the budget process for the next fiscal year.

Mr. President, I want it made clear that we have every intention of drawing the budget process to a conclusion as quickly as possible, and our goal is achieving the best budget plan possible under extremely difficult financial circumstances. A budget settlement is what the people demand and what is our collective responsibility to produce. We will be at the negotiating table again tonight, tomorrow, the next day and the day after that, whenever there is the opportunity to thrash out spending and revenue issues. In the meantime, Mr. President, we will have spared many Pennsylvanians days of needless suffering. In that light, Mr. President, I would ask for an affirmative vote on the stopgap appropriation bill.

Senator FUMO. Mr. President, I rise to oppose the bill, and it is very interesting to note the comments of the gentleman from Delaware, and I think they deserve some answers.

First of all, Mr. President, this is not a true stopgap type of bill. When one talks about stopgaps, they talk about a bill that usually funds all of state government for a limited period of time. What the Republicans have done here in their attempt to look like they have some type of concern for this problem, they say they are worried about Pennsylvania's needy. Therefore, we have to continue cash grants. Mr. President, that is a lot of rhetoric and a lot of nonsense. The gentleman from Delaware, the Majority Leader, and his colleagues fully know there have already been federal court cases throughout this country mandating that states continue the payment of cash grants. In fact, the gentleman also knows that the State Treasurer, relying upon those precedents, is mailing out cash grant checks as we speak. So there will be no interruption in cash grants. So now you have to say, well, if the Republicans are not really concerned about the needy, who are they worried about? Well, we all know they are worried about the guys on Wall Street. They are their buddies. They hang with them at all the right social clubs. But I have some news for the Republicans on that one as well. There was last week a set-aside provision done in the Commonwealth internally that already set aside the debt payments for the next week. Also, there is an entire series of case law that clearly indicates that the Commonwealth must and will make all of its debt payments, regardless of whether or not there has been an appropriation act passed. There are also some constitutional provisions requiring that as well. Now if there is really no concern for the needy and no concern for the guys on Wall Street, what do we have left? Medical assistance. Who gets the money from medical assistance? Well, the hospitals, the doctors, all the providers of services, not the people who receive those services, but in many instances the fat cats who give them out. Now we know where the concern really lies. I guess they are worried about the Pennsylvania Medical Society and other big contributors to their campaigns, and I do not blame them for that. Perhaps if we had gotten that kind of money, we might even share some of that concern, but I doubt very much that we would do it in this type of a charade.

Mr. President, the real issue before us today is whether or not all of Pennsylvania will suffer because we are not going to make the deadline of 12:00 midnight tonight. I have heard the rhetoric from the gentleman from the other side of the aisle talk about this being the largest deficit in Pennsylvania's history, and again I want to remind him that he participated in that conspiracy to cause that problem. Let us not sit here aghast that we did not know that was going to happen. The gentleman knew it last year as did I and as did everyone. But nothing was said of this problem last year because there was an election. We did not say it, and I plead guilty to that, but neither did they. They put up their votes for the budget. They voted for it. There would not have been a budget in Pennsylvania had they said they would not pass a budget in that fashion. In fact, there probably would not have been a deficit in Pennsylvania today had the Republicans yielded to my call that night long ago when I said the budget was not in balance and when I said that we on this side of the aisle were prepared to vote for the necessary taxes to fund it. I heard nothing but silence from that side of the aisle. So the reason why this is the largest deficit in Pennsylvania's history is because the Republicans in the Pennsylvania Senate wanted it to be that way. So let us not now look in surprise.

Then I hear about the two largest tax hikes that any Pennsylvania governor ever proposed. I was here when Governor Thornburgh proposed a tax hike up to 2.45 percent. The Republicans did not say that was a large one then. That was something that was necessary. Mr. President, times have changed, numbers have grown. Yes, in dollars and cents this is a big number, but percentage-wise it is not that big. But there is a way to solve that problem. There is in this Chamber now a budget that was passed by the House, a budget that requires some \$2.7 billion in taxes, maybe a little more or maybe a little less. If the Republicans in this Chamber are truly concerned about a large tax increase, I challenge them now. We will wait. We have the time for them to go and send us a real budget, not a piece of paper that takes care of wealthy doctors but a real budget. Let us see it. Give us a budget that does not raise taxes. Let us see it. You have 26 votes on that side of the aisle. You have enough votes today to pass this stopgap because we will not vote for it. Why do you not have enough votes to pass a no-tax increase budget? Could it be that you cannot fashion one? Well, if you cannot fashion one, how can you possibly come here and complain that we might have a large tax increase. Mr. President, the people on that side of the aisle are just stalling. They are like my little 19-month-old daughter when she cannot have her way. She actually lies on the floor and kicks her feet. I had forgotten what that was like, being a parent of two older children, but I actually see it happen, and I see it happen here. I see it happen in negotiations when we talk about spending even more money than the House gave us, but then when we talk about the taxes to pay for that, there is absolute silence. You might think you are in church at a funeral. Not a sound is ever spoken from that side of the aisle when we discuss taxes. But I do not get a lot of enthusiasm when we talk about cuts.

You are in the majority. You in the majority on the Republican side, give us a budget that you want to see passed. Give us a no-tax budget. Certainly Representative Pitts in the House says he has one. Go borrow it if you think it is real. Introduce it on this floor. Run it today. No taxes. You will be heroes forever. I do not see any response. I do not see anyone running outside to go and get it and have it printed, so let us stop the charade. Let us stop the nonsense of trying to get wealthy doctors paid. Let us deal with Pennsylvania's real problems.

Mr. President, we have also heard in negotiations a lot of talk from that side of the aisle about selling the state stores, the instant cure-all to our budget problems. Well, where is that bill? Where is it? You have 26 votes. Why do you not pass that today and help out Pennsylvania with its deficit? But I do not see any bill moving. I hear a lot of talk, a lot of rhetoric, but nothing moves. You are in the majority. The Minority only has its say, the Majority has its way. If you really want a no-tax budget, pass it. If you really want to sell the LCB, pass it. Otherwise, shut up or put up.

Mr. President, this Commonwealth spends \$1.7 billion a month based on last year's budget alone. That is over \$50 million a day that we spend to run this government. As of 12:00 midnight tonight, that money will cease to go into Pennsylvania's economy. That happens to be a very, very serious consequence. While we sit up here and play around and wait for the pressure to build, \$50 million a day is being taken out of Pennsylvania's economy. That is worse than the Depression of 1929. You may say it does not affect you. Well, it does. When state workers do not get paid—granted, there is not an awful lot of sympathy for them, but let us just take that as a reality—they do not have the money to go to the store and buy clothing, they do not have the money to go to the cleaners to pay to have their clothes cleaned, they do not have the money to make car payments and mortgage payments, and all that money gets taken out of our economy and never comes back, because every single day Pennsylvanians still pay their income tax. Pennsylvanians still pay their sales tax. Pennsylvania corporations even still pay their corporate taxes, but nothing gets pumped back into the economy. Mr. President, that is a very, very serious consequence for this Chamber to foist upon the people of Pennsylvania while we are already in one of the deepest recessions that any Republican president has ever caused. How will we ever get out of this mess? Well, when I talk to the other side of the aisle, they tell me because I am a Democrat I have some type of unwritten obligation to put up the overwhelming majority of tax votes. I do not know where that is written. It is certainly not in a statute. It is certainly not in the Constitution of Pennsylvania. Quite frankly, I started to buy into that rhetoric and was busy scurrying around my caucus looking for tax votes when I happened to talk to my wife in my naivete. She asked me why I had to do that, because Governor Casey was a Democrat? And, quite frankly, I took pause and said, you know, I really do not know. I looked into the history of this, and apparently it was always a tradition around here that the party which had

the governor had the obligation to produce the tax votes, but that was before we had negotiated budgets. That was before that side of the aisle had the opportunity to spend more money than this side of the aisle in that budget, and, quite frankly, Mr. President, that was before the advent of that evil word "wham" that everybody shares in.

Mr. President, I am here today to put the other side of the aisle on notice that we do not accept that fairy tale responsibility but we remain committed to help the Majority with tax votes, and as soon as they have more than half, we will be more than willing to put up our fair share. That is where it is, Mr. President, and if they have a no-tax budget they can pass through here with their 26 votes, no one will even have to worry about tax votes. So let us see a little action. Put your money where your mouth is, or should I say your money savings where your mouth is.

Mr. President, we on this side of the aisle will not participate in this sham of voting for this bill, and we stand adamant in our desire to get a budget done. It is only a quarter to 6:00. The Legislative Reference Bureau can easily print up a no-tax budget, according to the dictates of my colleague, the gentleman from Montgomery, Senator Tilghman, at least in an hour or two. We can attach it to this bill and go home and have a happy 4th of July. But, Mr. President, until they are ready to do that, we are ready to stand here. I would hope they would respond to their responsibility and their constitutional oath of office they took and stop the political gamesplaying that they attempt to foist upon the Commonwealth and really worry about Pennsylvania's needy, Mr. and Mrs. John Doe, citizens out there, every one of the Pennsylvanians who live in this state, not just the poor, although we know they do not care, but not just those people, and not just the wealthy doctors but the blue-collar worker who is going to work tomorrow morning, the guys who are working today and the women who are working today, on Sunday. Worry about them and we will all be better served.

Senator LINCOLN. Mr. President, I rise with a little bit of hesitation to speak against this issue, but after hearing the previous debate I feel a little more comfortable because I think it is very apparent how badly the negotiations have gone for the last several weeks. I have been very careful not to be interviewed. I have refused to in many cases, and have walked by the reporters hanging around outside of the office of the gentleman from Blair, Senator Jubelirer, simply because privately I was complaining very loudly about the fact that the Republicans in both the House and the Senate were not serious about solving this problem by today. At first I thought it was primarily the Republicans in the House. Their leader has gone on record as saying that he does not think we ought to do anything until there is a crisis. But when I see the kind of action that the Republican Majority here in the Senate is taking this evening, then I am more than convinced that they have been just a little more subtle in their determination to make a very chaotic situation come about in Pennsylvania. When I see a stopgap bill offered on June 30th at 5:30 in the evening, that really does not do anything to address the

problem even as far as offering a stopgap, and for those of you who like to hear a little history, I have gone back to 1969-1970 and took a look at what happens whenever the General Assembly adopted stopgap legislation, even serious stopgap legislation which was adopted in 1970 which turned out to be an eight-month spending plan. In each of those cases, 1970, 1971 and 1977, when serious stopgap legislation was passed, it absolutely destroyed the budget process and the legislative process in getting something done. In 1970 the budget was not signed until February or March of 1971. In 1971 when the stopgap was passed, it went clear to the middle of August before we finally concluded this process, and in 1977 we went to August 17th after passing stopgaps and then going a couple of weeks without anything. I think stopgap legislation of any type is nothing but a way of getting around dealing with the serious issues such as we have facing us right now. Fifteen days from now, or whatever the intention of this amendment would give to us, the situation is not going to change. In fact, if there is any change at all, it will be worse. I really am disappointed that the Republican leadership did not at least wait until tomorrow to offer this silly thing. The one thing I am fearful of is that this may be a ploy to get people to vote for it, because it does not look like it really means anything, and then on Wednesday, before we leave here for the Fourth of July, there will be a real serious effort made to pass stopgap legislation, and it would be very difficult for me to stand before you and ask my Members to not vote for it if they voted for this thing today. I do not know whether that is their intention or whether it is their intention just to get something passed that can be used as a vehicle. I do not know because I am not really sure, even though I have been in these meetings, if I have been able to follow and come to any conclusion with what the Republican leadership in the General Assembly is really trying to do.

I was in the House in 1977 and I remember Bob Butera giving the same kind of speech that Matt Ryan and Joe Pitts have done with their phony cut-the-budget type of thing, and we went from June 30th until August 17th and there was not one Republican House Member who had the courage to introduce as a piece of legislation that piece of garbage they developed in 1977 for publicity. To my knowledge there has not been a single Republican House Member introduce that wonderful package that they came to a press conference and talked about several weeks ago. We are not going to get anything done that way. I think the disgrace of this particular effort this evening is so pointed out in the fact that we have 501 school districts that at midnight tonight have to have their budgets in place and they do not have the luxury of going beyond midnight June 30th, as we take here. They actually have to have, by law, a budget passed. In most cases, if not all, they will do that. They do that without any direction from this General Assembly as the major part of their funding source is the State of Pennsylvania. We are saying to 501 school districts that with this thing called stopgap, we do not really care about you. We do not care about all the young people in this Commonwealth who are dependent upon the



budget process. We do not care about anything else, but for some reason we have picked out cash assistance, medical assistance and debt service, but I am saying at least bring forth something that is a legitimate effort, that if you are going to shove it down my throat with 26 Republican votes, at least make it less painful for me tomorrow and the next day in that for nine months my school districts are going to be able to know what money they are going to receive. Take and do a nine-month budget. Be serious about at least this aspect of it if you cannot get serious about really dealing with the issue. I think it is a disgrace that out of the meeting of the Committee on Appropriations today you reported this effort, and House Bill No. 1536 that the House passed, whether it is good, bad or otherwise, they passed a budget. You could have amended it to whatever shape you wanted because you have the majority there, and then we could have talked about it and we could have dealt with it and we could have offered amendments on the floor. Those of us on this side who are going to have some input in, hopefully, a vote of the tough issues of taxes and the new budget would have had an opportunity to amend that particular bill, House Bill No. 1536, to reflect our position and our viewpoint. I do not think it is even serious enough to offer the amendment that I had drawn up, which was basically House Bill No. 1536 with a few changes. This is absolutely a disgrace, and anybody who walks out of this Chamber after voting for this who can answer any questions to their constituency, not these people lined up back here, but when you go back to your districts or when you get the phone calls and you have the school superintendents and you have everybody else who depends on us for a budget, what are you going to tell them? Oh, I voted for a stopgap. I am the Majority party in the Senate, but the best I could come up with for you was three areas of a budget that is called a stopgap and I do not feel bad about that. I think I have done a good job. I am going to help your cash assistance friends. I am going to help pay for Medicaid and I am going to also help pay off debt service. I mean, most of my constituents, aside from the ones who will actually be receiving a cash grant, have no idea what you are talking about, but they do know that by the 5th of July the State Police might not be working. They do know that people who go to work every day and give of their sweat and their blood are not going to be paid, that there is a potential that school districts could actually fall apart over this. We have school districts that have been really not treated fairly in spite of a lot of money being spent the last couple of years. The poorest school districts, they could go under. You know, we think that those things do not happen, but look, the Berlin Wall was the biggest part of my life. It caused me to almost get drafted into the Army in 1962. It is gone. We have a fight in Yugoslavia over independence of a part of that country that has been there most of my lifetime, if not longer. There are bad ramifications and bad results from what you are doing here this evening. It does not serve a useful purpose. It does not even fund. I mean, if you are going to take the position of doing a stopgap, do it properly. I would hope there would be reason used by some of the Members on the other side who

legitimately want to get through this process and vote "no." Then, if we have to stay here for the next 24, 36 or 48 hours without leaving the floor, get something in front of us that we could mold into a legitimate budget, and then those of us who are going to have to stand up and be counted when it comes to funding that, whether it be a \$1.7 billion tax increase to whatever we decide, it is so important we do not get down and get into this frame of reference in mind. It is so important that we do not start this process on June 30th in this direction because it is going to be a long time before any of us can hold our heads up and a long time before we can go out into our districts and feel like we are actually doing a good job for our constituency. I would urge a "no" vote on this, whatever it is called, but just for a frame of reference, I guess it is called a stopgap. I would urge you to vote "no" on it.

Senator SCANLON. Mr. President, I very seldom speak on the budget, but I feel compelled today because I am getting, frankly, sick and tired of this being characterized by the Republicans as the largest budget deficit we have ever had in Pennsylvania and the largest proposed tax increase we have ever had in Pennsylvania because, based on the percentage of the budget, that is just not true. I came up here in 1968, and after four years of Governor Scranton and four years of Governor Shaffer we had a budget deficit that far exceeded this with respect to its impact on the overall budget, and we were compelled to levy an income tax which raised much more money with respect to the overall budget than we are considering today. One of the mistakes we made in 1968 was stopgaps. It took off the pressure and they existed for 18 months, we had stopgaps. What happens when you have a stopgap? You have a revenue flow, you have an outgo flow and there is a gap, and that is the deficit. If you fail to increase taxes or cut the revenue flow, the hole you started with gets bigger and bigger and bigger. By the end of 18 months of stopgapping, and after an intervening election, that hole was almost twice as big as the one we started with. The intervening election was very interesting from a political perspective. We had a candidate who had the temerity to go around this state and say, elect me and I am going to levy an income tax. He said it. He said it all over this state and he said it all during the campaign, while his opponent said, elect me and somehow this deficit is going to disappear. The point is, the people out there are not stupid. They know what is going on and they took Milton Shapp at his word, elect me and I am going to levy an income tax, and he received a very resounding victory. After 18 months of stopgaps and an ever-increasing deficit, day by day—the gentleman from Philadelphia, Senator Fumo, just came out with a number—every time you extend this pressure and maintain the same level of expenditures without increasing revenues, you are exacerbating the problem, and I think it is a tragic mistake to start the process by voting for a stopgap for ten days, for ten minutes.

Senator LOEPER. Mr. President, after listening to some of the previous speakers, I think it is important to clarify some of the statements that were made by the previous speakers and make sure they get on the record.

The stopgap before us, Mr. President, concerns the issue of cash grants. It concerns the issue of medical assistance as well as debt payment. I think it is important to note that the federal court decisions affecting cash grants only deal in the area of AFDC, that is Aid to Families with Dependent Children. It does not address those who are classified as general assistance recipients. Therefore, Mr. President, if this bill was not passed here in the Senate and then was sent to the House and passed there, there would be almost 150,000 people who receive general assistance in Pennsylvania, a population most at need and most at risk, who would not receive their cash grant payments. In addition to that, when we talk about nursing homes, one of the speakers alluded to the fact of the special interests that may be interested in receiving payments. Well, Mr. President, I would just relate to the plight of the nursing homes in Pennsylvania, those that take care of Pennsylvania's population, one of Pennsylvania's most jeopardized populations, that the nursing homes have not received payments from this state for at least two months, maybe longer in some cases. There are nursing homes that are having difficulty maintaining their fiscal stability, many that are facing an immediate bankruptcy because of state payments not coming to them. Yet, Mr. President, we want to stay here and debate the merits of an issue of trying to assist and help in these particularly related areas. One gentleman referred to it as a conspiracy last year in trying to pass a budget, and maybe I would like to take just a moment, Mr. President, to refresh those speakers' memories. If we were to look in the Journal of last June 30th, early in the morning when the General Appropriations bill was considered, I echoed at that time my remarks that I was concerned about how far that budget we passed was going to take us into this fiscal year. Let me just take a moment, Mr. President, and repeat for the record what I had said last June 30th when we were considering a General Appropriations bill. "I think it is important to note that a reported 87 percent of our school districts in Pennsylvania have had to raise their taxes and increase the burden on the local property taxpayer for the next fiscal year. I think, particularly at a time when Pennsylvania needs to invest in people and infrastructure in order to remain a competitive state, our budget really this year is one that creates an aura of concern. I think what we have seen is really a budget that is heading toward fiscal disaster before the end of the next fiscal year." Well, here we are, Mr. President, June 30th, at the end of the next fiscal year. We have seen the disaster that has occurred. We have seen a state budget projection that had a positive cash flow, a positive revenue side through November 6th, then all of a sudden took a major downturn and deep plunge into a deficit approaching that of \$3 billion in order to address a General Fund problem for this coming fiscal year. We talk about that this is the largest deficit, and some people object to that term. I think the gentleman said that times have changed, numbers have grown, everything is relevant. Well, \$3 billion is certainly a relevant number to every taxpayer in Pennsylvania. When you translate that number into approximately a 25 percent increase in each individual's tax burden, whether it

be the corporate community, the individuals of Pennsylvania, our wage earners, that is a big chunk of their money that is going to have to go to address this problem.

Let us take a look at what is the problem. How did we get there? You know, Mr. President, maybe it is in some of the fiscal chicanery that we have done in the past. Maybe it is that we have delayed payments from last year's budget. Maybe it is that we have used one-time revenue sources to balance our budgets and finally all of that is beginning to catch up and we find ourselves with no alternative to go to other than the situation we find ourselves in here this evening.

I think when we want to talk about discussing revenues and taxes and how are we going to fund a new General Fund budget, maybe the first place to look is the House of Representatives that did send a spending plan to this Senate some three weeks ago, but yet did not follow with any sort of a revenue bill to fund that. It was almost \$2.6 billion out of whack when it got here, and yet when we asked for the revenue package, we have not seen a revenue package. When we sat at the negotiating table day after day, night after night, we have asked to see a specific revenue package that the House is going to put forth in order that we can consider here to have a fully funded budget, that is a spending plan balanced by a revenue plan. So far we have not seen that. Mr. President, we believe that it is a responsible first step while we are still trying to develop that type of plan to put forth this stopgap appropriation bill this evening before the Senate. I think, Mr. President, in conclusion, that it may be possible that debt service will be paid. It may be possible that AFDC will be paid. However, as I pointed out earlier, that is certainly less than a clear issue. But I think what is absolutely crystal clear is that general assistance benefits cannot be paid without this bill. What is absolutely clear is that the nursing homes and the hospitals and pharmacies which serve the needy will not be paid without this bill, and I think we have a responsibility this evening to try and ensure that this funding stream continues so those most at need can benefit.

Senator PETERSON. Mr. President. I guess I rise in surprise at some of the comments of previous speakers saying that this is a handout to our wealthy friends. I look down over the list of what Medicaid pays for. It pays hospitals. Some people think hospitals are all rich and have big balances. I come from rural Pennsylvania and I have hospitals that are struggling to pay their bills. They are struggling to stay in business. We are already way behind in what we pay them. We pay them a paltry amount for the services that they render and this would allow them to continue to be paid. We have emergency services. Are they fat cats? The ambulance services, those are Medicaid vendors, drug and alcohol programs, burial services and some of the ones who have been mentioned and then the whole issue of doctors. Well, you know doctors make choices, and doctors provide services by choice of where they want to do business. The thing that is happening across this Commonwealth is because our Medicaid system is a disaster in itself. We have not changed payment schedules. We have not evaluated our Medicaid



dollars in a meaningful way in years. In Venango County where I serve, because the state pays \$312.00 for a delivery of a baby, we have lost our doctors, because half of the babies being born in Venango County are on Medicaid, their parents or mothers are on welfare. Doctors have not only stopped taking Medicaid, they have left the area, because 50 percent or more of the business, or potential business, is Medicaid. We pay the lowest paltry sum in the nation to deliver babies and what is happening to the poor women and the children? They are not getting any prenatal care. They are traveling into neighboring counties to have the babies delivered with no prenatal care and all the problems that go with that. That is our Medicaid system if we were paying our bills on time. I think it is deplorable that someone would say we should not pay our bills on time and that everybody who is getting paid is a fat cat. That is just not true. It appears to me the bigger problem is, and I do not know how you feel, that there are those who would like us to print a bill tonight and pass it. As a rank-and-file Member I am not sure yet I even know how deep the deficit is. Every provider of state services, every person I talk to who does business with the state is months behind in their payments. How deep is the deficit? You know when the state's payments back up one month, that is over a billion dollars of cash flow. If you back them up two months, that is over \$2 billion of cash flow. How big is our deficit and the numbers we see of a \$480 million deficit? If we passed the budget on the 15th, we were going to borrow \$1.7 billion in immediate tax anticipation notes, and that has never been done before. We usually borrow, if my memory is correct, in October and November, but we are going to borrow \$1.7 billion immediately after we pass the budget, as soon as the paperwork can be done. How deep is the deficit? If we are going to solve this problem, and I do not hear anybody saying that we do not need taxes, that we do not need additional income along with pulling in the belt. I do not hear anybody saying who is responsible. But how deep is the deficit? How much do we owe? How much do we owe doctors? How much do we owe pharmacies? How much do we owe school districts? How much do we owe colleges? If we were to pay our bills up to June 30th, I would like to know what that figure is, and to pay off the money we borrowed from PIDA and the money we borrowed from the other programs. Our state finances are an absolute disaster. We have begged and borrowed from every fund we could get our hands on, not we, but they. Someone the other day who was watching the states felt Pennsylvania probably has—and I have not seen anybody say this yet—the biggest percentage deficit in the nation, and someone immediately says, oh, California has a \$7 billion deficit, but they have a \$55 billion budget. Seven billion dollars, if your math is very good, into \$55 billion, we have a \$12 to \$13 billion budget and a \$3 billion deficit, that is 20-some percent. I do not know of another state that has a deficit of 20 percent. I do not know about you, but the first thing I would like to see before I vote for a budget and before I vote to solve this problem is how much we owe our vendors. What is the accounts payable for the Commonwealth of Pennsyl-

vania through June 30th? How much are we going to roll over into another budget? I think it is time to put the facts on the table, find out just how deep the deficit is and pass this limited spending plan to make sure that those who provide service to the needy and poor in this Commonwealth will get paid for their services, even if it is in a belated, after-the-fact fashion.

Senator MELLOW. Mr. President, I am kind of confused as to where I should begin with my remarks because if I want to take exception with some of the things the previous speaker said, he said enough things that are not true that I could take exception with him probably for the next 15 minutes. If I want to go back, Mr. President, I guess to a certain point and be critical of my colleague and fellow leader, I could spend another 15 minutes trying to recite the erroneous information that has been put out by the gentleman from Delaware, Senator Loeper. Mr. President, I think I can probably start that erroneous put-out of information by merely saying this, that Senator Loeper started his remarks by saying that the negotiations have been extensive and intensive. I would only like to remind the gentleman that extensive, yes, without question we have spent a lot of time. Intensive, Mr. President, I doubt the word that I describe as intensive would in any way fit into our budget negotiations over the last several weeks. The part that really starts to bother me is this, that each and every one of us in leadership had the opportunity of talking about the budget to a lot of people on a lot of different occasions. And to each and every one of us who were involved in the budget discussion and leadership, back on January 1, 1991, we took an oath of office, and I would like to remind the Republican floor leader of the Senate that on January 1st of this past year he took the same oath of office that I took. Mr. President, in that oath of office, for those of you who may or may not realize, our oath of office talks about upholding the laws and the Constitution of Pennsylvania. Well, Mr. President, by upholding the laws and the Constitution of Pennsylvania, we right now would be working on passing a budget because the law of the land in Pennsylvania states that we must have in place a balanced budget by July 1 of that particular fiscal year. So therefore, Mr. President, those of us who are participating in this political charade on the floor of the Senate here this evening, by and large, are not upholding that oath of office that we swore to just six months ago, that oath of office, that office we hold in trust for the people whom we represent. Mr. President, let us, if we can, go just a little bit further in trying to ascertain that they are trying to figure what has taken place here. Back on February 6th of this past year, just about five full weeks after we took that oath of office, Governor Casey submitted to the Members of the General Assembly a budget presentation. Almost five full months ago, Mr. President, we had that opportunity of finding what, in fact, was taking place here in Pennsylvania. On June 6th, which is now some 24 days ago, three weeks and three days, the House of Representatives on a partisan vote of 105-95, strictly on party lines because the Minority leader of the House said, we have not as yet reached a crisis period, sent over to this Body a budget. Whether we liked the document or

did not like the document, at least we had a document that was in this Body, in this Chamber, that right now is in the Committee on Appropriations, of which we in fact could have been doing business with.

Mr. President, I heard a lot of criticism by one of the previous speakers, my fellow leader, about what took place during an election and about how in November of last year we automatically found out that tweedly-do came to roost and we found out that through some sleight-of-hand performance, Mr. President, that we are looking at a deficit.

Mr. President, I want to read a quote that appeared in the newspaper, if I may have the liberty to do so. The byline is: "Harrisburg—A year ago, the Governor predicted that the state would finish the current fiscal year with a slight surplus. At the same time, his critics in the opposition party accused him of creative election-year bookkeeping that did not take into account the state's bleak economic condition.

"Last week, in presenting his budget, the Governor projected a \$235 million deficit for the end of the fiscal year—June 30th. The deficit would be caused, he said, by problems that neither he nor his revenue forecasters could have anticipated last February—problems that created similar or greater deficits in all but three states."

Including, incidentally, some of those states that have a higher percentage of that so-called deficit than we have and a number of them have been controlled and are being run by Republican governors.

"So the question is raised: What did the Governor know, and when did he know it? Or, did the governor, a candidate for re-election, have his fingers crossed behind his back when he said time and again last year that things were going to get better."

Is that not a familiar statement? Does that not sound great? Really it should because it was a statement that was made on February 13, 1983 in the Philadelphia Inquirer by the now former governor at this time, Governor Richard Louis Thornburgh, who is now the Republican candidate for the United States Senate in Pennsylvania.

Mr. President, we can go a little bit further in our discussion in our assertion of basically what are we doing here and what is taking place. I heard one gentleman state we have to have a tax before we can have a budget, and I submit to you, Mr. President, that if we do that, then we, the Democrats who are perceived to be the big spenders and who have voted against every type of spending program possible that has been advanced by the Republican Party to the tune in excess of \$320 million over the last 15 to 18 months, then if we have a tax package without knowing what our budget is, the Republican Party in this Body who has tried to push through an additional \$300 million-plus worth of spending certainly will find a way to go ahead and to spend that money in their budget. Furthermore, Mr. President, as we deal here this evening, are we not being a bit intellectually dishonest with people? Are we not really telling people that we do not care about what takes place out in the hinterland? We do not care what is happening with the 12 million people in Pennsylvania? We are only inter-

ested in the Democratic philosophy and the Republican philosophy and who, in fact, can put a foot forward in the 1994 gubernatorial campaign, and, Mr. President, we are doing this at the expense of the 12 million people who live in Pennsylvania. Now the Republicans know full well that this stopgap is going nowhere. They know full well that next week the cash grants and the medical assistance and the debt service will be paid because those statements were made on Friday. Who are they fooling with this particular proposal, Mr. President? When those bills are paid next week and this stopgap is not passed, I want to know how are they going to react to it then.

Another quote, Mr. President. "The effort by Senate Republicans to pass a stopgap appropriation is unnecessary and a waste of valuable time which ought to be spent negotiating a settlement to the 1991-92 state budget.

"Simply put: it is nothing but pure politics on their part."

Mr. President, that is not my quote. That is the quote that has already been issued by the Governor of the Commonwealth of Pennsylvania with regard to this lamebrain proposal that has been submitted by the Republicans. If the Republicans in the Senate were well meant in what they want to do, we would not be discussing a stopgap appropriation right now that is meaningless. We would be discussing a budget, whether it be a stopgap, whether it be a no-tax budget, Mr. President, or whether it be the budget that was submitted by the House of Representatives, but we no longer can confuse people and try to deceive them because the news media is here. There are people in the gallery, and the news media knows exactly what is taking place. We have talked to them. They know that we are getting no cooperation on the part of the Majority in the Senate and, therefore, Mr. President, this is just another way of trying to go ahead and to confuse people as to what the real issues are. I know there will be a rebuttal forthcoming by the gentleman from Allegheny, Senator Fisher, or the gentleman from Delaware, Senator Loeper, or maybe even the gentleman from Blair, Senator Jubelirer, but the truth of the matter is, if we were doing our job, if we were upholding the Constitution and the oath of office that we took, we would not be dealing with a stopgap appropriation right now, but we in fact would be dealing with the budget on the floor of this Senate, and that is exactly what we should be doing. Furthermore, Mr. President, there will be 24 Democrats who will vote against this proposal here today and there will be 25 Republicans who are here on the floor of the Senate voting for a proposal and we will not challenge anyone's leave of absence, even though there is at least one Member of the Republican caucus who has not been feeling well and has unfortunately not been able to make it here on the floor of this Senate for the better part of the month, but we will allow the Republicans with that vote to cast 26 votes and send it over to the House where they know full well, Mr. President, it will go nowhere.

Senator FISHER. Mr. President, maybe it is because it is Sunday and we are not used to being here on Sunday. I have been here 17 years and I was on the floor of the General

Assembly one other time on a Sunday but we did not do any business that day, as I remember it, but this is a historic occasion, Sunday, June the 30th. Maybe it is that. That means that much of what I have heard from the other side of the aisle I just do not understand. I just do not understand it for a minute. I look before us and I see we have before us Senate Supplemental Calendar No. 1 and House Bill No. 1321, which is a very, very limited stopgap appropriation to pay for those vital services that, believe me, I do not think anyone in this Senate, anyone across the Commonwealth would want us to withhold payments for. I do not know of what decision it was that the Governor or his Budget Secretary last Friday alluded to about the federal courts having said certain welfare payments must be continued without regard to an appropriation bill. But based on what I have heard here today and what I have been able to learn over the weekend, I think it is pretty clear that there is no federal court decision which would extend the state to pay general assistance and that there is no federal court decision which would allow us to pay our nursing homes, our hospitals, our physicians, our podiatrists, whoever else would be treating the Medicaid patients across this Commonwealth. So I think that there are clear legitimate reasons why House Bill No. 1321 is the minimum modest attempt that the General Assembly should do to keep state government going over the next 10 days or 15 days, or however long the money that is included in here lasts. But one of the things I do know, and I have looked around, I have looked on my calendar, I have looked in the book and, of course, I know what I am looking for is not there. One of the things that I recognize, when you get beyond all the rhetoric that we have heard, the reason that we are here today dealing with House Bill No. 1321 as a very limited stopgap appropriations bill is, yes, we have a House-passed budget that is here in the Senate, but one thing that we do not have is a revenue bill to pay for either that House-passed budget, a Senate approved budget, whether it be the Senate Republicans, the Senate Democrats, there is no revenue bill here. One thing that I know when you talk about taking the oath of office and upholding the laws of the Constitution of the Commonwealth, I look at Article III, Section 10 of the Pennsylvania Constitution. This tells me really where we are today and why we are here at 6:26 p.m. Sunday, June 30th. It says, "Article III, Section 10. All bills for raising revenue shall originate in the House of Representatives...." That is the basic underlying reason that we are in the deadlock that we are in today. We are in that deadlock not because the Senate is unable to come up with a budget, because I suspect that if we met a few more hours and a few more days that we probably could come up with a budget that the majority of the Members of the Senate could agree with. But yet there is no possible way for us to pay for our budget, the House budget, the Governor's budget, anybody's budget, because, in fact, the revenue raising bill not only has not been passed by the House, but to the best of my knowledge, when I last heard at 2:00 o'clock this afternoon, that revenue raising bill has not even been introduced in the House of Representatives. Mr. President, those are the

facts. That is the law of the Commonwealth as articulated in the Constitution. We are bound to follow that law whether we like it or not. Because of the Constitution that we here defend and we support, I think we are taking a reasonable next step to make sure that the basic services, that the people across this Commonwealth who are the most needy or in need of can be covered for the next 10, for the next 15 days. I sincerely hope as I stand here and as my colleagues stand here that over that period of time we will be able to deal with the other issues. We will be able to deal with the other issues and, basically, hopefully the House of Representatives will be able to meet their constitutional mandate if, in fact, that is the course we are going to take. If someone is to say to us that we are all of a sudden to consider and adopt a no-tax budget, I am sure there are some of us over here who can probably figure out how to come up with that blueprint too. But that is not what we are hearing, that is not what is being discussed in this Capitol, but, obviously what we are discussing here today is to get the job done for the people who need that job done, and I would urge my colleagues to support House Bill No. 1321.

Senator O'PAKE. Mr. President, If the gentleman from Allegheny, Senator Fisher, does not understand what he is doing here, as I think he indicated, I am sure the people of Pennsylvania do not understand what we are doing here either. Weeks ago the House of Representatives sent to us a budget. That budget has not seen the light of day. It is still deeply buried in some committee controlled by the Majority Party here in the Senate. It seems to me if we really want to do our job, there are a couple of options we can do. First of all, we can bring that budget up and cut it, trim it to match the revenue projections, settle the whole deal and go home. A second option is to send that budget, pass it the way it passed the House, to the Governor and let him do what Governor Thornburgh did in 1983 and that is blue line, line item veto the excess spending so we have a budget that is balanced predicated on the present tax structure and tax rates. Another thing the Majority could do is give us some kind of a tax package that would pay for the kinds of budget increases they have been talking about in the closed-door negotiations that have gone on to this date. But I think it is totally irresponsible and a farce to stand here this evening and let the people of Pennsylvania think that this tiny, partial Band-Aid is somehow going to help solve the budget problem in Pennsylvania. It is not. We shirk our responsibilities by voting for this thing and letting the people of Pennsylvania think that somehow we are addressing the real problems that are going to face this state over the next 12 months. It seems to me the people of Pennsylvania, the ones who are thinking about it, and I am sure in the next few days many, many more will start thinking about it, are going to say, I do not understand this. If a budget is before the Senate, it seems that it is the Senate Majority's responsibility to either bring up that budget or some other budget they like and send some budget bill to the Governor so he can tailor it to fit whatever level of expenditures and level of taxes the Republican Majority wants to pass. It seems to me also, Mr. President, and I do not usually speak on budget

matters either, but I think we have been very patiently hoping and praying that this matter is going to get resolved. But from what we have been able to see, and certainly from the lack of activity on budgets or taxes or anything that really solves the problem, it might be time to lift the shroud of secrecy that has cloaked these negotiations and let us all know what is going on. Let the people of Pennsylvania know what is going on. Bring a budget to the floor and let us have it out here on the floor. That is the way, maybe, we will fulfill our responsibility instead of hearing second and third hand about how somebody wants to increase spending by so much, but nobody wants to pay for it. That has not gotten us very far, and I think the time has come to get the full Senate involved. Let us try to address the level of spending and the level that we want to vote for taxes to pay for it, and keep in mind that there are 26 Republican votes and there are 24 Democratic votes, and anything that is going to solve this problem is going to take a bipartisan effort.

Senator LINCOLN. Mr. President, okay, you are right. Everything the gentleman from Delaware, Senator Loeper, and the gentleman from Allegheny, Senator Fisher, say is correct. We Democrats have screwed everything up. We accept all the blame. It is all our fault. Now what are you going to do about it as the Majority Party? What are you going to do to lead us out of this mess? The amendments you have offered to House Bill No. 1321? Aw, come on. I do not think you are any more serious about that than I am, saying we are all to blame for the mess we are in. You talk about the House and the budget. How about the Governor? I mean, he does play a part in this. He gave us a budget. He proposed spending for the next 12 months for everybody in this Commonwealth. He also proposed taxes to pay for that spending. It is not like he said, I want to spend money, and it is not there. Other than public criticism of that plan that the Governor put forth, you have done nothing. Instead of leading, you chose to mislead. As Senator Loeper stated earlier that this has been coming, that we have been doing things, spending money here, borrowing it from there, but the one thing that Senator Loeper neglected to put on the record today was since 1985 every budget we have passed has been a conference committee report, and every one of those budgets contained two Republican signatures. They could not have become part of the law, and we could not have had a budget in any of those years if two Republican Senate Members had not put their names on a conference committee report endorsing it for our passage here in the Senate. Come on, let us get serious. If you want to do something about this, take the Governor's plan and put it out here on the floor where we can debate it and see if there is good and bad in it and see what the good is and we will keep it and we will throw the bad out. You give me the opportunity and I will offer the amendment reflecting the Governor's tax increase. You can have a real opportunity to criticize it on the record, vote for it or against it, or maybe come up with an amendment that would change it somewhat that would make it more palatable to you. I can tell you there is nothing that we can do in this General Assembly, and par-

ticularly here in the Senate, without your leading us in the right direction. When you come in with something as frivolous as the amendments to House Bill No. 1321 and tell me you are concerned and serious about solving a budget problem, and it is so easy, we can keep this bill on the Calendar and go at ease and use it for the vehicle, all you have to do is have a meeting of the Committee on Finance and have the Senator who is the chairman of that committee put a bill out that can be amended for the taxes, and I am telling you publicly I will do that. I will offer the amendment in this Senate, now, at 8:00 o'clock, 9:00 o'clock, 2:00 o'clock in the morning, that reflects the Governor's proposal if that is what you want. If not, you get something, put it on the Calendar and I will make up my own tax plan and I will offer it. I am not going to hide behind a vote for this silly amendment put in House Bill No. 1321. That is absolutely degrading to be put before us. It is a disgrace. You want to talk about lack of leadership. All you have to do is take that in your caucus and hold a big mirror up because you are showing some real lack of leadership. If you need somebody to do it for you, I will take that responsibility. I will be the person who has the courage to come in and offer the tax bill. We will see how many people are serious about voting for increased spending. If we vote for that amendment and it fails, then I think I probably could have something ready to put into House Bill No. 1321 that would reflect a budget for the next 12 months at the revenues that we currently have before us. We already have the estimate. We know what is available. Give me the opportunity. I have no problem with it. I will not shrink from that responsibility, but I will tell you one thing, I will never vote for this.

Senator FUMO. Mr. President, in response to a number of things I have heard from the other side of the aisle, first, I would like to say that I, too, looked at the Journal on June 30th and I looked at the Journal on page 2430 of that day, which was at the time when we passed House Bill No. 623, Printer's No. 3943, the General Appropriations bill for last year. I looked at some of the remarks of the Majority Leader. In fact, he started off the remarks that evening and I remember it well, and I would now like to read back to him some of his words. First he says, "I think, before we finally vote on the General Appropriations bill for the following year, it is important that maybe we ought to take some note and express some concern, at least from this side of the aisle. I think some of the things we have been concerned about and tried to articulate over the past several months in the formation of this budget are that we find there are a lot of services and funding of those services, essential services, that really seem to be lacking." Then he says, "I think we have already seen some evidence of budget shortcomings beginning this July when I think, if we take a look across this Commonwealth, we are seeing many, if not most of our property owners receiving higher school tax bills. That, in my view and the view of many of those in my caucus, is a result of the underfunding of basic education and the lack of dollars for prospective payments for special education to all of our local school districts." And then he finished up by saying "...we do not believe the essen-



tial services that are needed by the people of Pennsylvania are being met. I think it is important to note on the record this morning that many of the negative votes that will be cast reflect the widespread dissatisfaction with the notable deficiencies in critical areas of services in this budget."

Mr. President, I wonder how the gentleman could have made that statement and now come back and say we spent too much. We went into a deficit. I do not understand the logic. I especially do not understand the logic when he is in the majority. He gets his way. I am only in the minority. But despite that fact, that night I said, "I have said consistently, and I say again tonight, if the Republican Majority wants to put up votes for taxes so we can go out and give even more money for education, I am prepared to do that. If the Republican Majority in this Senate is willing to put up the votes for taxes so we can go out and help with some of the social welfare needs of the counties of this Commonwealth, I am prepared to do that. If the gentleman wants more money in special education or accelerated payments and he is willing to put up the votes to pay for that, I, too, am willing to do that."

Mr. President, lo and behold, when you turn the page there is no response. But what happens? The gentleman votes for the budget. He and three of his colleagues joined 23 of ours and passed the budget with 27 votes. Mr. President, you can only have it both ways in la la land, and last time I checked, although I am seriously tempted to believe otherwise, this is not la la land.

Mr. President, let us assume for a moment the House is irresponsible. They are in the majority, the Democrats over there, so I guess because they are Democrats, under the definition of Republicans they are automatically irresponsible. What are we to do? Are we to sit here forever and wait for a tax bill when we do not even have a budget? I can tell you the way we are spending money, we will never have enough taxes to pay for it. Mr. President, how can you fund a budget with a tax bill when you do not know how much it costs? I submit to you that is probably why the House Democrats have not yet sent us a tax bill, because they do not really know whether or not the fiscal conservatives on that side of the aisle are really willing to pass their no-tax budget, because if they are there will be no need for a tax bill. You do not even have to worry about Article III, Section 10 because it is not applicable. If Republicans in Pennsylvania truly do not want to raise taxes, it is thoroughly within their power to do so. In fact, I will even yield the floor for the gentleman from Montgomery, Senator Tilghman, to ask for a recess so he can have his no-tax budget prepared and offer it as an amendment to this bill. But I do not see any activity over there. I do not see anyone scurrying about to get it done because the fact of the matter is that you are all a bunch of hypocrites on that side of the aisle. You do not have anything ready but rhetoric.

Mr. President, I would like to talk to the Republicans about an issue near and dear to their hearts—productivity. It is the word we hear out of Washington Republicans all the time. America is not doing well because its workers are not productive enough. As has already been said, they got the Gover-

nor's budget five months ago. They have a staff of the Committee on Appropriations, just like we do. They have a staff of the Committee on Appropriations, just like the House does, and in five months all they can give me is a two week spending plan on three line items, two of which are unnecessary. Where is all that Republican productivity? What is happening to all the money we are spending for computerization of the Committee on Appropriations on that side of the aisle? If I had the majority here we would have a budget today. Where is the productivity on that side of the aisle? It is a disgrace. Even those irresponsible House Democrats sent us a budget complete with the General Fund, the Motor License Fund and the Lottery Fund. You name it, it was in there. Nothing from that side of the aisle but three lousy line items, two of which are irrelevant and only for two weeks spending? My God, at this rate we will never get done.

Mr. President, to clear up another fallacy they are trying to circulate over there, whether it is right or wrong, whether there is a federal court order or not, general assistance recipients will get their checks. So we do not need any of this except for the fat cats, but then again they are not fat cats. They are poor struggling kids out of medical school trying to eke out a living and they do not want to miss their Mercedes-Benz or BMW payments, and I do not blame them for that.

Mr. President, we have to do something. We have to move. If, in fact, they want to pass a budget that has taxes in it and are thoroughly perplexed by the irresponsibility of the House, I suggest to them that they talk to Senator Tilghman. There is a way. House Bill No. 185. It is sitting in the Committee on Appropriations. Guess what? It is a tax bill. All you have to do is put your tax program into it, match it to your spending plan and send it back to those irresponsible Democrats. Guess what? I will stand here with you and call them irresponsible if they do not do anything. But who is really irresponsible? You. You do not want to do anything. You want to sit around and cry. You want to come in here and waste electricity and air conditioning today. We are here. But I submit to you, you have all of the vehicles in your hands to solve the crisis, and I want to announce today that we on this side of the aisle are fully prepared to put up our 12 votes, not only for a budget but also for a tax increase of any size you want. We are in the minority and we will do a little less than what is needed, and if you need it, I might even be able to stretch it to 13 votes and split it with you down the middle. We are ready to do it. We are ready to work. I am ready to call a recess if you want so you can get busy. But I see nothing. I guess we will all be here tomorrow, same time, same station, same place and maybe even listen to the same rhetoric. Mr. President, let us get on with it. Let us vote this nonsense down. Let them put up that team of 26 solid Republicans for this garbage and send it over there and maybe eventually we will get to a real budget.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

## NAYS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I ask legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow asks legislative leave for Senator Williams. The Chair hears no objection. That leave will be granted.

## UNFINISHED BUSINESS

## CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to the William Allen High School Scholastic Scrimmage Team of Allentown by Senator Afflerbach.

Congratulations of the Senate were extended to Joanne Cook and to the Brentwood Volunteer Fire Company by Senator Fisher.

Congratulations of the Senate were extended to Reverend Rodney M. Murray by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Burnside, Mr. and Mrs. William Kishbaugh, Mr. and Mrs. Sylvester Matulevich, Mr. and Mrs. Alvin Lipfert, Lida Jackson and to the Honorable Arlington W. Williams by Senator Lemmond.

Congratulations of the Senate were extended to the Honorable John J. Tsucalas by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Alem L. LaForme, Mr. and Mrs. Jack E. McDermott, Mr. and Mrs. Robert G. Bastress, Sr. and to Mr. and Mrs. A. Kenneth Patterson by Senator Madigan.

Congratulations of the Senate were extended to William King by Senator Musto.

Congratulations of the Senate were extended to Colonel John W. Smith, SSG James E. Zanolletti, Lance Corporal

Michael Kepler, Sergeant Anthony Scalamogna, Corporal David Swetof, Anthony Taylor, Corporal Michael Lewandoski, PFC Martin Kibel, Staff Sergeant Douglas Smith, Captain Thomas Little and to Lieutenant Joseph Argyrog by Senator Pecora.

Congratulations of the Senate were extended to Vertus Jones by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Alphonse Balulis by Senator Rhoades.

Congratulations of the Senate were extended to James Cattron and to the Honorable Albert E. Acker by Senator Robbins.

Congratulations of the Senate were extended to Bun Em, Thomas M. Brubaker and to Captain Allen McCormack, Jr. by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Wilbert H. Nolf and to Mr. and Mrs. Sherman McMillen by Senator Stapleton.

Congratulations of the Senate were extended to the Philadelphia Electric Company by Senator Tilghman.

## BILLS ON FIRST CONSIDERATION

Senator SCHWARTZ. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**HB 1607 and 1644.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

## PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentle lady from Philadelphia, Senator Jones, who submits a statement for the record. Without objection, this will be entered and spread upon the record.

(The following prepared statement was made a part of the record at the request of Senator JONES:)

Mr. President, I rise to speak in opposition to Senate Bill No. 516 which will be a serious step backward in the fight against domestic violence. This bill would permit the use of Accelerated Rehabilitation Disposition (ARD) for certain criminal defendants in domestic violence cases. ARD is a process traditionally made available to non-violent offenders or perpetrators of minor crimes. Domestic violence is always a brutal, terroristic offense based on intimidation and violence, whether actual or threatened. This Commonwealth should not permit wife-beaters to be treated as if they committed an offense no more serious than shoplifting or passing a bad check. This bill is but one more example of a policy that downgrades the status of women and treats their concerns and needs as insignificant. ARD for domestic violence offenders is a slap in the face to all women in Pennsylvania.

Senate Bill No. 516 not only coddles the criminal, it also immunizes the police beyond that which is necessary or appropriate. Under present law, the police have sufficient immunity when protecting victims of domestic violence. Not one case has been presented of a police officer being sued when protecting a victim of domestic violence. This extra immunity is excessive and once again acts as a means to downgrade women. If the police protect a bank, the regular immunity rules are deemed sufficient protection to allow them to do their jobs. It is only when protecting women that the police need a special inducement. This is not only insulting, I do not believe that the policewomen on the street would ever feel that she needs a special inducement to protect her sisters.

Senate Bill No. 516 is a mistake. I urge my colleagues in the House to refuse to follow the course set by this bill.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

MONDAY, JULY 1, 1991

11:00 A.M.	LABOR AND INDUSTRY (to consider the nomination of Thomas P. Foley as Secretary of Labor and Industry)	Room 461 4th Floor North Wing
12:30 P.M.	APPROPRIATIONS (to consider Senate Bills No. 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, and 1217 and House Bills No. 547, 1055, 1105, 1319, 1320, 1321, 1322, 1323, 1344, 1536, 1591, 1607 and 1644)	Room 461 4th Floor North Wing
12:30 P.M.	JUDICIARY (Public Hearing to consider nomination of Jack A. Panella, for Judge of the Court of Common Pleas, Northampton County. Also William M. Parker, III, for The Crime Victim's Compensation Board)	Room 8E-B Hearing Room East Wing
3:00 P.M.	PUBLIC HEALTH AND WELFARE (to consider DPW 14-331 regulations)	Room 460 4th Floor North Wing

TUESDAY, JULY 2, 1991

9:30 A.M.	TRANSPORTATION (Public Hearing to consider Senate Resolution No. 69 and the nomination	Room 8E-A Hearing Room East Wing
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of James J. Dodaro to the Pennsylvania Turnpike Commission and any other business that may come before the committee)

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. Senator Loeper moves that the Senate do now recess to the call of the President pro tempore. The motion is carried, and the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, July 1, 1991, at 2:10 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JULY 1, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 44

### SENATE

MONDAY, July 1, 1991.

The Senate met at 2:10 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty Father, as we continue this day in our efforts and deliberations toward solving the fiscal problems of the state, guide us with Your spirit and bestow upon us wise judgment, that all that we do may be pleasing in Your sight. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 30, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **House Concurrent Resolution No. 106**.

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 30, 1991

**HB 496** — Committee on Agriculture and Rural Affairs.

**HB 1403** - Committee on Environmental Resources and Energy.

July 1, 1991

**HB 732, 757 and 758** — Committee on Local Government.

**HB 1393** - Committee on Transportation.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

June 30, 1991

Senator LEWIS presented to the Chair **SB 1227**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for adoption of the annual budget.

Which was committed to the Committee on EDUCATION, June 30, 1991.

Senator LEWIS presented to the Chair **SB 1228**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for certain millage increases authorized by the court; and making an editorial change.

Which was committed to the Committee on LOCAL GOVERNMENT, June 30, 1991.

Senators LEWIS, SCANLON and ANDREZESKI presented to the Chair **SB 1229**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the taxation of gain on sales of principal residences.

Which was committed to the Committee on FINANCE, June 30, 1991.

Senators BRIGHTBILL, HOPPER, GREENWOOD, HART, SALVATORE, SCHWARTZ and PORTERFIELD presented to the Chair **SB 1230**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the regulation of small-site day-care centers; conferring powers and duties upon the Department of Public Welfare; making an appropriation; and making repeals.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 30, 1991.

Senators PETERSON, STAPLETON and ROBBINS presented to the Chair **SB 1231**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the imposition of the gross receipts tax.

Which was committed to the Committee on FINANCE, June 30, 1991.

Senator CORMAN presented to the Chair **SB 1232**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," further providing for powers and duties of the Department of Environmental Resources relating to local permits.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 30, 1991.

Senators GREENWOOD, ARMSTRONG, PETERSON, HOPPER, WENGER, HART, MADIGAN, PUNT, CORMAN, PECORA, HELFRICK, BRIGHTBILL, ROBBINS, SHAFFER and ROBBINS presented to the Chair **SB 1233**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for public assistance administration, for public assistance community work, for public assistance eligibility and for public assistance identification and residence.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 30, 1991.

Senators ROBBINS, MADIGAN, STAPLETON, FISHER, HOPPER, BRIGHTBILL, HART, JONES, SALVATORE and RHOADES presented to the Chair **SB 1234**, entitled:

An Act requiring police departments supplying information for the Uniform Crime Report to include certain data on domestic disputes and domestic violence.

Which was committed to the Committee on JUDICIARY, June 30, 1991.

#### July 1, 1991

Senators BRIGHTBILL, HELFRICK and REIBMAN presented to the Chair **SB 1235**, entitled:

A Supplement to the act of March 21, 1772 (1 Sm. L. 389, Ch. 669), entitled "An act for prevention of frauds and perjuries," requiring a writing for certain actions against the news media.

Which was committed to the Committee on JUDICIARY, July 1, 1991.

Senator BELL presented to the Chair **SB 1236**, entitled:

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), entitled "Commonwealth Attorneys Act," further providing for the powers and duties of the Attorney General.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 1, 1991.

Senator BELL presented to the Chair **SB 1237**, entitled:

An Act reenacting and amending the act of December 1, 1965 (P. L. 988, No. 368), entitled, as amended, "Weights and Measures Act of 1965," transferring the State Bureau of Standard Weights and Measures and its powers and duties from the Department of Agriculture to the Office of Attorney General; making related substantive and editorial changes; and rescinding a reorganization plan.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 1, 1991.

Senators MADIGAN, STAPLETON, PUNT, WENGER, REIBMAN, MUSTO, BELAN, HELFRICK and BRIGHTBILL presented to the Chair **SB 1238**, entitled:

An Act amending the act of June 23, 1978 (P. L. 537, No. 93), entitled "Seasonal Farm Labor Act," further providing for declaration of intent; adding and amending definitions; further providing for minimum wages, piece rates, employment of minors, prohibition on account of sex, required records, notice to workers, wage payment, hours of labor, rules and regulations, inspections and entry, permit to operate seasonal farm labor camp, enforcement orders, tenancy rights, annual registration requirement, qualifications of registrants, exemption of agents from registration, employment agencies, farm labor contractors and agents, prohibited activities, powers and duties of secretary, administrative procedure, pending proceedings and criminal penalties; and providing for lack of affirmative duty, interference with access and right of privacy, and civil remedies and penalties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, July 1, 1991.

Senators SALVATORE, O'PAKE, JUBELIRER and HOLL presented to the Chair **SB 1239**, entitled:

An Act providing for long-term care insurance, for disclosure and performance standards, for authority to regulate, for administrative procedures and for penalties.

Which was committed to the Committee on BANKING AND INSURANCE, July 1, 1991.

Senator GREENLEAF presented to the Chair **SB 1240**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," deleting certain provisions relating to widows and widowers; further providing for notices and agreements for compensation; and making editorial changes.

Which was committed to the Committee on LABOR AND INDUSTRY, July 1, 1991.

### **BILLS IN PLACE**

Senator RHOADES presented to the Chair a bill.

Senator REIBMAN presented to the Chair several bills.

### **LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request a legislative leave for the day for Senator Bell and temporary Capitol leaves for Senator Shumaker and Senator Hart.

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Fattah and legislative leave for Senator Williams.

The PRESIDENT. Senator Fisher asks legislative leave for Senator Bell; also temporary Capitol leaves for Senator Shumaker and Senator Hart. Senator Mellow requests temporary Capitol leave for Senator Fattah and legislative leave for Senator Williams. The Chair hears no objection. The leaves will be granted.

## CALENDAR

### HB 59 CALLED UP OUT OF ORDER

**HB 59 (Pr. No. 1884)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 59 (Pr. No. 1884)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge connecting the Township of Lenox with the Township of Harford, Susquehanna County, as the Angelo P. Padula Memorial Bridge; and requiring the Department of Transportation to erect designation signs.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hart. Her temporary Capitol leave will be cancelled. Also, Senator Shumaker is with us. His temporary Capitol leave will be cancelled.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with an expectation of returning to the floor at approximately 3:30 p.m.

Senator MELLOW. Mr. President, I would likewise request the Democratic Members to report to our caucus room for an immediate caucus.

The PRESIDENT. For purposes of Democratic and Republican caucuses to begin immediately, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORTS FROM COMMITTEES

Senator HOPPER, from the Committee on Aging and Youth, reported the following bill:

#### SB 1207 (Pr. No. 1367)

An Act requiring the Department of Public Welfare to provide a subsidy for child care for certain low-income families.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bills on concurrence in House amendments:

#### SB 820 (Pr. No. 1409)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for resident State troopers; providing for underwater search teams; and making a repeal.

#### HB 146 (Pr. No. 2198)

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the jurisdiction of second class township supervisors over its police force; and providing for racetracks.

### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I would like temporary Capitol leaves for Senator Jones and Senator Lynch.

The PRESIDENT. Senator Stapleton requests temporary Capitol leaves for Senator Jones and Senator Lynch. The Chair hears no objection. The leaves will be granted.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

**HB 146 (Pr. No. 2198)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the jurisdiction of second class township supervisors over its police force; and providing for racetracks.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 146.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

#### NAYS—1

Shumaker

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### RECONSIDERATION OF HB 146

##### SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

**HB 146 (Pr. No. 2198)** — Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which the Senate concurred in amendments made by the House to Senate amendments to House Bill No. 146.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the motion to concur in amendments made by the House to Senate amendments to House Bill No. 146?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fattah. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

Senator SHAFFER. Mr. President, I rise and ask for Senate concurrence in the House amendments to Senate amendments placed in House Bill No. 146. Very, very briefly—I know there is a lot of work here to do today—I cannot speak to the main original text in House Bill No. 146 which deals with the appointment of various policemen in second-class townships. The maker of the legislation, Representative Pesci, will have to do that. But I did want the record to show there is new language added to this legislation, and in

that respect it differs from House Bill No. 146 that passed the Senate here last week by a vote of 45-0.

This new language which was added by the House last Saturday is the Governor's language, Mr. President. It was insisted upon by the Governor's Office and it was written by the Governor's Office. My language would have provided a clear and unequivocal ban on live horse race match events within the Commonwealth within 50 miles of any existing live horse race track. I thought then, Mr. President, and I still believe that the facts concerning the economy of the horse racing industry, which is a very fragile industry to be sure, makes the banning of live horse race meets within 50 miles of a current existing track good common sense. The Governor's Office disagreed with that and instead gutted the language I just referred to that I had proposed and added two other provisions which essentially give the power to the township supervisors to ban certain live horse race meets after a referendum is held and if a majority of those casting votes in that referendum election decide that live horse racing meets should not be held in that second-class township, if it is within 50 miles of a current existing racetrack. The problem is, Mr. President, we went from what was an unequivocal clear ban to a situation where the local township supervisors apparently have the power and authority to accomplish the same thing, and no one can disagree with the right of a local governing body to make those decisions, but I think the language is somewhat unclear, somewhat ambiguous as to whether or not those supervisors are bound or are not bound by the results of the referendum. Additionally, I am not positive that because this act takes effect in 60 days that it will have any effect on Cranberry Township, which is of immediate concern to the people of my Senatorial district. Therefore, Mr. President, with those misgivings and with the regret that my language which banned live horse racing within 50 miles of a current track was gutted in the House of Representatives at the insistence of the Governor's Office, I do ask, nevertheless, for Senate concurrence in those House amendments and that we pass, finally, House Bill No. 146 here today and send that document to the Governor for his signature.

#### LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, Senator Mellow is in his office meeting with some people on the budget, and I would request a temporary Capitol leave.

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Mellow. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer

Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

**NAYS—1**

Shumaker

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**BILL ON CONCURRENCE IN  
HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 820 (Pr. No. 1409)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for resident State troopers; providing for underwater search teams; and making a repeal.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 820.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

**NAYS—1**

Salvatore

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**CONSIDERATION OF CALENDAR RESUMED****FINAL PASSAGE CALENDAR****BILL ON FINAL PASSAGE**

**SB 916 (Pr. No. 1172)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for manner of filling appointments.

On the question,

Shall the bill pass finally?

Senator AFFLERBACH. Mr. President, I would just point out to the Members that this legislation was considered within the past few weeks. At that particular time the Members on this side of the aisle chose not to support the legislation. We expressed a number of concerns, the basic premise of which was the fact that the language in this particular bill could, in fact, provide a mechanism by which township supervisors may, in fact, pass over the most qualified candidates and thereby find a way to avoid hiring either minorities or women or someone else who they chose not to hire by utilizing the language of this bill. I would just point that out for the Members of both sides of the aisle.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—27**

Armstrong	Greenwood	Loeper	Salvatore
Baker	Hart	Madigan	Scanlon
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond	Robbins	

**NAYS—23**

Afflerbach	Fattah	Lynch	Schwartz
Andrezski	Fumo	Mellow	Stapleton
Belan	Jones	Musto	Stewart
Bodack	LaValle	O'Pake	Stout
Bortner	Lewis	Porterfield	Williams
Dawida	Lincoln	Reibman	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**LEGISLATIVE LEAVES**

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Stout, Senator Fumo and Senator Musto.

Senator LOEPER. Mr. President, Senator Brightbill and Senator Hopper have been called to their offices and I request temporary Capitol leaves for them.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo and Senator Musto. Senator Loeper requests temporary Capitol leaves for Senator Brightbill and Senator Hopper. The Chair hears no objection. Those leaves will be granted.

## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR

## BILL OVER IN ORDER

**SB 2** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 68 (Pr. No. 1558)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge in Troy Township, Bradford County, as the John Burguess Bridge; designating the newly constructed bridge connecting the City of Scranton with the Borough of Taylor, Lackawanna County, as the Veterans Memorial Bridge; and requiring the Department of Transportation to erect designation signs.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SB 196 (Pr. No. 205)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring coroners and medical examiners to perform autopsies for sudden infant death syndrome; and requiring review.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz

Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**HB 554 (Pr. No. 1754)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of Hemlock Avenue in the Borough of Kane as Chuck Daly Drive.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL OVER IN ORDER

**SB 727** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 984 (Pr. No. 1078)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the Southern Expressway to the Greater Pittsburgh International Airport as the Senator John Heinz Expressway.

Considered the third time and agreed to,



On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1037 (Pr. No. 1132)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1980 (P. L. 1107, No. 190), entitled "Philadelphia Municipal Court Fee Law," increasing the fee for initial service of process.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 1053** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1110 (Pr. No. 1231)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," regulating exclusions for certificates of authority to do business.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?

Senator HOLL, by unanimous consent, offered the following amendment No. A1436:

Amend Sec. 1 (Sec. 208), page 2, line 9, by striking out "non-proprietary and"

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate agree to the bill on third consideration, as amended?

Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A1886:

Amend Title, page 1, line 13, by removing the period after "business" and inserting: ; and further providing for brokers' licenses and penalties for acting as a broker without a license.

Amend Bill, page 2, by inserting between lines 14 and 15:

Section 2. Section 622 of the act, amended March 28, 1974 (P.L.231, No.52) and repealed in part April 28, 1978 (P.L.202, No.53), is amended to read:

Section 622. Brokers' Licenses.—(a) The Insurance Commissioner may issue, to any person of at least eighteen years of age or to any copartnership or corporation, a license to act as an insurance broker to negotiate contracts of insurance or reinsurance, with any insurance company, association, or exchange, or the agents thereof, authorized by law to transact business within this Commonwealth. No license shall be issued to any corporation to act as an insurance broker unless by its charter it is authorized to engage in the business of insurance or real estate. Before any license is issued, the applicant shall make answer, in writing and under oath, to such interrogatories and on such forms and supplements as the Insurance Commissioner shall prepare and submit, which answers shall be vouched for by indorsement of at least two agents or by the officers of any insurance company, association, or exchange, who are acquainted with the applicant, to the effect that the applicant is of good business reputation, and has experience in underwriting, other than soliciting, and is worthy of a license. When the Insurance Commissioner is satisfied that the applicant is worthy of a license, and that he is reasonably familiar with provisions of the insurance laws of this Commonwealth, he shall issue a broker's license to expire annually one year from date of issue, unless sooner revoked by the Insurance Commissioner for cause.

(b) The Insurance Commissioner may issue to any individual previously licensed as a broker whose license was in good standing but was not renewed, an administrative license, which shall indicate that the holder is in good standing with the Insurance Commission. The holder of an administrative license may not act as an insurance broker nor negotiate contracts of insurance or reinsurance. The customary licensing fee shall be assessed and any license shall be clearly marked administrative.

Section 3. Section 623 of the act, amended December 3, 1975 (P.L.471, No.137), is amended to read:

Section 623. Penalties for Acting as Broker Without a License, and Transacting Business with an Unlicensed Broker.— Any person, copartnership, or corporation transacting business as an insurance broker, within this Commonwealth, or soliciting insurance or transmitting for a partnership, copartnership, association, or corporation, other than himself or itself, an application for a policy of insurance, or offering or assuming to act in the negotiation of such insurance, or in any manner aiding in transacting an insurance business, or negotiating for or placing risks, or delivering policies or collecting premiums for policies which are effective in this State, without a license as broker, or in the case of title insurance without being admitted to practice as an attorney-at-law or being licensed as a real estate broker or real estate agent, unless he or she or it be acting as a licensed agent and then only for the companies he, she or it is duly licensed by this Commonwealth to represent, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding one thousand dollars. Any company, association, or exchange, or the agent of any company, association, or exchange, accepting applications or orders for insurance or securing any insurance business through anyone acting without a license, as aforesaid, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding one thousand dollars. A holder of an administrative license shall, upon sentencing under this section, forfeit the administrative license. Prosecution for any violation under this section may be instituted by the Insurance Commissioner or a duly designated deputy.

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting: 4

On the question,

Will the Senate agree to the amendment?

Senator AFFLERBACH. Mr. President, I understand the amendment is not agreed to and therefore requires a bit of explanation. It really is a very innocuous amendment that would apply to very few people in the Commonwealth. It creates within the Insurance Department a new classification of licensure known as an administrative license. This particular administrative license would be for those individuals who have been brokers in good standing but no longer are because they have moved on to an administrative capacity within their particular organization. The amendment would permit them to remain through the creation of an administrative license as an individual in good standing with the insurance department. During the past questions have sometimes been raised as to why an individual who has moved on to administrative capacity has not maintained a brokers license. Oftentimes that question was asked to determine whether or not something had occurred that would cause the individual to give up that license for other than reasons of good standing. This simply clarifies that was not the case, that the person gave up the license simply because they were no longer actively selling insurance, but rather acting in an administrative capacity. I would ask approval of the amendment.

Senator LOEPER. Mr. President, I would simply remind the Members of our caucus that this is an amendment that we discussed in caucus today. There were some concerns raised about how narrowly the amendment was drawn as far as the licensing process and there was an alternative as far as the

licensing bill that had already been passed that these individuals could very possibly qualify under. Therefore, I would ask for a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator AFFLERBACH and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT. Senate Bill No. 1110 will go over in its order, as amended.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1115 (Pr. No. 1236)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LEWIS, by unanimous consent, offered the following amendment No. A1434:

Amend Sec. 1 (Sec. 9), page 2, lines 5 through 11, by striking out "The right" in line 5 and all of lines 6 through 11

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, Senate Bill No. 1115 is a proposal which I have cosponsored because I believe the basic objective which the gentleman from Montgomery, Senator Greenleaf, as the principal sponsor wants to achieve is worthy of our effort. By way of background, the Members may recall that a number of years ago this General Assembly expressed its concern about the trauma often encountered by children in the process of giving testimony relating to alleged abuse cases. As a result of our concern for the impact and the difficulty and the emotional trauma that was likely to be experienced by young children in the process of having to give testimony related to charges of abuse, we passed legislation which

became the law of this Commonwealth that made it possible under certain circumstances for these children to provide testimony through videotaped means.

A short while ago the Pennsylvania Supreme Court, in interpreting our Constitution, in effect, threw out that legislatively prescribed opportunity for indirect testimony by children. In essence, what has occurred is that we are back to the position in which we found ourselves before we adopted the legislation, being that children will have to be present in the courtroom and be subjected to cross-examination at any point when there is an abuse charge which has been made. I believe we need to seek means to again make it lawful in this Commonwealth for children, under certain circumstances, to be shielded from the rigors of cross-examination in an open courtroom. Having said that, I think the Pennsylvania Supreme Court decision, in what we now call the Ludwig case, was an accurate application of the current language in the Pennsylvania Constitution. Currently our Constitution provides: "In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face." It is that language which our court has applied to come to the conclusion which I have described, and I think we need to find a way to change that. So the basic proposition in Senate Bill No. 1115 is to delete the existing language in our Constitution, the phrase, "meet the witnesses face to face," and substitute for that phrase the phrase, "be confronted with the witnesses against him." This new language would, in fact, track the kind of language which has been used in other states and which has been the subject of a number of other court decisions which again, with proper guidelines, provide for the limited type of protection and shielding for children which I think most of us would like to see in place in Pennsylvania. So to that extent I am supportive of the proposal as it is to be found in Senate Bill No. 1115. My amendment, however, would propose to strike out all of the language to be found on page 2 of Senate Bill No. 1115. This language, in my opinion, is unnecessary. It is bad policy and I think it, in fact, does not accomplish the objective which the principal sponsor seeks to achieve, and let me explain why I have arrived at each of those three conclusions.

First of all, the language would compel the Pennsylvania Supreme Court to, in effect, track the decisions that come from the United States Supreme Court. While I think it is unnecessary because the new phrase which proposes to be substituted into our Constitution has already been the subject of decisions, including decisions from the United States Supreme Court, they are on point with the objective that we seek to achieve. It would seem, therefore, to be reasonable that the Pennsylvania court would have no reason to not track the decisions that are already in place with respect to similar language, and so I would expect that the further admonition in this bill as a practical matter would be completely unnecessary.

Secondly, and of greater concern to me, is the fact that I think this kind of approach to constitutional drafting is

extremely bad public policy. If there is a problem which we believe needs to be addressed, and there is, then let us address it with language with which we are satisfied, that we understand and that we expect to have the Pennsylvania Supreme Court follow. Neither I nor anyone else in this Chamber has any idea what kinds of decisions might be forthcoming at any time in the future from the United States Supreme Court. We do not know if they may be liberal decisions that open up circumstances with which some here would disagree and not want to have Pennsylvania follow. We do not know if they might be so-called conservative decisions that go in a direction that offends others within this Body and within Pennsylvania. Put very simply, if we are going to have a Constitution by which Pennsylvanians are to be governed, then let it be a Constitution that is written by us subject to the interpretations by our court and the actions of this General Assembly consistent with the amendment process if we disagree with those actions. To delegate this responsibility, to delegate this authority to some other branch of government over which we have no control and no influence seems to me to be the height of folly with regard to an approach for fundamental public policy. I would urge everyone in this Chamber not to follow what may seem to be a simple road at this moment for this subject, because it is a road which is going to create a precedent that I believe we will all come to learn to regret.

Thirdly, and maybe most importantly if the arguments I have already made will not be sufficient to persuade those who want to achieve this objective to support the amendment, I believe the language which is in this bill does exactly the opposite from what the sponsor seeks to achieve. Let me explain. The Pennsylvania Supreme Court said that children as witnesses have to be subjected to cross-examination. The current holdings by the United States Supreme Court say that there are certain circumstances in which children may be protected from that cross-examination. I believe that any interpretation of the words of limitation would lead to a conclusion that Pennsylvania's current position on the law is clearly more restrictive than that of the United States Supreme Court. We are not providing the opportunity for children to be treated in a different fashion. We are not providing a more liberal interpretation of the right of an accused to confront a witness. What the Pennsylvania Supreme Court is doing is providing a much more restrictive interpretation than that which the United States Supreme Court is willing to accept. Well, if that analysis is accurate, let us look at the language in the bill on page 2. It says, "The right of the accused to be confronted with the witnesses against him shall not exceed the right mandated by the Sixth Amendment to the United States Constitution." I submit to you that Pennsylvania is not in any way in its current interpretation exceeding the right that is mandated by the Sixth Amendment in the United States Constitution. I want to suggest to you that even if we pass this proposal and do so again in another Session of this General Assembly, and if this becomes the constitutional law of the land of Pennsylvania, the Pennsylvania Supreme Court can interpret this language, if they choose, to mean that an

accused has the right to confront a witness and that it will not, in fact, exceed the language of the United States Supreme Court. So, knowing as I do that the principal sponsor, in fact, wants to provide protection for the children of this Commonwealth, I submit the very use of the words "exceed" and "expanded," which are to be found in the phraseology which I propose to delete, will accomplish exactly the opposite objective from that which he intends.

So, Mr. President, for the reasons that I have enumerated, the fact that the language is unnecessary, the fact that it creates very bad public policy, the fact that it does not accomplish the objective of the sponsor, I would urge an affirmative vote for the amendment. If we support this amendment, what we still have is the language to be found on page 1, line 13 of this proposal which I think will achieve the objectives which I believe the overwhelming majority of us in this Chamber really seek to achieve. Let us not cause problems for ourselves by trying to go too far. We know what we need to do. This is a sound way to go about the task. Let us not confuse, let us not corrupt the process. Let us not create a problem for ourselves which we will not want to have to face in the future. I urge an affirmative vote for the amendment.

Senator GREENLEAF. Mr. President, I rise in opposition to the amendment. As my colleague has indicated, this situation goes back some years ago. I first introduced this legislation after the Committee on Judiciary had held extensive hearings throughout the state and found a significant problem of child abuse and child sexual abuse in the Commonwealth. One of the more common problems we found also was that many of the prosecutions were not terribly successful because they involved young children of tender years of five, six, seven years of age who then have to face an adult process and adult law enforcement and a judicial process where they are interviewed by a police officer and grilled by them to ascertain the veracity of their story and then go to a preliminary hearing and have a defendant, an adult defendant, an adult judge, an adult defense attorney questioning them, cross-examining them and then going through a number of other preliminary procedures and then going through a trial in which the defense attorney had another shot at him and another adult had another shot at him and going through a very, very difficult situation that even an adult would have difficulty dealing with, let alone a child. After reviewing the American Bar Association's proposals, the Young Lawyer Division, which indicated they would recommend that in these types of cases where it is appropriate and where a judge had a review of the matter and determined that psychologically it would be best for the child that the defendant only had one shot at the child and to really allow them to play on a level playing field and even up the rules a little bit, that such a procedure would be allowed.

The legislation was introduced in the past. There was a Monroe County case—the Ludwig case—in which this procedure was used and it worked its way through the courts. The defendant was convicted and it went to the Supreme Court of Pennsylvania. A number of district attorneys have established

videotaping procedures and particularly the Philadelphia District Attorney's office has done that. They have been waiting for a decision on this matter for years and they are ready to use this procedure and increase their capability of obtaining convictions in this area once it is approved. While we were waiting, after the bill was passed, for the Ludwig decision to come down, the United States Supreme Court came down with their decision in *Craig v. Maryland* and stated, basically, that it was permissible under the United States Constitution to use closed-circuit or videotape depositions of a child abuse victim in the prosecution. We thought that was a positive of the issue and the matter would be closed. Much to my surprise and shock, as I am sure many of us were in the Commonwealth, our Supreme Court then came down with the Ludwig case and found that even though it is not a violation of the United States Constitution, they found it was a violation of the Pennsylvania Constitution in that there was, instead of saying "confrontation," they used the phrase in the Pennsylvania Constitution "face to face." I think it is an insignificant difference, that, in fact, the same purpose was meant, and I do not believe that on purely the language of the two Constitutions this case was decided but more on philosophical grounds than anything other than that. As a result, in consultation with the Philadelphia District Attorney's Office and other prosecution and law enforcement agencies, we decided that we should, yes, clarify the Pennsylvania Constitution to have it conform to the federal Constitution and use the word "confrontation" or "confronted" rather than "face to face," but to be realistic and to understand there was more than just the wordage here that caused this decision and to deal with the philosophical difference and to make sure there was no misunderstanding of what our intention was, that there was an explanatory note added which, basically, stated that the Pennsylvania Supreme Court was not to interpret our Constitution to have it extend greater rights to the criminal than the United States Constitution does. I think the dissenting opinion of Chief Justice Nix, where he stated the distinction drawn between the federal and state Constitutions, is not only superficial but is indeed a demonstration of only incorrect, it is clear that the court understood that there really was no significant difference between the two. So it is imperative for us, I believe, to make sure there is no way this change can be interpreted in any other way. I fear we could go through this process for four or five years clarifying our Constitution and then find out after another two or three years with another case going before the Supreme Court they still interpret and state they are interpreting "confrontation" to still mean the child victim cannot take advantage of this proceeding.

There have been 14 other states that have changed their Bill of Rights in response to such proceedings, two of which, Florida and California, have specifically inserted in their constitutions after an electoral process similar to ours. For example, in Florida, their constitution in 1982 was amended by the people of the State of Florida to read—this dealt with the search and seizure issue—"This right shall be construed in

conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court.” Then California came down with a very similar provision where they changed their constitution and indicated, and it reads in their constitution, that these are “...obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution....” Again it refers back to the United States Constitution that neither of those rights can be expanded beyond what is provided for by the United States Constitution. So we have two states that have adopted similar procedures. The Florida Constitution was brought before the United States Supreme Court and found that it was proper for them to do it. In a concurring opinion filed by Justice Burger, he indicated that the people of Florida had the right to do this. Let us really try to deal with this issue in regard to these changes. I want to be sure that victims of child abuse and child sexual abuse are not confronted with this problem in the future. If you want to make sure that a child who is molested has the right, after judicial review, of using closed-circuit or videotaped depositions, if you want to make sure that the playing field in the courtroom is evened up for a child victim, if you want to make sure for once that we will have successful prosecutions in meritorious cases, if you want to make sure to stop these pedophiles that prey upon children and molest somewhere between 60 and 70 children in their lifetime, if you want to make sure that we convict these people and have them treated and dealt with in an appropriate way, then I would suggest that you vote against this amendment and leave the bill as drafted.

Senator LEWIS. Mr. President, if you want to make sure that these children are going to have the opportunities the gentleman from Montgomery, Senator Greenleaf, has described as being the objective which he seeks here, then why not do it by putting the language into the Constitution? There is no way to be more certain about what we can guarantee than putting language into a proposed constitutional amendment that would say as a matter of constitutional law in Pennsylvania that the circumstances with regard to children's testimony in abuse cases may be allowed for as adopted by statute of the General Assembly, because I want to tell you that I am as concerned as he is, and the last place in the world in which I am prepared to now place my reliance is on the United States Supreme Court because I do not have the confidence that the decision that was handed down a couple of years ago is going to continue necessarily and as a guarantee to be the law of this country. I do not know how the gentleman can be so self-confident of that either, particularly in view of some of the decisions this Supreme Court has handed down within the last few days and the last few weeks. He admitted what he is trying to do is to overcome what he sees as being a philosophical statement by the State Supreme Court. Well, I want to overcome that too, but the answer he is proposing is to use the philosophical statement of the moment of the United States Supreme Court and that to me seems like you are jumping out of the frying pan right into the fire. It might be an answer at

the moment, but it certainly provides us with no guarantee for any time or any future decision or interpretation in the future. The gentleman says he wants to be sure there is no way this language can be misinterpreted, yet what he is suggesting is that we place all of our faith and confidence on whatever the philosophical bent of the United States Supreme Court might be in the future, and I am personally not willing to do that. There is a right way to go about solving this problem, and it is not with the language that is in this bill. I would urge the gentleman and all others who are as concerned about this as I am and as I believe he is, to do this the right way, and the right way is not to rely upon the United States Supreme Court. If you are fearful that the approach which I have suggested may not give you a guarantee as to the philosophical bent of the Pennsylvania Supreme Court, then let us pull this bill off the Calendar and go back and write language that will specifically insert into the Constitution of Pennsylvania the language that will guarantee that we as a General Assembly can adopt this statute providing for special circumstances for the testimony of children and get ourselves away from any future problem about the philosophical bent or interpretation of any Supreme Court, whether it is the state Supreme Court or the United States Supreme Court.

The proposal that is being offered here is not solving the problem, and I would urge my colleagues to take note of that, to adopt my amendment or else to put aside this bill until we can have the opportunity to totally rewrite this language and really address the issue that is at hand.

Senator BRIGHTBILL. Mr. President, I have been listening to the debate as proposed by the gentleman from Bucks and I think one might find that debate analogous to the horses that one rides on a merry-go-round. If you pick up his argument at some point and you follow it long enough, you are going to come back to the beginning.

Let me just talk about what the gentleman says. The gentleman says, number one, that his amendment should be adopted which strikes out the language beginning on page 2, line 5, with the words “The right” and strikes out the rest of that language. Now that language is inserted there. In the Committee on Judiciary I asked a lot of questions about that language and I had someone check with a constitutional scholar to make sure that language was indeed appropriate because I was kind of taken aback by that language. I was not sure it was appropriate, but that language is intended to ensure that the interpretation placed in Senate Bill No. 1115 from line 13 be the interpretation that the General Assembly would want, which is the interpretation that we are going to permit this kind of testimony. Now the gentleman from Bucks offers an amendment to gut out that language which means that the words “be confronted with the witnesses against him” could mean anything that the Supreme Court of Pennsylvania says they mean. That is kind of intriguing because now what the gentleman says is that even these words are not tough enough, that we need stronger words and we need different words. I guess my question to the gentleman from Bucks is it was several weeks ago that we had that meeting. He

has had many, many weeks to come up with those words, to come up with that language, and the language is not here before us today. Frankly, Mr. President, we all know that had the gentleman said that we were looking for language and that he will be on this floor tomorrow with that language, could we go over this bill for one more day, we know that courtesy would have been granted. The truth is, Mr. President, the Pennsylvania Supreme Court has a lot of authority and goes beyond interpreting the Constitution, and sitting here made me remember an experience I had as either a district attorney or an assistant district attorney. I remember there was a decision—and I apologize to the Members because I cannot think of the specifics on this—where we in the district attorney's office were thrown out of court by the Pennsylvania Supreme Court, and it was a ruling where they indicated that something had occurred, had been violative with the Constitution. At least that is the way I read the decision. I decided that I was going to file an appeal to the U.S. Supreme Court since my feeling was that this depended on a constitutional interpretation and the process that went through this required that there be a decision whether this decision was based upon the court's interpretation of the U.S. Constitution or whether it was based upon the court's interpretation of—I am not sure if it was a rule or the court's overall exercise of—its authority over the criminal justice system of Pennsylvania. The court came back and, my recollection was, indicated that this was not an interpretation of the U.S. Constitution but, rather, they were exercising their general overall authority to kind of do what is right in their view in Pennsylvania. Without the language that is on page 2 of this bill and without the language that talks about an expansion by decisional law or court rule, we can do whatever we want today and we can pass whatever bill we want. We can amend the Constitution but the Pennsylvania Supreme Court can then do as it pleases. We have to send a very strong message. If the gentleman from Bucks has a stronger message to send, if he wants to gut this language and add stronger language, if he wants to propose a bill that does a better job than the words selected by the Senator from Montgomery, I will be very glad to vote for that language, but I will not vote for an amendment that guts language and leaves us in a weaker position, and we are in a weaker position. We are in a position where the Pennsylvania Supreme Court can decide what we did means whatever it says we meant, and they will not even look at the record that we made here today. They will not even consider the comments that were made here today in terms of what we are trying to accomplish, so I would ask for a "no" vote.

Senator LEWIS. Mr. President, I am always willing to follow the sage advice of any of my colleagues. I have listened carefully to what the gentleman from Lebanon said, and consistent with his recommendation to me, I am prepared and willing to have more specific language ready for us to consider tomorrow and accordingly would ask if this bill could now go over in order.

Senator LOEPER. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LEWIS. Mr. President, I would like to withdraw my request that the bill go over in its order and ask that we return to the issue of the amendment.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Jubelirer and Senator Corman have been called to their offices, and I would request temporary Capitol leaves on their behalf.

Senator LINCOLN. Mr. President, I request temporary Capitol leave for Senator Scanlon.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Jubelirer and Senator Corman. Senator Lincoln requests temporary Capitol leave for Senator Scanlon. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator BORTNER. Mr. President, in speaking in favor of this amendment, I am going to try to be brief and not restate so much of what has already been said. The gentleman from Bucks, Senator Lewis, I believe has provided a good background on this issue—how it came before us, what has happened before in the courts as well as here in the Legislature, and I agree with everything that he said. I also would want to commend the sponsor of the legislation, the gentleman from Montgomery, Senator Greenleaf, for bringing this issue before the General Assembly. I think it is important. He is attempting to correct, I think, an issue that needs to be addressed and I certainly share his concern about the ability of children to testify in criminal cases. I say that as someone who has prosecuted some of these cases in the past. I think, however, in his zeal to deal with this issue, he has probably provided us with legislation that not only in certain parts is unnecessary but also becomes confusing. In my opinion, I think the language that appears on the first page of this bill is sufficient to address the problem that the Supreme Court had in the Ludwig case. In that case they interpreted the language of our Constitution literally and said that language, meeting your witnesses face to face, means just that and that would not permit the use of videotape testimony. The language that is proposed to replace that phrase, "be confronted with witnesses against him," is very similar to language that appears in the United States Constitution in which the United States Supreme Court in the case of *Craig v. Maryland* has already been approved. I think this creates a bad precedent. I think it is wrong to try to state what our Supreme Court can or cannot decide or to try to tie up the decisions of the United States Supreme Court for a couple reasons. We have a state Supreme Court. I think it is important. They are the highest authority on our Constitution and I think we ought to recognize that, whether we agree with an individual decision or not. Of a bigger concern to me is the fact that this language, I think, is at best confusing. Senator Lewis has stated that he thinks it actually creates the opposite, or will result in an opposite



interpretation of that being intended. At best I think it is confusing. I do not know what it means when it says that it cannot exceed the rights mandated by the Sixth Amendment. I am not sure what exceed means in this term. It is certainly not a legal term or term of art. I am also not sure what it means when it says it cannot be judicially expanded. I am not sure whether that means a more liberal or a more restrictive interpretation. I believe that in amending the Constitution we ought to try to be as clear and as direct and as unambiguous as we possibly can. I think the very brief language that appears in the first page gets the job done. I listened to the gentleman from Lebanon, Senator Brightbill, explain that if we do not do this, if we do not add this additional language, we allow the Pennsylvania Supreme Court to interpret this any way that they choose. Well, they are going to interpret it any way they choose regardless of whether we include the language that the Lewis amendment intends to take out. The Pennsylvania Supreme Court is the highest authority interpreting our Constitution, and they will interpret this any way they choose to. I believe we give them more room to interpret the intent of this legislation by including that language than if it were removed. I would suggest if we want to get the job done and permit the use of videotape testimony in those limited circumstances the General Assembly provided for when that legislation was originally passed several years ago, and which I supported and I am sure many other Members did here too, I believe we do that by supporting the Lewis amendment, taking out the extraneous language and limiting the change to the Constitution to the clear language that appears on line 13 of Senate Bill No. 1115.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator LEWIS and were as follows, viz:

## YEAS—22

Afflerbach	Jones	Musto	Schwartz
Belan	LaValle	O'Pake	Stapleton
Bodack	Lewis	Porterfield	Stewart
Bortner	Lincoln	Reibman	Stout
Dawida	Lynch	Scanlon	Williams
Fattah	Mellow		

## NAYS—27

Andrezeski	Greenleaf	Lemmond	Robbins
Armstrong	Greenwood	Loeper	Salvatore
Baker	Hart	Madigan	Shaffer
Bell	Helfrick	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams

## NAYS—1

Scanlon

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 1171** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1173 (Pr. No. 1309)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge on which Central Avenue crosses over the Tookany Creek in Cheltenham Township, Montgomery County, as the Edmund F. Drach Bridge.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.



**SB 1217 (Pr. No. 1377)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SECOND CONSIDERATION CALENDAR

#### PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION AND RECOMMITTED

**HB 1644 (Pr. No. 1941)** — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

**HB 161 (Pr. No. 1469)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL ON SECOND CONSIDERATION AMENDED

**HB 222 (Pr. No. 2093)** — The Senate proceeded to consideration of the bill, entitled:

An Act excluding the sale of recyclable material from municipal personal property sale restrictions.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator PECORA offered the following amendment No. A1804:

Amend Title, page 1, line 1, by striking out "municipal" and inserting: political subdivision

Amend Sec. 1, page 1, line 9, by striking out "'Municipality.'" and inserting: "Political subdivision."

Amend Sec. 2, page 1, line 12, by striking out "municipality" and inserting: political subdivision

Amend Sec. 2, page 2, line 1, by striking out "municipality" and inserting: political subdivision

Amend Sec. 2, page 2, line 2, by striking out "recycling" and inserting: a recycling program authorized by the political subdivision

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PECORA.

#### BILL ON SECOND CONSIDERATION

**SB 386 (Pr. No. 399)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further establishing a duty to stop vehicles at accident scenes; and providing an exception from the duty for emergency vehicles.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 401, SB 465, HB 521, 686, 795 and 840** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 879 (Pr. No. 948)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for interference with traffic-control devices or signals.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 948** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 978 (Pr. No. 1387)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for tolling the statute of limitations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**HB 1020, SB 1034 and 1063** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 1083 (Pr. No. 1200)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS REREFERRED

**SB 1086 (Pr. No. 1356)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1087 (Pr. No. 1357)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for the purposes of incorporation, for capital stock, surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**SB 1109** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 1118 (Pr. No. 1239)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the court regarding testamentary trusts; reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; providing for notice to beneficiaries and heirs; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights and limitations on rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; further providing for the execution, interpretation, effect, form, implementation and operation of powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; authorizing a bank or trust company to invest their fiduciary accounts in mutual funds which they service; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 1200** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 1226 (Pr. No. 1389)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), entitled, as amended, "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," increasing the borrowing authority limit and eliminating a countersignature and conforming certain provisions.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**BILL ON SECOND CONSIDERATION  
AND RECOMMITTED**

**HB 1607 (Pr. No. 1881)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1991-1992.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE CRIME VICTIM'S  
COMPENSATION BOARD**

June 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William M. Parker, III, 9 Fairview Avenue, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1997 and until his successor is appointed and qualified, vice Patricia Crawford, Mechanicsburg, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kimberly M. Allen, 1255 Paso Fino Drive, Warrington 18976, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Jennifer Crissman, Harrisburg, graduated.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Monica A. Douglas, 300 Bryce Lane, Elizabeth 15037, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Mary P. Napoli, Reeders, graduated.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick J. Geho, 363 Wayne Street, Baden 15005, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Darren K. Parr, Thorndale, graduated.

ROBERT P. CASEY.

**MAJOR GENERAL, PENNSYLVANIA  
NATIONAL GUARD**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General Allen E. Chandler, 901 West Mount Airy Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Major General, Special Assistant to the Surgeon General of the Army.

ROBERT P. CASEY.

**BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel Henry F. Coyne, 3901 Market Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Brigadier General, Assistant Adjutant General, Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General Allen E. Chandler, reassigned.

ROBERT P. CASEY.

**MAJOR GENERAL, PENNSYLVANIA  
NATIONAL GUARD**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General Joseph F. Perugino, 830 Nandy Drive, Kingston 18704-5608, Luzerne County, Twentieth Senatorial District, for appointment as Major General, Deputy Commander, Headquarters State Area Command, Pennsylvania Army National Guard, to serve until terminated, vice Major General Robert H. Appleby, retired.

ROBERT P. CASEY.

**MEMBER OF THE NAVIGATION COMMISSION  
FOR THE DELAWARE RIVER AND ITS  
NAVIGABLE TRIBUTARIES**

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Captain Joseph W. Guilday, 21 Furness Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE NAVIGATION COMMISSION  
FOR THE DELAWARE RIVER AND ITS  
NAVIGABLE TRIBUTARIES**

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dante Mattioni, Esquire, 2036 Shunk Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified, vice Stanley M. Bednarek, Philadelphia, whose term expired.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony Lapinto, 1286 Stephano Strait, Clarion 16214, Clarion County, Forty-first Senatorial District, for appointment as District Justice in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January, 1992, vice Alta Laverne Hamilton, resigned.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

May 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Golden, 2015 Delaware Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as District Justice in and for the County of Lackawanna, Magisterial District 45-1-07, to serve until the first Monday of January, 1992, vice Michael S. Polizzi, resigned.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

Senator SALVATORE, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 1991 for the appointment of James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998, and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 1991 for the appointment of Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998, and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 1991 for the reappointment of Theodore T. Metzger, Jr., (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE**

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 15, 1991 for the appointment of George E. Kern (Public Member), 2234 Mack Boulevard, Allentown 18103, Lehigh County, Sixteenth Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel J. West, Jr., Moscow, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**NOMINATIONS RETURNED TO THE GOVERNOR**

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

**COMMUNICATION FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**DISTRICT JUSTICE**

June 26, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 12, 1991 for the appointment of Roy Josephson,

R. D. #1, Box 505, Avondale 19311, Chester County, Thirty-sixth Senatorial District, as District Justice in and for the County of Chester, Magisterial District 15-3-04, to serve until the first Monday of January, 1992, vice Eugene DiFilippo, Jr., resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**NOMINATION RETURNED TO THE GOVERNOR**

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

**UNFINISHED BUSINESS  
SENATE RESOLUTION**

**DESIGNATING THE LAST WEEK IN AUGUST  
1991 AS "NATIVE AMERICAN AWARENESS  
WEEK" IN PENNSYLVANIA**

Senators PORTERFIELD, DAWIDA, MELLOW, BODACK, STEWART, ANDREZESKI, STOUT, LEWIS, BELAN, SCHWARTZ, LaVALLE, BAKER and JONES offered the following resolution (Senate Resolution No. 85), which was read, considered and adopted:

In the Senate, July 1, 1991.

**A RESOLUTION**

Designating the last week in August 1991 as "Native American Awareness Week" in Pennsylvania.

WHEREAS, Native Americans have made a significant contribution to the culture, history and economy of this Commonwealth; and

WHEREAS, During the last week in August, Native Americans celebrate the Green Corn Festival; and

WHEREAS, The Green Corn Festival is a time when Native Americans give thanks to Mother Earth for the rich bounty that she has bestowed upon them; and

WHEREAS, The occasion of the Green Corn Festival is an appropriate time to focus on the rich culture and history of Native Americans; therefore be it

RESOLVED, That the Senate designate the last week in August 1991 as "Native American Awareness Week" in Pennsylvania.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to the Collegeville Fire Company No. 1 by Senator Holl.

Congratulations of the Senate were extended to Alcoa Laboratories by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. J. Edgar McCown, Mr. and Mrs. Allan D. Doyle, Mr. and Mrs. Bert Emrick, Mr. and Mrs. Charles J. McKee, Mr. and Mrs. Burton P. Layton, Mr. and Mrs. Francis Maxwell,

Mr. and Mrs. Charles Young, Mr. and Mrs. Wayne A. Fleegeer, Mr. and Mrs. William Stehle, Mr. and Mrs. John A. McCool, Sr., Mr. and Mrs. Earl Ausel, Mr. and Mrs. Charles E. Maphis and to Mr. and Mrs. Carl Albert by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Blair Enders and to Mr. and Mrs. Albert Custer by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. John Fetterman, Mr. and Mrs. Richard Byrne, Mr. and Mrs. Andy Voyten, Mr. and Mrs. Lawrence Starry, Mr. and Mrs. Morris Zerfoss and to Mr. and Mrs. Harold E. Stewart by Senator Stapleton.

### BILL ON FIRST CONSIDERATION

Senator BELAN. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### SB 1207.

And said bill having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

### COMMUNICATION FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY

July 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Corralee F. Stevens, Esquire, Office of District Attorney, Luzerne County Courthouse, Wilkes-Barre 18711, Luzerne County, Fourteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement.

ROBERT P. CASEY.

### GENERAL COMMUNICATION

#### LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

### SENATE OF PENNSYLVANIA

July 1, 1991

To the Honorable, the Senate of the  
Commonwealth of Pennsylvania  
To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from June 1, 1991 through June 30, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN  
Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

### BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

SB 820 and HB 59.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

TUESDAY, JULY 2, 1991

9:30 A.M.	TRANSPORTATION (Public Hearing to consider Senate Resolution No. 69 and the nomination of James J. Dodaro to the Pennsylvania Turnpike Commission and any other business that may come before the committee)	Room 8E-A Hearing Room East Wing
12:30 P.M.	APPROPRIATIONS (to consider Senate Bills No. 1131, 1138 and House Bills No. 547, 1055, 1105, 1319, 1320, 1322, 1323, 1344, 1536 and 1591)	Room 461 4th Floor North Wing
12:30 P.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 429)	Room 460 4th Floor North Wing

**RECESS**

Senator LOEPER. Mr. President, the request I am going to make is that the Senate do now recess to the call of the President pro tempore. However, that would be with the understanding of the Members that I do not anticipate that would be before 10:30 a.m. tomorrow morning. So for all intents and purposes, I would anticipate that we would convene at 10:30 a.m. tomorrow morning.

The PRESIDENT. Without objection, at the request of the Majority leader, the Senate will recess to the call of the President pro tempore.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, July 2, 1991, at 11:05 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JULY 2, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 45

### SENATE

TUESDAY, July 2, 1991.

The Senate met at 11:05 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Eternal God, Who has created everything that exists and sustains it with faithful love, as we begin another day of service we pray for a fresh measure of Your Spirit in our hearts. Help us to exercise the power entrusted to us, to build and to lead, that the lives of our citizens may be blessed. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 1, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

### BILL IN PLACE

Senator AFFLERBACH presents to the Chair a bill.

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a legislative leave for Senator Bell and temporary Capitol leaves for Senator Fisher, Senator Corman and Senator Hopper.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bortner, Senator Jones, Senator

Stewart and Senator Williams and a legislative leave for Senator Lynch.

The PRESIDENT. Senator Loeper asks legislative leave for Senator Bell and temporary Capitol leaves for Senator Fisher, Senator Corman and Senator Hopper. Senator Mellow requests temporary Capitol leaves for Senator Bortner, Senator Jones, Senator Stewart and Senator Williams and a legislative leave for Senator Lynch. The Chair hears no objection. Those leaves will all be granted.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Bortner. His temporary Capitol leave will be cancelled.

### CALENDAR

#### SB 879 CALLED UP OUT OF ORDER

SB 879 (Pr. No. 948) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 879 (Pr. No. 948) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for interference with traffic-control devices or signals.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fisher, Senator Corman and Senator Jones. Their temporary Capitol leaves will be cancelled.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 1:00 o'clock p.m.

Senator MELLOW. Mr. President, I request an immediate Democratic caucus.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stewart. His temporary Capitol leave will be cancelled.

**DISCHARGE PETITIONS**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 2, 1991.

**A PETITION**

To place before the Senate the nomination of Frank W. Daly, Esq., as Judge of the Court of Common Pleas of Delaware County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Frank W. Daly, Esq., Media, Pennsylvania, as Judge of the Court of Common Pleas of Delaware County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 2, 1991.

**A PETITION**

To place before the Senate the nomination of Gary S. Glazer, Esq., as Judge of the Court of Common Pleas of Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Gary S. Glazer, Esq., Philadelphia, Pennsylvania, as Judge of the Court of Common Pleas of Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 2, 1991.

**A PETITION**

To place before the Senate the nomination of Anne E. Lazarus, Esq., as Judge of the Court of Common Pleas of Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Anne E. Lazarus, Esq., Philadelphia, Pennsylvania, as Judge of the Court of Common Pleas of Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 2, 1991.

**A PETITION**

To place before the Senate the nomination of James M. Lynn, Esq., as Judge of the Court of Common Pleas of Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of James M. Lynn, Esq., Philadelphia, Pennsylvania, as Judge of the Court of Common Pleas of Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 2, 1991.

#### A PETITION

To place before the Senate the nomination of Joseph A. Diorio as Judge of the Traffic Court of Philadelphia.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Joseph A. Diorio, Philadelphia, Pennsylvania, as Judge of the Traffic Court of Philadelphia, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 2, 1991.

#### A PETITION

To place before the Senate the nomination of Brydon H. Lidle, Jr. as District Justice of Dauphin County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Brydon H. Lidle, Jr., Halifax, Pennsylvania, as District Justice of Dauphin County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT. The communications will be laid on the table.

## COMMUNICATION FROM THE GOVERNOR

### RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

July 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 16, 1991 for the appointment of Jack A. Panella, 8 George Court, Easton 18042, Northampton County, Eighteenth Senatorial District, as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January, 1994, vice The Honorable Alfred T. Williams, Jr., resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

### MEMBER OF THE CRIME VICTIM'S COMPENSATION BOARD

June 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William M. Parker, III, 9 Fairview Avenue, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1997 and until his successor is appointed and qualified, vice Patricia Crawford, Mechanicsburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kimberly M. Allen, 1255 Paso Fino Drive, Warrington 18976, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Jennifer Crissman, Harrisburg, graduated.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Monica A. Douglas, 300 Bryce Lane, Elizabeth 15037, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Mary P. Napoli, Reeders, graduated.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick J. Geho, 363 Wayne Street, Baden 15005, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Darren K. Parr, Thorndale, graduated.

ROBERT P. CASEY.

MAJOR GENERAL, PENNSYLVANIA  
NATIONAL GUARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General Allen E. Chandler, 901 West Mount Airy Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Major General, Special Assistant to the Surgeon General of the Army.

ROBERT P. CASEY.

BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel Henry F. Coyne, 3901 Market Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Brigadier General, Assistant Adjutant General, Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General Allen E. Chandler, reassigned.

ROBERT P. CASEY.

MAJOR GENERAL, PENNSYLVANIA  
NATIONAL GUARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General Joseph F. Perugino, 830 Nandy Drive, Kingston 18704-5608, Luzerne County, Twentieth Senatorial District, for appointment as Major General, Deputy Commander, Headquarters State Area Command, Pennsylvania Army National Guard, to serve until terminated, vice Major General Robert H. Appleby, retired.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony Lapinto, 1286 Stephano Strait, Clarion 16214, Clarion County, Forty-first Senatorial District, for appointment as District Justice in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January, 1992, vice Alta Laverne Hamilton, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 29, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Golden, 2015 Delaware Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as District Justice in and for the County of Lackawanna, Magisterial District 45-1-07, to serve until the first Monday of January, 1992, vice Michael S. Polizzi, resigned.

ROBERT P. CASEY.

On the question,  
Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

## RECORDER OF DEEDS, CUMBERLAND COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert P. Ziegler, 9 Edgewood Drive, Mechanicsburg, 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Recorder of Deeds, in and for the County of Cumberland, to serve until the first Monday of January, 1992, vice Patricia Vance, resigned.

ROBERT P. CASEY.

On the question,  
Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank W. Daly, Esquire, 207 West Street, Media 19063, Delaware County, Ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Howard F. Reed, Jr., mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary S. Glazer, 7813 Winston Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Theodore S. Gutowicz, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne E. Lazarus, 3902 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable I. R. Kremer, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Murray Lynn, 3200 School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Albert F. Sabo, mandatory retirement.

ROBERT P. CASEY.

JUDGE, TRAFFIC COURT

April 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph A. Diorio, 928 Magee Avenue, Philadelphia 19111, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1992, vice The Honorable Dominic N. Cermele, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

April 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brydon H. Lidle, Jr., 234 Armstrong Street, P. O. Box 428, Halifax 17032, Dauphin County, Fifteenth Senatorial District, for appointment as District Justice in and for the County of Dauphin, Magisterial District 12-3-02, to serve until the first Monday of January, 1994, vice Lawrence E. Alvord, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

Senator SALVATORE. Mr. President, I urge a "no" vote on the following nominees.

Senator SCHWARTZ. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator SCHWARTZ. Mr. President, I would like to ask if it is the intention to vote against the four judges?

The PRESIDENT. The Chair would interpose his knowledge of the situation. Senator Salvatore just briefly spoke and asked for a negative vote.

Senator SCHWARTZ. Mr. President, I am sorry. I understand he did call for a negative vote and I wanted to ask why?

Senator SALVATORE. Mr. President, I guess that is my prerogative.

Senator SCHWARTZ. Mr. President, it is my understanding that the Republican Party has been opposing these judges. Can he give us any grounds for doing so? These are judges, for the information, who were considered qualified by the Bar Association. They were endorsed by both Democratic and Republican parties in the primaries. They won handily on both the Democrat and Republican slates. They are highly

qualified. They are ready to go to work. They would like to be confirmed. We need these judges to be working in Philadelphia. Everyone knows we have a backlog in the court system and the judges have been working very hard to move through the system. These are qualified judges elected in the primary by both the Republicans and the Democrats. They will be elected in November. We can put them to work right now dealing with the serious court situation we have in Philadelphia. I do not see any reason for this. In fact, it is a very good reason to confirm these very qualified judges and to move ahead and allow them to serve on the bench in Philadelphia. I just question why the Republicans are calling for a negative vote on these judges?

Senator SALVATORE. Mr. President, I think they are very highly qualified and I am sorry that we have to vote in the negative, but the Supreme Court has seen fit to cut the staff in Philadelphia. In fact, they have eliminated so much of the staff there would not be any staff for these judges, and I am just trying to help the Supreme Court of Pennsylvania in their budget problems. So that is why we are voting "no."

Senator SCHWARTZ. Mr. President, if I may, I think we are all very aware of the fact that, in fact, it is usually typically the Republicans, but we too call on government, including the third branch of government, the court system, to be efficient, to do what they need to do, to be as lean in these hard economic times as they possibly can be. We have started to see some action on that in the Philadelphia court system, some cutbacks, possibly very appropriately to make sure we have the employees we need but not to have excessive employees. I believe that the courts, in fact, have been commended for that kind of action that we have seen in the court system to start to cut back and to create a more efficient and responsive court system in Philadelphia. These judges should not be held hostage by any kind of personal problems the gentleman from Philadelphia, Senator Salvatore, may have with some of those reductions in staff, and it really should not be these particular judges who are going to be held accountable for what has already been considered by many in the public—

#### PERSONAL PRIVILEGE

Senator SALVATORE. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The gentleman from Philadelphia, Senator Salvatore, will state it.

Senator SALVATORE. Mr. President, the lady from Philadelphia, Senator Schwartz, is saying I have some personal feelings or personal remarks about the judges. I think that has nothing to do with it. It is not a personal matter and she is making it seem like it is a personal matter between me and the Supreme Court.

The PRESIDENT. The gentle lady from Philadelphia, Senator Schwartz, has completed her interrogation. Correct? She is recognized for some additional comments on this subject.

Senator SCHWARTZ. Mr. President, I would just like to make it very clear to my colleagues in the Senate that these are, as I said, qualified judges. They should be confirmed

today. There is absolutely no reason why they should not be sent to work. As I said, they have been endorsed and duly elected in the primary by both the Republican and Democratic parties. They are endorsed by those parties, they are endorsed by the people, they will be elected in November, and we should put them to work in our court system in Philadelphia, and I call on everyone to do what is best for moving forward towards a responsive and effective court system in Philadelphia. We like to get up here and blast Philadelphia, time and time again. Here is a time when I can say let us do something for Philadelphia, let us put three good judges to work.

Senator FUMO. Mr. President, I cannot understand the attitude of my Republican colleague from Philadelphia, Senator Salvatore, in wanting to block the confirmation of three eminently qualified individuals to judgeships in Philadelphia. In fact, Mr. President, these three people will be sworn in in January of next year because not only were they endorsed by both the Republican and Democratic Parties in Philadelphia, but they also won both primary elections, as was said by the lady from Philadelphia, Senator Schwartz. I never want to hear again any criticism whatsoever from that side of the aisle of Philadelphia and the way it handles its court system or the fact that Philadelphia has to let criminals out of prison because they cannot be tried. I heard for years the former Republican candidate for Mayor, the endorsed Republican candidate for Mayor and at the time the Republican District Attorney of Philadelphia, say how horrible it was that prisoners and people were being let out of jail, and he tried to blame Mayor Goode for that. But now, Mr. President, we see, in fact, the real reason why, and the reason why these people are not going to be confirmed has nothing to do with the criminal backlog of Philadelphia, even though it is great. It has nothing to do with whether or not we want to keep criminals in jail. It has to do with the petty political, partisan politics of the other side of the aisle. They are upset that the Supreme Court of Pennsylvania came in and fired an untold number of Republican hacks who were sitting in that system drawing paychecks for doing nothing, and this is their form of retribution. They have added arrogance to ignorance. They are slapping the citizens of Philadelphia in the face by going soft on crime and saying, we do not want judges to handle criminal cases because we are upset that some of our people got fired in the courts. Are they saying to me they are no longer fiscal conservatives, that they would rather Philadelphia throw away money down the toilet in that court system? Is that what they are saying to me? Are they upset that some relatives of their political party leaders lost their jobs and in return for that they are going to hold up the confirmation of these three judges? Then let the blood be on the hands of Senator Salvatore, and let the word go out today that he is the one who wants to let prisoners continually be released from the Philadelphia prisons because they cannot be tried. I never once again want to hear criticism from that side of the aisle about Philadelphia's mismanagement on anything because now you are the problem. You are the cause of the situation. It is not going to be our fault. It is your fault. I could

even understand this if these people were not, in fact, endorsed by their party, but the true fact of the matter was that they could not find enough qualified Republicans of their own to endorse. These are the only three people in the last election who won both primaries. I admit it is unfortunate they are all Democrats, but that is not my problem. We are supposed to be removing politics from the courts in Pennsylvania, not inserting it at this petty level. Let Senator Salvatore answer to the people of Philadelphia. Let Senator Salvatore answer to the people of the northeast when they open those prison gates in the northeast and let more of those people out because they, in fact, cannot be tried because we do not have judges. We will not have these judges because their hacks happened to have lost some ghost payroll jobs. Is that not a shame? Is this not a wonderful day for the Pennsylvania Senate's history where we are appalled by the fact that we have gotten rid of some political patronage in Philadelphia to the point that we now want to stymie the criminal justice system in that county? Is this not a wonderful day for our history? Again the Majority fails to recognize its responsibility to govern. Again the Majority still wants to play petty politics with the lives of Pennsylvanians, and I resent that as a Philadelphian because now you are messing with my county. I do not want my wife and children to be subject to abuse from criminals who are going to be left out on the streets because Senator Salvatore does not like the fact that some of his friends lost a job. I hope that it never happens, but I pray that his family is never abused by any of these criminals. Maybe they will not be, because he must live in a safer neighborhood, I do not know. But, Mr. President, this is a disgrace on this Senate. It is a black mark that we will not soon recover from, and I am appalled and angered by it. I would urge those Republicans on that side of the aisle who have some hope for humanity, who have some sense of justice, who have some sense of compassion, who have some sense of responsibility to ignore the request of the gentleman from Philadelphia and vote in the affirmative so we can have some judges who will be tough on criminals. That is the battle cry from over there. We have to get tough with crime. Well, you start by putting in enough judges so they can hear the cases. Now that we have a Democratic district attorney in Philadelphia, she is going to want to prosecute more cases, but she cannot find judges. Again, I apologize that you cannot find a Republican to run for that office, and I thank you for endorsing our Democratic candidate for that office as well, but, Mr. President, we need these judges. We have to have these judges. If not, criminals will continue to walk the streets of Philadelphia. That sin is not only on Senator Salvatore's hands but it is on the hands of everyone today who votes "no," regardless of where you come from, because when our prisoners get out of jail in northeast Philadelphia, they do not know the constraints of the Philadelphia boundaries. They might go into Bucks, Chester, Montgomery or Delaware Counties. They might even get on a bus and go out to Lancaster or Allegheny Counties. I warn you, protect yourselves. Give us the judges that we need and stop this nonsense.



Senator BRIGHTBILL. Mr. President, if you could turn the mike up a little bit of the gentleman from Philadelphia, we had a hard time hearing him over here. I would just say to the gentleman that he who is without sin shall throw the first stone. Now, I know the gentleman from Philadelphia, Senator Fumo, and I know Philadelphia is important to Senator Fumo and I know that he gets pretty excited about Philadelphia County. Well, Senator, I get pretty excited about the areas that I represent.

I pulled out a copy of the Legislative Journal dated April 3, 1989, and before the Senate was the question, Will the Senate advise and consent to the nomination of Scott D. Keller, Esquire, as Judge, Court of Common Pleas of Berks County? I got up and I recited the gentleman's qualifications. There were 27 "aye" votes and 21 "no" votes, and of the 27 "aye" votes there were two from Berks County. One was Senator O'Pake, who voted in the affirmative, and the other was Senator Brightbill, who voted in the affirmative. We needed a judge in Berks County. Well, let us see here. Let us look at this record and see where the Philadelphia delegation was and how concerned about crime in the street they were back on April 3, 1989. Let us look at the roll call here. Fumo, no. Senator Fumo, was that a "no?" That was a "no," Mr. President. When it came to Berks County and when it came to confirming a judge who was appointed by Governor Casey, who was endorsed by both parties, this was a "no" vote. Now, let us not—

#### POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, I object to the discussion on the floor right now by the gentleman from Lebanon, Senator Brightbill. It is not relevant whatsoever to the merit of the discussion about whether three judges in Philadelphia should or should not be confirmed. I think, Mr. President, the gentleman is bordering on the line of trying to impugn the character of Members of the Senate, and I think we should have some very strong instructions from the Chair as to how far you will allow the debate to wander.

The PRESIDENT. The gentleman's point is well taken. The issue at hand is the confirmation of several judges, four from the Philadelphia area, one from Delaware County and one from Dauphin County. It would be well advised for all to restrict their comments to the issue at hand.

Senator BRIGHTBILL. Mr. President, I am calm. You know, I have sat here for the last week and I have listened to Senator Fumo and I have not heard you tell him to calm down yet, have I? Maybe that admonition ought to be thrown around a little more frequently.

The PRESIDENT. If the gentleman would yield, the Chair would advise the gentleman from Philadelphia, Senator Fumo, to remain calm as well.

Senator BRIGHTBILL. Mr. President, at any rate, you know, I have been here eight and a half years and I have seen

judges knocked down time after time for whatever good solid reason Members have had for doing that, and I am not particularly proud to be part of the process but that is the process we have to engage in for whatever reason. When Senator Fumo and the Philadelphia delegation want to come forward and put that process aside, I will be here to welcome them with open arms. I have great respect for the Senator from Philadelphia. I think he is a bright and talented man, but I would suggest that, perhaps, to ignore the political history of this Chamber and stand up and make a speech as if this were a vacuum and this were the only time we have ever had these kinds of issues on nominations is, perhaps, unrealistic.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Williams. His temporary Capitol leave will be cancelled. Also, Senator Hopper is with us. His temporary Capitol leave will be cancelled as well.

And the question recurring,

Will the Senate advise and consent to the nominations?

Senator FUMO. Mr. President, before the gentleman from Lackawanna, Senator Mellow, had raised his objection I was ready to come to the mike, and I am still ready to come to the mike. In answer to the gentleman from Lebanon, Senator Brightbill, I do not recall during that debate on Mr. Keller that someone from that county got up and said the reason why he did not want them confirmed was because the Supreme Court had fired some people in his court system. I do not recall that in the record. In fact, I also do not recall that individual had at that time won both primaries. Mr. President, the situation and the facts are distinctly different, but I will enlighten the gentleman, Senator Brightbill, as to what happened back then. We did not confirm Mr. Keller because the Majority was holding up a Robert E. Simpson from Northampton County. And guess what we did, Mr. President, on April 19th of that year? We horse traded and confirmed both of them 49-0. If the gentleman wants to tell me that we can confirm these three people in three more weeks—because we will be here because of the budget I am sure—that is okay. They can wait three more weeks, but I do not ever recall Senator Brightbill or anyone else from that side of the aisle having the audacity or arrogance to get up and say, we do not want these people confirmed because the Supreme Court fired some of our friends from the court system. I understand politics. I understand horse trading.

#### POINT OF ORDER

Senator SALVATORE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia, Senator Salvatore, will state it.

Senator SALVATORE. Mr. President, I am not an arrogant man. I did not say anything with arrogance, and I did not say anything about firing any of my friends. I am trying to help the Supreme Court. They cut the budget. They are short of money. They do not have the staff. All I was trying to do

was be helpful. I did not get up here with any arrogance, and I would hope he would conduct himself as a person, like I try to act. I am not up here screaming at anybody and he is here screaming. I am going to have to go to a doctor to get my ears examined.

The PRESIDENT. The Chair accepts the protestations of Senator Salvatore and tends to agree. The gentleman from Philadelphia is dangerously close to impugning the motives of another Member of the Senate, and I would advise Senator Fumo to, again, remain calm.

Senator FUMO. Mr. President, I will withdraw the word "arrogant." In all deference to the gentleman, I did not think his skin was that thin, but I will withdraw that word and let the public be the judge of why and how and what is going on here.

#### POINT OF ORDER

Senator FISHER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, will state it.

Senator FISHER. Mr. President, I request that the Chair admonish the speaker to refrain from the personal attacks on another Member.

The PRESIDENT. The point of the gentleman from Allegheny is very well taken, and the Chair would instruct the gentleman from Philadelphia to restrain his comments to avoid personal references and to deal with the issue at hand which is the confirmation of the judges.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator FUMO. Mr. President, is the gentleman aware that three of these individuals, in fact, won primaries on both tickets?

Senator SALVATORE. Mr. President, yes.

Senator FUMO. Mr. President, is the gentleman aware then that barring some unforeseen circumstance such as death or natural disaster, that these individuals will be sworn in as judges in January of 1992?

Senator SALVATORE. Mr. President, yes.

Senator FUMO. Mr. President, is the gentleman aware that, in fact, when they are sworn in they will have staffs available to them?

Senator SALVATORE. Mr. President, I do not know.

Senator FUMO. Mr. President, I would then thank the gentleman for his interrogation. It is a shame he does not know the answer to that question, but I will give it to him. Yes, in fact, they will have staffs, Mr. President.

The PRESIDENT. Has the gentleman completed his interrogation?

Senator FUMO. Mr. President, I have completed my interrogation.

The Supreme Court, at my request, along with the Speaker of the House, did, in fact, come into Philadelphia and clean up the court system as best it could. In fact, it saved millions

of dollars and continues to try to do that. Mr. President, it was very clear when they came in and they have consistently stated publicly that they never ever will fire or get rid of the personal staffs of judges. There is money in the budget in Philadelphia to pay for the staffs of these three individuals that each judge will get, and that is, in fact, a law clerk, a tipstaff and a secretary. Mr. President, we all know that. The gentleman is playing games with this process. In fact, these judges could clearly and absolutely go a long way to reducing the criminal court backlog in Philadelphia if only the Republican Party would allow them to be seated now instead of in January. Now it is a shame, but if the gentleman wants to—I understand deals—I will go with him and we will both petition the Supreme Court to hire back a couple of people. He can give me a list and we will try. Just let him confirm these judges. There is too much at stake here to worry about the fact or be angry about the fact that Justice Papadakos came in and, I admit, he did make some disparaging remarks about the head of the Republican Party, Mr. Meehan, but he also made some about me and Mr. Brady, the head of the Democratic Party. We have to put that aside and get on with the business of governing, Mr. President. Now that is all I ask. I ask those Republicans on that side of the aisle, including Senator Brightbill, to join with us in the spirit that we joined with him on April 19, 1989 when we confirmed his judge, and others, 49-0. Today we could do it 50-0. Granted, you have legislative leave for the gentleman from Delaware, Senator Bell, who is busy in his district office, so we could actually confirm these people by a higher number. I will go with Senator Salvatore anywhere he wants to try and get the court to hire back anybody he wants. I do not know if we will be successful because that is the only objection he gave to me. He did not tell this Chamber that these people were not qualified. He did not tell this Chamber that these people were not going to be sworn in in January 1992. All he said was the Supreme Court, prior—

#### POINT OF ORDER

Senator SALVATORE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia, Senator Salvatore, will state it.

Senator SALVATORE. Mr. President, I resent the remarks that I am looking for jobs for my friends. That is what the gentleman is insinuating. I have made no reference to any jobs. I have made no reference to anybody, anybody in my family or any cousin or any relative, and the gentleman continues to say that I am looking to go to the Supreme Court to get a job back. We have had vacancies on that court. We have two vacancies that have been there for quite some time. I did not hear the gentleman say anything about those two vacancies.

The PRESIDENT. If the gentleman would yield. The Chair would agree with Senator Salvatore. The Chair did not hear in any of Senator Salvatore's remarks any particular reference to jobs or to his motivation other than wishing to help the Supreme Court. The gentleman from Philadelphia is taking

extreme liberties in guessing at the motivation of another Senator. It is improper and it is unacceptable.

Senator FUMO. Mr. President, could the Official Reporter then read back the remarks of Senator Salvatore concerning the Supreme Court and those jobs. The record speaks for itself. I never raised the issue of jobs.

The PRESIDENT. If the gentleman would yield for just a moment. The gentleman is entitled to appeal the decision of the Chair.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Loeper.

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Dawida, Senator Lewis and Senator Musto.

The PRESIDENT. Senator Fisher asks for temporary Capitol leave for Senator Loeper. Senator Lincoln requests temporary Capitol leaves for Senator Dawida, Senator Lewis and Senator Musto. The Chair hears no objection. The leaves will be granted.

And the question recurring,  
Will the Senate advise and consent to the nominations?

The PRESIDENT. The Chair recognizes for the conclusion of his remarks, Senator Fumo.

Senator FUMO. Mr. President, I do not believe I said I was ready to conclude yet, but maybe I will be. I had asked that the record be read back. Obviously, that is not the desire of the Chamber, but I think the remarks are very clear in response to the questioning and the interrogation of the lady from Philadelphia, Senator Schwartz. They, in fact, were the answers of the Senator from Philadelphia, Senator Salvatore. I did not raise it. I did not even ask the question. Now perhaps he is dissatisfied with his very own answer, but I cannot be responsible for that. He raised the issue, not I.

Mr. President, the fact still remains that we have not been given any reason whatsoever upon which to base a good decision as to whether or not these people should be confirmed. All we have are the protestations of Senator Salvatore for whatever reason he said in the record, and I think it is all very clear. He said it, not I, why we should not confirm these people today. I submit to this Chamber that the reason he set forth is, in fact, not valid whatsoever. In fact, it is one of the lamest excuses I have ever heard on this Senate floor, and I ask you to ignore his request and vote in the affirmative.

And the question recurring,

Will the Senate advise and consent to the nomination of Brydon H. Lidle, Jr. as District Justice?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—25

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate advise and consent to the remainder of the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—25

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

#### RECONSIDERATION OF EXECUTIVE NOMINATIONS

Senator WILLIAMS. Mr. President, I move that the Senate reconsider the vote by which the nominations of Frank W. Daly, Gary S. Glazer, Anne E. Lazarus, James Murray Lynn, Joseph A. Diorio and Brydon H. Lidle, Jr. were just defeated.

The motion was agreed to.

And the question recurring,

Will the Senate advise and consent to the nominations?

Senator WILLIAMS. Mr. President, not to add to the debate here, but it seems as though the issue being discussed is discussed on a personal basis, and I would just like to suggest to the Chamber, Republicans and Democrats alike, it is an issue of law and order. The request to approve these judges has no factor whatsoever to it at all whereby there would be any objection. The failure to act, to give Philadelphia a replacement for these three judges who have to mandatorily retire, is purely and simply an act of bold indifference to the safety of the men, women and children of Philadelphia of this Commonwealth. I cannot imagine how any political perspective or persuasion that has been uttered in the last 20 years does not mandate that at each and every juncture we provide the manpower and the protection for the public to "put

people away who belong away" or to mete out justice in a expeditious way. I do not know the motivations nor will I try to get into them of why there is any hesitation at all on these obviously mutually agreed upon, well-qualified people who will indeed take office a few months from now anyway, except some political agenda. But I urge a reconsideration by everyone here to submit ourselves to the uniform dictate that we all give lip service to. That is, that we want to protect our public, i.e., the Pennsylvanians of this Commonwealth against the sheer and awesome and overwhelming terror of everyday crime in and out of our houses. People who mug and rape our mothers, molest and abuse our children, hold up our stores, rife throughout the cities of this Commonwealth, and we can sit here and say that we have the luxury of, give us six or seven months. We do not care because all we do is put them into office and into operation. How callous are we? How unmindful are we? I am positive that we have not given any thought to that, but I remind us of all of the speeches laced with honey tongues and long hours of verbiage about how we want to and need to protect the public. They deserve that. Children deserve that. Neighborhoods deserve that. Women who are mugged and abused deserve that. The only way we can back that lip service with any degree of guarantee is to act, to vote, to say the least we can do is to put that manpower, not to add, but to replace manpower already gone. So, Mr. President, I would urge us to reconsider in a deliberate, sophisticated, profound and responsible fashion and not to let the urging of the well-driven emotion of the gentleman from Philadelphia, Senator Fumo, blind or distract us from the one very simple thing that faces us, and that is to just vote so that Pennsylvania and Philadelphia's people can have the simple protection of some disposition of all these criminal cases. In six months or so that is a lot of crime, Mr. President; in six months or so that is a lot of agony. In six months or so, Mr. President, that is a lot on our conscience, and so I urge us to vote in the affirmative on the reconsideration of this vote.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Corman.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Fumo, Senator Porterfield and Senator Stout.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Corman and that leave is granted without objection. Senator Mellow requests temporary Capitol leaves for Senator Andrezeski, Senator Fumo, Senator Porterfield and Senator Stout. The Chair hears no objection. Those leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair would also note the presence on the floor of Senator Loeper. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nominations?

The PRESIDENT. The Chair admits to being somewhat hasty in cutting the debate short in the first vote on this important issue and would offer the opportunity to any other Members who wish to speak on this issue now.

Senator FATTAH. Mr. President, not to prolong the debate but to add that there are some facts that I think we should take into consideration. Both sides here in the Senate have agreed that these judges are qualified. Both members of the political parties in Philadelphia in the primary voted these judges into office. Now we are faced with the postponement here of their confirmation. I think that is unfortunate. I think we need to look at the fact that as we look at the criminal backlog in Philadelphia, it has created a situation with many people because their cases are not being tried, and they are still able to commit additional crimes in the City of Philadelphia. I would not think we would want it on our conscience, this vote, so if there is some way the Majority Party could be persuaded to reconsider their position since we are reconsidering our vote here, I would think that would be wise. I do understand their prerogative in this matter, but I think that every reasonable fact would indicate that we should confirm these judges now so that their work can begin and so that we can live out our oath of office and our responsibility here in the Senate.

And the question recurring,

Will the Senate advise and consent to the nomination of Brydon H. Lidle, Jr. as District Justice?

The yeas and nays were required by Senator WILLIAMS and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—25

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

And the question recurring,

Will the Senate advise and consent to the remainder of the nominations?

The yeas and nays were required by Senator WILLIAMS and were as follows, viz:

## YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

## NAYS—25

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR RESUMED

## BILL ON THIRD CONSIDERATION AMENDED

**SB 2 (Pr. No. 1358)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LINCOLN, on behalf of Senator FUMO, by unanimous consent, offered the following amendment No. A1925:

Amend Sec. 4, page 4, line 27, by inserting after "Treasurer," who shall be a nonvoting member,

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, I am offering this amendment on behalf of the gentleman from Philadelphia, Senator Fumo, and my understanding is it is agreed to. On behalf of Senator Fumo, I would also like to thank the gentleman from Blair, Senator Jubelirer, for his assistance in bringing this about and the part that he played in this particular activity in the legislative agenda today.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Senate Bill No. 2 will go over in its order, as amended.

## BILL OVER IN ORDER TEMPORARILY

**HB 161** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

## LEGISLATIVE LEAVE

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Lemmond.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Lemmond. The Chair hears no objection. That leave will be granted.

## THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 386 (Pr. No. 399)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further establishing a duty to stop vehicles at accident scenes; and providing an exception from the duty for emergency vehicles.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 727** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 978 (Pr. No. 1387)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for tolling the statute of limitations.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I would only like to point out that Senate Bill No. 978 was the item of much discussion in our caucus, and I would like to bring just to the attention of the Members that is the bill number we are currently working on, since there has been some confusion and perhaps some Members who may not want to vote in favor of Senate Bill No. 978 and may want to consider it at this point in time. I just wanted to point that out.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams

## NAYS—2

Afflerbach Fumo

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

**SB 1053 and 1083** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1110 (Pr. No. 1425)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," regulating exclusions for certificates of authority to do business.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1118 (Pr. No. 1239)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the court regarding testamentary trusts; reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; providing for notice to beneficiaries and heirs; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights and limitations on rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; further providing for the execution, interpretation, effect, form, implementation and operation of powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; authorizing a bank or trust company to invest their fiduciary accounts in mutual funds which they service; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.



Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 1171** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1226 (Pr. No. 1389)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), entitled, as amended, "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," increasing the borrowing authority limit and eliminating a countersignature and conforming certain provisions.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### HB 161 CALLED UP

**HB 161 (Pr. No. 1469)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 161 (Pr. No. 1469)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; and providing a penalty.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?

Senator FISHER, on behalf of Senator CORMAN, by unanimous consent, offered the following amendment No. A1872:

Amend Sec. 1, page 1, line 9, by striking out "(C)(1)" and inserting: (b)

Amend Sec. 1 (Sec. 1338), page 1, line 14, by inserting a bracket before "(1)"

Amend Sec. 1 (Sec. 1338), page 2, line 5, by striking out the bracket before "OR"

Amend Sec. 1 (Sec. 1338), page 2, lines 5 and 6, by striking out the bracket after "OR" in line 5 and all of line 6

Amend Sec. 1 (Sec. 1338), page 2, line 7, by striking out the bracket before "(5)"

Amend Sec. 1 (Sec. 1338), page 2, line 7, by striking out "] (6)"

Amend Sec. 1 (Sec. 1338), page 2, line 8, by striking out the bracket before "OR"

Amend Sec. 1 (Sec. 1338), page 2, lines 8 and 9, by striking out "], (4) OR (5)"

Amend Sec. 1 (Sec. 1338), page 2, line 9, by inserting a bracket after "(5);"

Amend Sec. 1 (Sec. 1338), page 2, by inserting between lines 9 and 10:

(1) is blind;

(2) does not have full use of an arm or both arms;

(3) cannot walk 200 feet without stopping to rest;

(4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;

(5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(6) uses portable oxygen;

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;

(8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition; or



(9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

Amend Sec. 1 (Sec. 1338), page 2, lines 16 through 25, by striking out all of said lines and inserting:

(b) Handicapped parking placard.—On the initial application or renewal application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a handicapped person. [Such] When parking the designated vehicle, the handicapped parking placard shall be prominently displayed [on the right front dash of the vehicle when it is in use for the transportation of such person.] in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard. Placards may also be issued for use in vehicles when operated for the use and benefit of handicapped persons.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A1887:

Amend Title, page 1, line 4, by striking out "and providing a penalty." and inserting: making it unlawful to leave an unattended child in a vehicle; and providing penalties.

Amend Sec. 2, page 2, line 27, by striking out "A SECTION" and inserting: sections

Amend Sec. 2, page 3, by inserting between lines 28 and 29:

§ 3701.1. Leaving an unattended child in a motor vehicle.

(a) General rule.—A person driving or in charge of a motor vehicle may not permit a child under six years of age to remain unattended in the vehicle when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety or welfare of the child.

(b) Penalty.—A person who violates this section commits a summary offense.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator AFFLERBACH.

### RECONSIDERATION OF SB 978

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 978 (Pr. No. 1387)** — Senator REIBMAN. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 978, Printer's No. 1387, just passed finally.

The motion was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln	Robbins	

#### NAYS—3

Afflerbach	Fumo	Reibman
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SB 401 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 401, Printer's No. 426, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**HB 222, 401 and SB 465** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 521 (Pr. No. 1291)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the "Third Class County Assessment Board Law," prohibiting spot reassessment; providing for changes in valuation in certain cases; and further providing for appeals by persons who have suffered catastrophic losses to their property.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**HB 686** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL LAID ON THE TABLE

**HB 795 (Pr. No. 1553)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for enhanced penalty authority for publicly owned treatment works which are authorized to enforce industrial pretreatment standards for industrial waste discharges.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILLS OVER IN ORDER

**HB 840, SB 948 and HB 1020** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL LAID ON THE TABLE

**SB 1034 (Pr. No. 1322)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1905 (P. L. 312, No. 218), entitled "An act creating a Department of Health, and defining its powers and duties," further providing for the Secretary of Health; and making editorial changes.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL REREFERRED

**SB 1063 (Pr. No. 1385)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto;....," extending application of the act to landslides; adding and amending certain definitions; and further providing for premiums and for claims against the fund.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1109 and 1200** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 1207 (Pr. No. 1367)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring the Department of Public Welfare to provide a subsidy for child care for certain low-income families.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Andrezeski. His temporary Capitol leave will be cancelled.

#### UNFINISHED BUSINESS

##### REPORTS FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bills:

##### **SB 429 (Pr. No. 1427) (Amended)**

An Act providing for siting limitation on commercial hazardous waste incinerators near prisons, schools and other facilities housing concentrations of people; and requiring an emergency response plan.

##### **SB 1224 (Pr. No. 1399)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," permitting the drilling of water wells on State lands under certain conditions.

#### SENATE RESOLUTION

##### **REQUESTING THAT THE GOVERNOR DIRECT THE STATE TREASURER TO TRANSFER SUFFICIENT FUNDS FROM THE GENERAL FUND TO THE STATE LOTTERY FUND TO MAKE IMMEDIATE PAYMENT OF TOTAL AMOUNTS DUE SENIOR CITIZENS UNDER THE PROPERTY TAX AND RENT REBATE PROGRAM**

Senators LOEPER, HOPPER, HART, FISHER, ARMSTRONG, JUBELIRER, WENGER, SHUMAKER, BRIGHTBILL, MADIGAN, PETERSON, GREENLEAF, HOLL, CORMAN, PUNT, GREENWOOD, SALVATORE, RHOADES and HELFRICK offered the following resolution (**Senate Resolution No. 86**), which was read as follows:

In the Senate, July 2, 1991.

##### A RESOLUTION

Requesting that the Governor direct the State Treasurer to transfer sufficient funds from the General Fund to the State Lottery Fund to make immediate payment of total amounts due senior citizens under the Property Tax and Rent Rebate Program.

WHEREAS, The Casey Administration has deferred issuance of approximately \$113 million in property tax and rent rebate checks to some 370,000 senior citizens normally paid early in July; and

WHEREAS, Governor Casey has reported that there are inadequate funds in the State Lottery Fund to cover such payments; and

WHEREAS, The Governor is authorized by the act of August 22, 1961 (P.L.1049, No.479) to direct the State Treasurer to transfer funds from the General Fund to the State Lottery Fund; and

WHEREAS, The General Fund had a cash balance in excess of \$230 million and the State Lottery Fund had a cash balance in excess of \$60 million at the close of business on July 1, 1991; therefore be it

RESOLVED, That the Senate of Pennsylvania urgently request that Governor Casey direct the State Treasurer to transfer sufficient funds from the General Fund to the State Lottery Fund to make immediate payment of the total amounts due to senior citizens under the Property Tax and Rent Rebate program; and be it further

RESOLVED, That copies of this resolution be transmitted to the Governor, the State Treasurer and to the Secretary of Revenue.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 86, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 86.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, we have just been handed a copy of the resolution prior to us coming on the floor, and have not really had an opportunity to discuss it in our caucus earlier today.

#### RECESS

Senator MELLOW. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Democrat caucus.

The PRESIDENT. Senator Mellow has requested time for a brief recess for a Democratic caucus. For that purpose, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

The Senate has before it Senate Resolution No. 86.

And the question recurring,

Will the Senate agree to the motion?

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Stapleton and Senator Williams.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Andrezeski, Senator Stapleton and Senator Williams. The Chair hears no objection. The leaves will be granted.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lemmond. His temporary Capitol leave will be cancelled. Also on the floor with us is Senator Fumo. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, yesterday the Governor saw fit to hold a news conference to really talk about the budget impasse and the budget situation we are all facing here in the Commonwealth in trying to resolve a spending and revenue plan to put into place for the fiscal year 1991-92. But in that news conference the Governor put at the top of his list people who are being affected by the budget problem as those senior citizens throughout Pennsylvania. The Governor maintained that the checks for property tax and rent rebate pro-

grams could not be issued, and that is not a decision that is driven, in our view, by the availability of dollars. Rather, Mr. President, it is a decision that was made because it is viewed that the Governor is trying to create a crisis and particularly to utilize different groups across this Commonwealth who can be affected by the budget crisis, and particularly yesterday he targeted senior citizens at the top of his list. Mr. President, it is our view that decision the Governor made should be quickly reversed, and I believe by the action we can take here today, we will be in a position to try and reverse that decision. I think it is important if we look at the property tax and rent rebate program, it would take \$113 million. That is the amount that is needed in order to issue the checks to each senior citizen who expects a property tax and rent rebate check during the early part of July. Currently there is over \$60 million that is allocated to the Lottery Fund and available in the Lottery Fund, and in addition to that there is another \$230 million that is available in the General Fund, and each day, Mr. President, tax money continues to roll in. For example, yesterday alone the General Fund received more than \$20 million in revenues and today alone over \$18 million. In the last two days we have generated an additional \$38 million of revenue to the General Fund. The Governor, Mr. President, is empowered by law to direct the transfer of necessary funds in order to make payments. Certainly it would seem to us that given all the experience that this administration has gained in frantically shifting funds around during the fiscal year just concluded, this certainly should not be a difficult matter at all for them to transfer monies from the General Fund to the Lottery Fund in order that the property tax and rent rebates can be paid to our senior citizens in a timely fashion. It would seem much more prudent, Mr. President, instead of sending out 370,000 letters that were aimed to alarm our senior citizens and attempt to shift the blame for them not receiving their checks, the Governor should have sent the checks. It seems now the numbers show he clearly has the ability in order to pay those obligations to our senior citizens. It seems to me, Mr. President, by way of his press announcement yesterday and also the letters that had been mailed previously, the rhetoric creates a duty for the Governor to do so, to make that transfer to make sure the money is available in order that those checks can go out in a timely fashion. It is the intent of this resolution before us to urge him to do what is right for our senior citizens in Pennsylvania, and I would ask an affirmative vote for adoption of the resolution.

Senator FUMO. Mr. President, I have listened very intently to the remarks of the Majority Leader concerning this resolution, and I must honestly say this is just another Republican charade, another sham. If the gentleman is truly concerned about the senior citizens in Pennsylvania, all he has to do today is convene a meeting of the Committee on Appropriations, pass out a budget, whatever kind of budget he wants. It could even be a no-tax budget, and then pass it and all this stops. If the gentleman wants to add more spending to a no-tax budget, he can do that too today, and then he can go take the other bill sitting there, which is a tax bill already passed by

the House, and amend it to include any kind of tax he wants to pay for it. This is not going to do anything, Mr. President. He would probably accomplish a lot more by sending a letter to the Governor, by calling him on the phone or maybe even he would have accomplished a lot more if he would have answered the phone calls when the Governor called him weeks ago to tell him about this impending crisis. Doing this does nothing, Mr. President. Let me tell the gentleman, perhaps he does not know—again, I really wish his staff were more productive—what the money in those funds is currently being used for. The \$60 million already in the Lottery Fund is needed to keep the program running through July or else we will not have that money. You have to pay for the prizes or else we will all get arrested for mail fraud, maybe. You have to be able to pay for the PACE program and the other programs that are being offered, such as the shared ride program, and you have to administer the programs. That is what that \$60 million is earmarked for. In addition, the other \$230 million that the gentleman talks about and the other \$38 million that we have collected in the last two days is being paid as follows because we do not have a budget. He fails to recognize his irresponsibility and his unwillingness to lead and govern because he is in the majority. What he fails to recognize is that money is currently being used to pay cash assistance, the same thing he passed a supplemental for the other day that we did not need. That money has to be paid and it is being paid at the rate of approximately \$5 million per day. He also has to pay the mandated medical assistance programs that are already budgeted, \$100 million in one payment and \$50 million in another payment just this month. Lastly, he scheduled to make payments of \$250 million to school districts, payments that were not able to be made in June because we did not have the money. If the gentleman is sincere in his choices, because that is what budgets are, they are choices, and if he is that worried about the senior citizens, and if he is willing to put them ahead of school districts, medical assistance and cash grants, then he ought to say so, because just to say I want to spend \$113 million on this program or any other is a fairy tale.

Mr. President, at this time I rise to offer an amendment that I do not sincerely believe in, but I do believe in being accurate and I believe in choices, and what the gentleman is saying to me is that he wants that money used for that, so I would now like to offer amendment A1954 that I am sure the Majority Party will openly and quickly embrace.

And the question recurring,

Will the Senate agree to the motion?

Senator FUMO offered the following amendment No. A1954:

Amend First Resolved Clause, page 2, line 6, by inserting after "program": , so that use of the funds for payments under the Property Tax and Rent Rebate Program will have priority over use of the funds for payments to school districts, public assistance payments and medical assistance payments, as proposed by the Governor

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, what this says is that on page 2, line 6, after it states:

"RESOLVED, That the Senate of Pennsylvania urgently request that Governor Casey direct the State Treasurer to transfer sufficient funds from the General Fund to the State Lottery Fund to make immediate payment of the total amounts due to senior citizens under the Property Tax and Rent Rebate program..." You now must say if that is your true intent, as follows: "so that use of the funds for payment under the Property Tax and Rent Rebate Program will have priority over use of the funds for payments to school districts, public assistance payments and medical assistance payments, as proposed by the Governor." If the gentleman is sincere in wanting something done, he has to make a choice today. He has to say openly before the entire Commonwealth that he wants senior citizens paid, which is a very admirable goal, but he wants them paid over people receiving cash grants and assistance, despite his supplemental budget of the other day, over medical assistance payments, despite his supplemental budget he passed the other day, and over the money already used for school districts that need it, which he continually cries the blues about that we have not paid. This is a game of choices. You pay one or the other when you have a budget. That is the essence of the word "budget." I submit if the gentleman is really serious, he will withdraw this resolution, stop this folly and pass a budget. If he wants to continue the charade, I guess we are mandated to participate to some degree. We offer this amendment and hope he is not hypocritical enough not to adopt it. I guess tomorrow, Mr. President, we will have another resolution urging that we pay the State Police, and maybe another one after that urging that we pay prison guards, and then we will get down to the more liberal people like the social services workers or whatever. But the way to do it, Mr. President, is for the Majority to exercise the awesome power it has by being in the majority and by understanding its equally awesome responsibility to govern by, in fact, today, not tomorrow, today putting on this floor a budget, either with or without the need of taxes, and a revenue bill for taxes if, in fact, it is needed. That is what the Majority is charged to do under our Constitution, nothing less. The people out in Pennsylvania cannot eat the paper this resolution is written on. They need hard currency to buy food, not paper. Mr. President, I urge the Majority to get serious. First, I urge them to adopt this amendment, but I would rather that they just stop all of this nonsense, withdraw the resolution and call us back to the table and tell us they are ready to talk about a real budget.

Senator LOEPER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator LOEPER. Mr. President, can the gentleman tell us whether, in fact, public assistance payments have been made since June 30th?

Senator FUMO. Mr. President, it is my information that they are in the process of being made, and I do not know specifically if they have been mailed out yet, but it was my information—and I conveyed that to the gentleman the last time we talked about the budget—that, in fact, the State Treasurer had agreed to start mailing out those checks. They had been processing them prior to that. So, as far as I know they are, in fact, being mailed or will be mailed shortly if they have not yet been mailed.

Senator LOEPER. Mr. President, could the gentleman tell me if those public assistance payments as outlined in his amendment were processed for both those individuals who are recipients for aid to families with dependent children as well as general assistance recipients in violation of the law?

Senator FUMO. Mr. President, I cannot tell him whether or not it is in violation of the law. Certainly someone will have to bring an issue into the courts if he finds it necessary to determine that, but I can, in fact, tell him that, yes, both cash grant recipients and people receiving Aid to Families with Dependent Children are, in fact, being paid. If the gentleman has a problem with the law on that issue, I suggest he take it to the courts.

Senator LOEPER. Mr. President, is the gentleman aware that the State Treasurer already went to court in order to try to get a determination, a declaratory judgment, whether, in fact, that was the case?

Senator FUMO. Mr. President, I was not aware of that action.

Senator LOEPER. Mr. President, it is my understanding that action has been taken. Can the gentleman tell me about medical assistance payments and where he has that scheduled in his amendment and whether, in fact, medical assistance payments are currently being processed and paid by the State Treasurer?

Senator FUMO. Mr. President, it is my understanding that those checks are, in fact, being processed, but they have not yet been paid, but they are budgeted to be paid in the amount of \$100 million, and I think there is a second cycle after that during this month of an additional \$50 million that is due.

Senator LOEPER. Mr. President, that is all I have on the interrogation. I thank the gentleman. I would like to speak to the amendment, however.

Mr. President, I think when we take a look at what the issue is before us today, we also have to reflect somewhat on the history of the state Lottery Fund and why we find ourselves in the position that we do today. Maybe if we reflect a little bit, almost a year ago, a little past a year ago today, we would see where the Budget Secretary and this Governor used a first quarterly payment of the 1990-91 Lottery Fund to balance the budget for last year. I think, Mr. President, when we talk about why the Lottery Fund may be short, it is some of those fiscal maneuvers once again that were done to balance a budget last year to find ourselves shortchanging our senior citizens of Pennsylvania this year. It is our view that there is a continuous revenue stream coming into both the Lottery Fund as well as to the General Fund on a daily basis. As I indicated

earlier, there is almost \$20 million a day that has been generated just in the last two days into the General Fund which will more than cover the public assistance payments and medical assistance payments, and, hopefully, with the Governor transferring funds from the General Fund to the Lottery Fund, we will have enough revenue to process the property tax and rent rebate payments.

As far as payments to our school districts, Mr. President, our school districts have not been used to getting a timely payment from this state for many a month. In fact, if we recall, in late spring we saw where school district payments were made at a lesser amount. They were transmitted electronically into various banks across this Commonwealth and any authority to process them was withdrawn the next day. That created many problems across this Commonwealth for school districts that had invested that money already and had to pull back those investments. Finally, Mr. President, a scaled down payment was made to those districts but certainly not in a timely fashion and actually cost the state more money because we are going to have to pay interest payments on that type of transfer.

So I think, Mr. President, rather than to sit here and debate the merits of the administration's fiscal policies, maybe what we should do is to ask the Governor to utilize funds that are available before him in order that he can process the rent rebate and property tax payments to our seniors, and I would ask for a negative vote on the amendment.

Senator MELLOW. Mr. President, just for a point of clarification, when the gentleman from Delaware, Senator Loeper, talked about a lottery raid, perhaps he should be reminded that it was his governor, who is the current Republican candidate for the United States Senate, who in three different budgets raided the Lottery Fund to a tune of some \$380 million. Had we continued along the plans and on the lines and along the budgetary propositions with regard to the lottery of Governor Thornburgh, the lottery would have been out of existence some four years ago. So I think it is important, Mr. President, that Senator Loeper really does set the record straight and point out the truth of the matter, that it was his governor, the former Governor of Pennsylvania, who is going to be a Republican candidate for the United States Senate, who went into the lottery to the tune of \$380 million. I only have to wonder and speculate, are we, in fact, today in a budget bind? Have we not been able to meet our constitutional mandate because, perhaps, they would like to drag this into the November election to try to protect their candidate for the United States Senate? I can only speculate, Mr. President.

Senator LINCOLN. Mr. President, I guess the longer I am around the legislative process, the less I learn or the less I seem to know. It really amazes me that someone with the intelligence of the Majority Leader who really articulates his position well, even when I do not agree with it I have to admit he does a really good job of articulating, how he can come before us with this tremendous amount of knowledge and know all the problems. He has been able to tell us every day we have



been in here a problem with the budget and with the Governor's ability to pay and do certain things. He has been telling us for some time now about a \$1 billion deficit and telling us about school districts not getting paid. He expressed his concern here Sunday evening by offering a stopgap that paid medical assistance and it paid our debt service. It paid our cash grants. He articulated very well Sunday evening of the reasons why there was such a sensitivity on his part to that issue. He came here today with this resolution asking the Governor to do certain things with whatever limited resources he admits are available, and I cannot imagine how he can all of a sudden have this information and articulate it so well and not realize that the solution is not in coming in with piecemeal efforts but to pass a budget. Very simply, a resolution which we are dealing with, but a resolution to the problem itself would be to pass the budget. It is July 2nd. We are almost 48 hours into a new fiscal year without a budget and here we are talking about a resolution that has absolutely no power and no weight in law, and the resolution is, I think, so meaningless that it was not even called and it was not even introduced as a concurrent resolution. Yet we talk about a resolution that is going to try to direct the Governor in how he would spend whatever limited dollars are still available. We have a caucus on that side of the aisle that has acknowledged all these problems, and every time the Governor has tried to do something to solve them, such as in the transfer of PIDA funds, you had a Member of your caucus, the gentleman from Butler, Senator Shaffer, write a letter to the PIDA board threatening them with the illegality of the action they took and that there was a consequence he might pursue, which would be to go to court. That jeopardized \$200 million in payments to our school districts several weeks ago. We had a higher education resolution which the Governor had requested from the State Board of Higher Education, and the gentleman from Delaware, Senator Loeper, who is a member of that board, vociferously argued against using any of those funds to solve the problem. I just do not understand why anyone possessing that kind of intelligence and that kind of information and has the ability to stand before this Body and articulate those particular issues could not be using those same efforts and that same intelligence in talking to us about voting 50-0 for a budget plan which would solve all the spending problems in Pennsylvania, and we would not have to be here in July doing this. I would ask that the resolution be amended in the manner in which the gentleman from Philadelphia, Senator Fumo, is asking, and then we will deal with the resolution after the amendment has either passed or failed.

And the question recurring,  
Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator HOPPER. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator ANDREZESKI. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator PECORA. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator FUMO and were as follows, viz:

#### YEAS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	LaValle	O'Pake	Stewart
Bodack	Lewis	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida	Lynch	Scanlon	

#### NAYS—27

Armstrong	Greenwood	Lemmond	Robbins
Baker	Hart	Loeper	Salvatore
Bell	Helfrick	Madigan	Shaffer
Brightbill	Holl	Pecora	Shumaker
Corman	Hopper	Peterson	Tilghman
Fisher	Jones	Punt	Wenger
Greenleaf	Jubelirer	Rhoades	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate adopt the resolution?

Senator JONES. Mr. President, I do not talk too much on the floor in the Senate, and I am very sorry I have to rise now. I am totally disgusted. I feel a lot of hurt in my heart that we as grown men and women are forced to sit here and indulge in this stupidity and foolishness. I certainly feel it is very wrong to pit one group of people against another. I think it is just a deliberate excuse not to do what we should be doing, and I rise to speak against this resolution.

Number one, I think I am in pretty good shape to stand and speak on this because I was in touch last week, as many of you might have known, with the welfare recipients who are going to be affected, and that problem was solved, whether it is legal or illegal. No one on the other side brought a case against the Treasurer. So I want to say I am very happy that checks did go out today. So you have to do whatever you feel you have to do, but I am here to tell you that senior citizens, as a rule, most of them fortunately do get their Social Security checks as opposed to an AFDC mother and a general assistance recipient not having anything on the first of the month. They might get food stamps. That is a federal program, however, they could not pay their rents and other necessities. I can tell you I am in touch, and I have been in touch with the senior citizens. They were invited out to demonstrate with us last Friday and, if you noticed, they did not come out. Do you know why? Because they themselves would have rather seen little babies have necessities and those welfare mothers have the checks to take care of their needs and certainly the homeless people. I would say to you all that I beg of you, put yourselves in a senior citizen's place. You were talking about the Governor raiding another pot to give them some money. How would you like to be played upon? I wish the gallery was full of them

today, and if you all do not look out and get down to some serious business, you are going to have a great surprise next week.

I would urge everybody here to vote against this so-called resolution that does nothing.

Senator LINCOLN. Mr. President, the effort we are seeing put forth here today reminds me of a stretch bikini that the young ladies wear at the beach. There is not much to it but it covers a whole lot, and that is what they are talking about doing here today. On Sunday we heard the Republican Majority in this Senate talk about their sensitivity to paying cash grants and a couple of other things they did in that stopgap, and I really do not place that much importance on what is in it other than today they are taking the same dollar bill and they are stretching it to cover the senior citizens. Tomorrow, probably, we are going to take the same dollar bill and take it off the senior citizens, and I do not know who we will give it to tomorrow, maybe the schools. Maybe on Thursday they will pick hospitals and on Friday maybe they will go back to medical assistance. They are going to try to cover bases, I guess, with the same dollar every day and every day and every day. My experience in dealing with some very decent people in the Republican caucus and people who I have had differences of opinion with but I always had a great deal of respect for, they are stretching that respect almost to the point now of covering a lot with a little bit. I think if we continue to be called in here to do these kinds of things, we all, Democrats and Republicans, are going to even look more foolish than we have in the first 48 hours of this fiscal year. We have a responsibility, both of us. We have an obligation, both of us. We have to have the will and the determination to quit trying to make political gain and quit trying to blame the other side and do it. The Majority in this Senate has been in that majority position for 11 years and, unfortunately, the longer they are in the majority the more they seem to abuse and forget their responsibilities. This is really a foolish thing you are doing. It is silly. You cannot on Sunday say you want to pay certain people right off the bat with stopgaps before the budget even expired, and then on Tuesday, with no more money available, in fact less money available than what was available on Sunday, now you are going to be able to send your letters out and your press releases to all your senior citizens and tell them, we took care of you. We told that stinking Governor he ought to take the money and spend it on sending you your checks. That just is absolutely abominable and it should not be done. The longer you continue to do this and refuse to stop and look at the responsibilities and the irresponsibilities of your actions, we are going to see a deeper and deeper hole being dug by those of us here in the General Assembly. We are going to see less and less respect from outside of this General Assembly for those of us who serve here, and you are going to have a greater time explaining to and having those constituents of yours who you are ignoring accept what you finally do to solve the problem. Let us get to it. Let us get a bill on the Calendar before us that is a budget. Let us, all 50 of us, make some determination as to what we want to spend in Pennsyl-

vania during this fiscal year, the one we are in right now that we do not have a budget for, and then let us take a look at whether we need additional revenues, and if we do, let us do it together with the Republican Majority doing what they are supposed to do, lead. But do not continue to lead us down the path of destruction rather than up the path to where we will have some, at least, moderate respect from the people we represent. I can tell you that I am starting to believe less and less that we deserve any respect whatsoever.

Senator FISHER. Mr. President, I have great respect for my friend and colleague from Fayette County. We have served together for 17 years, and we have been through a lot of budget battles. But as I sat here and I listened to the debate, some of the comments he made, and listened to the Governor's press conference yesterday, I just see once again more and more distortions being put on this record, and I cannot sit by and see these distortions continue to come forward without at least trying to correct them on this record. This whole budget season, which really started back July 1, 1990, has been one series of distortions. We know the big distortion was when the Governor told Auditor General Hafer during that debate last October that the \$1 billion deficit was nothing more than a figment of her imagination. Well, we knew that distortion was, in fact, incorrect because it ended up being, perhaps, a \$3 billion distortion, but it was something that was not appropriately acknowledged at the time. What we have here today with the issue and the debate brought forward by the gentleman from Fayette, Senator Lincoln, is he talks about that same dollar being spent here, being spent there. That is not the case, and he knows it is not the case. Let us just look at the Lottery Fund. I looked in my wallet here as this debate was going on. I have six lottery tickets which I bought this week. I know one thing, I never win at the lottery. I have not won in so long I do not know why I keep buying these lottery tickets, but there is \$6.00 that went into that Lottery Fund. There is a heck of a lot more that is going in every day to the Lottery Fund, and, yes, some people are luckier than I am and are winning a little bit, but because we have a fairly well-run lottery, there is more money coming in and there is a net gain each day. So there is money being added to that fund. The people who pay taxes, the people who are out spending their money and paying sales taxes, that money is being remitted. It is coming into the General Fund. The fact that we do not have a budget does not mean the merchants out across this Commonwealth stop collecting sales taxes. Six percent is coming in. It came in yesterday. It is going to come in today. It is going to come in every day in July and August and the rest of this year. Other taxes continue to come in. So let us not say we are talking about the same dollar. There is a cash balance in the Lottery Fund. There is a cash balance in the General Fund. There is a cash balance in the Motor License Fund and it is going to continue to grow. What we are really talking about here today with this resolution is once again trying to correct that record and trying to correct some of those distortions which were put out there yesterday. Governor Casey says we cannot pay the senior citizens. Well, we can



pay the senior citizens. The money is there. That is what this resolution is calling upon the Governor to do. He said in his press conference yesterday that you cannot pay medical assistance payments. Well, that is in conflict with the opinion that his own general counsel gave to the Treasurer last Friday that says medical assistance payments can be made. Then he went on and he said that you cannot pay the state employees this Friday and the following Friday. Well, it is an administrative code provision that says that those state employees are entitled to be paid for work done in the past fiscal year. Let us get away from these distortions. Let us recognize that there are certain things we can continue to do as we continue to debate this budget. The budget is one issue, but the ongoing obligations of this Commonwealth are another issue. It is high time we faced those obligations, and one obligation we clearly have is to make those payments to the senior citizens. I know senior citizens out there who need that money, and I think with the money there in the Lottery Fund and the other money in the General Fund, that money ought to be paid. That is why we should send a signal of what the desire of the Senate is by the passage of this resolution.

Senator MELLOW. Mr. President, the gentleman from Allegheny, Senator Fisher, just said we should debate the budget. Perhaps that was a slip on his part and he did not mean to say that. There are 24 Members on this side of the aisle, Mr. President, who could not agree with him more. We think we should be debating the budget and not another phony document that has been presented by your Majority. Mr. President, I am also getting a little sick and tired of hearing all this nicety, nicety stuff, about how everyone respects everyone else and about how I am so happy to be here and I respect my fellow colleagues so much. Mr. President, I think the truth of the matter is there is little respect for the people who are represented outside of this building. Perhaps if we had the same type of respect for the 230,000 plus constituents each and every one of us represent, we would be doing something to go ahead and to resolve our differences and to go ahead and to resolve and to start to work on a budget. Before the gentleman from Delaware, Senator Loeper, talked about a crisis, he said of Governor Casey, "The Governor is trying to create a crisis." Well, I think I really have to ask the gentleman a question. Who is really trying to create the crisis? Is it an individual who submitted to this Body on February 6th, some five full months ago, a budget and a tax proposal and asked for its consideration? Is that the person who is trying to create a crisis? Is it a gentleman who sat with us in negotiations and has stated publicly that there is nothing we can do to resolve a budget until, in fact, we have a crisis? Is that the person, Mr. President, who is trying to create a crisis or is it the Governor of the Commonwealth of Pennsylvania who has been able to present to us a budget, who has been able to go ahead and to reevaluate and readjust a budget that he presented to us? He took the initiative last week and said that people who need cash grants and people who are on public assistance will, in fact, receive their benefits. The welfare recipients will receive their money. Is that the person,

Mr. President, who is trying to create a crisis? So I think we really have to ask ourselves the question as to what is happening here and really who is trying to create and continue the problem we have today. Mr. President, to what extent are people prepared to go ahead and to continue with this desperation that is being proposed by the Majority? At what extent, Mr. President, are we going to be prepared to stop it? It is obvious that the gentleman from Delaware, Senator Loeper, who has been elected to lead his Majority in the Senate, has been elected to lead in the Senate. And it is obvious that they have no program. If they had a program we, in fact, today, hopefully, would be dealing with such a thing. Just two days ago we had the opportunity of being forced down our throats the passage of a stopgap proposal, House Bill No. 1321 I believe was the number. That stopgap proposal went a long way in expending the same type of money that the Majority party in the Senate today wants to do by resolution. Just two weeks ago we heard from the Governor of the Commonwealth, and he said to us, and he said to all the people of Pennsylvania, that if we do not have a budget passed on time, the property and rent rebate checks that should be mailed to the senior citizens in the first week of July would, in fact, not take place. As a follow-up to that, Mr. President, the Majority Leader of the Senate sent a letter to the Governor and he asked the Governor if, in fact, a partial payment of those particular funds could be made. On June 18th Senator Loeper received a reply back from the Secretary of Revenue. That reply specifically stated as to the reasons why a partial payment for property tax and rent rebates was not possible, and it stated the way the gentleman from Philadelphia, Senator Fumo, reported before, that this money that is there must be used to take care of the administration of the fund, it must be used for administrative costs and it must be used to go ahead and pay for some of the very important programs, such as shared ride and especially the pharmaceutical program which we all think is extremely important. So, Mr. President, why do we not today talk about full payment of the budget? Why do we not today deal with a budget on the floor of this Senate, and what is the reluctance on the part of the Majority to go ahead and to report a budget to the floor of the Pennsylvania Senate? They know full well we cannot pass any type of tax anticipation notes. They know full well, without a balanced budget, one that is passed and signed by the Governor, that the investors on Wall Street will not allow us to go ahead to issue tax anticipation notes if, in fact, our Constitution will allow us to do that. Mr. President, as they assert not only in this resolution today but in the stopgap, and as in the statements made by the gentleman from Allegheny, Senator Fisher, if we can go ahead and if we can plan at once, pay state employees, pay cash assistance, pay for the medical providers, give them their reimbursements and go ahead and make the rebates to our senior citizens, then we probably should do what the Republicans in this Senate want us to do and we should take their advice since we have resolved the problems, and we should take off the July 4th holiday and we should go on vacation somewhere and not be here to do the

job that we have been elected to do. But, Mr. President, we cannot do that. We no longer can take these half-baked measures of proposals that they want us to deal with. It is about time that we deal with the budget. It is now July the 2nd. We are two days beyond that constitutional mandate, the law of Pennsylvania that states we must pass a budget in balance by July 1st. It is incumbent upon the leadership of Pennsylvania in the Republican Party in the Senate to present a budget on the floor of this Body, on the floor of this Chamber so we can be working on it and not a feebly produced resolution that is meaningless in nature and, by and large, accomplishes absolutely nothing. So, why do we not put the charades away for awhile. Why do we not forget about the talk about all the respect that we have for one another. Why do we not show some respect for the people we represent, show some respect to the constitutional mandate and to the oath of office we said we would uphold, and let us do our job and have a vote right here on the floor of the Senate about a budget and about a tax package to fund that budget and let us get on with doing the job.

Senator FUMO. Mr. President, I listened with great interest as the gentleman from Allegheny, Senator Fisher, raised the issue of distortion. Quite frankly, I think Senator Fisher should look at his own remarks yesterday and today when we talk about distortion. Yesterday Senator Fisher read to us what he told us was Article III, Section 10 of the Constitution, which was the reason upon which he based his entire argument that this Senate was powerless to act until the House sent us a bill. If you want to hear blatant distortion, let me read you the whole Section 10. Mr. President, Section 10, as Senator Fisher said, reads, "All bills for raising revenue shall originate in the House of Representatives..." and then he stopped. But there is a comma, not a period. What he failed to tell us and the public was the rest of the sentence. The rest of the sentence reads, "...but the Senate may propose amendments as in other bills." That is the end of Section 10, not where he conveniently chose to stop reading. Mr. President, there is a bill here, as I have said before, House Bill No. 185. It is a bill from the House. It is a tax bill from the House. If he is truly worried about the constitutional requirements, as he should be, all he has to do is comply with Article III, Section 10, the whole section, not just the one he conveniently read to us, and amend it and put in whatever tax he thinks we need to pass whatever budget they want to pass. When you talk about distortion, that act is the height of hypocrisy.

Mr. President, also when we talk about distortions, the gentleman from Allegheny, Senator Fisher, clearly said that this Commonwealth is collecting money every day. Well, let me give him a simple addition lesson. As was said by the Majority Leader in the beginning of the debate on this resolution, the Commonwealth has collected \$18 million one day and \$20 million the other day. That is an average of \$19 million a day. If we multiply that times the 30 days in the month of June—31 days in July but we will do 30—we come up with the number of \$600 million. As I clearly indicated to the other side of the aisle, which they did not listen to because they failed to adopt

our amendment, \$250 million is already scheduled for payments we owed last year to the school districts. That is \$250 million. The gentleman from Delaware, Senator Loeper, of course, does not care about school districts anymore because he said they are being paid late anyway. What the heck, let us continue to pay late. But regardless of that, \$250 million is being used for that. The \$150 million, as was said, in compliance with the so-called stopgap resolution or budget they tried to pass the other night, is for cash grants, and that is \$5 million a day times 30 days which is \$150 million more. We also made reference to the fact that there is \$150 million this month to be paid to MA, and when you add that up, lo and behold, it equals \$600 million. But, those of you might say, well, gee, we are collecting \$19 million a day, how come we cannot come up with \$113 million? Well, again we come back to another area of distortion that Senator Fisher mentioned. He said the budget deficit last year was \$1 billion and this year it is \$3 billion. That is absolute distortion. The budget deficit of last year is \$460 million. There is no budget deficit for this year yet because we do not have a budget. As I have said on this floor many times before, the Republican Party in this Chamber could very clearly decide to act in what they usually consider to be in the interest of the citizens of Pennsylvania and have a no-tax budget. Then there would not be any numbers needed for this year. But there is no \$3 billion deficit, and there was never a \$1 billion deficit. But let us get back to the \$467 million real deficit that we all know is there and we all agree is there. That is a bill we have to pay, and we have to continue to pay that. There are state employees who are going to continue to get checks in the month of July to pay them for work that they performed in the month of June. That is part of that \$467 million. So if we take the current balance of \$230 million and we apply it to that, we still need another \$237 million to pay off last year's bills. Mr. President, simple addition is what it is and a budget is what it is. What they are saying in this resolution is, we love senior citizens, and we all do. They are like motherhood and apple pie. I have a father who is 84 years old. We all love senior citizens, and, yes, they are entitled to their checks. But, this Constitution we happen to live under and the laws we happen to live under clearly mandate that we have to pay off our deficit. Also, Mr. President, if they want that to be done before we pay off the school districts, say so. If you want it to be done before we pay off medical assistance, say so. If you want it to be done before we pay off cash grants, say that too. As the gentleman from Fayette, Senator Lincoln, said, it is the stretch bikini. But the fat lady in this picture you are making up is so fat she will never fit in it. It does not expand that far, it snaps. Simple arithmetic clearly indicates that you cannot have it both ways. One and one equals two. To put it another way, two and two equals four. Those numbers add up. We do not have the luxury of our brethren at the federal level to do deficit spending. We have a constitutional obligation to pass a balanced budget and to live within it. If, in fact, you want to help the senior citizens and if, in fact, you want your bleeding hearts to be satiated, then let us pass a budget that not only

takes care of the senior citizens of Pennsylvania, but also takes care of all of our needy, all of the people who work for us and all of the people who rely upon those people. Stop this charade. But if you are going to participate in a charade, do not distort the facts. If you do not understand the facts, go to that productive staff of yours—I wonder where they are—and ask them what the facts really are. I admit to you when you do that—because I have a lot of confidence in your staff—you may get answers you do not like. Your staff may not allow you to be hypocritical. Then you will really be lost. In essence, Mr. President, let us stop the nonsense. Let us stop the distortions. Let us heed the admonition of Senator Fisher and let him heed his own admonition. Stop the distortions. Let us pass a budget today and not nonsense, but I submit you do not have the courage on that side of the aisle. You have yet to own up to the responsibility that goes along with your power. Someday you will pay for that, someday soon maybe.

Senator PETERSON. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator PETERSON. Mr. President, if I heard the gentleman correctly a few moments ago, he said the real deficit, the total deficit, was \$467 million. Did I hear him correctly?

Senator FUMO. Mr. President, for fiscal year 1990-91 that is the closing deficit.

Senator PETERSON. Mr. President, then does he mean that if someone would give the state \$467 million, the state could pay every bill that was due and should have been paid by June 30th?

Senator FUMO. Mr. President, it would pay, to my knowledge. Obviously, the way the gentleman asked the question in his conspiratorial fashion, he might have a different answer, but to my knowledge, if someone gave us \$467 million, that would pay off the deficit.

Senator PETERSON. Mr. President, you are saying that all our vendors would be paid, our hospitals would be paid up to date, our nursing homes, our school districts, our universities, all of the contractors and vendors in this Commonwealth that we presently owe would be paid up to date if we had 467 million extra dollars?

Senator FUMO. Mr. President, that is after we net out our accounts receivable from our accounts payable. Yes, that, in fact, would happen, but there is a netting-out that is necessary to do that.

Senator PETERSON. Mr. President, then why did the Governor state a few weeks ago that we needed to pass the budget by the 15th of June so he could immediately go to the market for tax anticipatory notes of \$1.7 billion?

Senator FUMO. Mr. President, now I understand what the gentleman is driving at and perhaps he needs a lesson in economics and finance. What the Governor said was that he wanted to pass the budget on June 15th in order to avoid the type of crisis we face today so that he could, in fact, float tax anticipatory notes for cash flow. What occurs—and the gen-

tleman should be aware of this and, quite frankly, I am glad he raised the issue because this is another serious problem we are going to have to address in future budgets, although I doubt if you are in the mood to do it this year—is that we sign onto a budget early on in the process. The money comes in and, as was said, at this point in time it is coming in at the amount of \$19 million a day at this cycle. We all know that in April when we get the bulk of our taxes coming in from CNI, PIT and all the other taxes that are out there, that brings in a lot more money than the daily cash flow. In order to properly manage your money, you float tax anticipatory notes to pay all the expenses that you have during the months when you need those notes, and then as money comes in, you pay them off. Then at the end of the year everything balances out. That is the way that works. It is not that we need tax anticipatory notes to pay off back monies. We, in fact, will probably have to do that but it is not what it is for. Tax anticipatory notes are exactly what the word describes. They are notes which are loans that you get in anticipation of taxes being received. That is the way it works, and you pay it off with current revenues as they come in. Now the problem we are starting to face in the Commonwealth, Mr. President—and this is after eight years of Thornburgh's rocket scientists, financial geniuses that they were—is that more and more each year we are having to rely on tax anticipatory notes, and as a result we are paying much more interest to borrow that money for cash flow. What we really should do if we have the courage in this Chamber is to adopt a budget with probably more taxes than we need so we can get out of the cash flow situation and go forth into the future and save the interest payments, but I do not know if we want to get into that now or not, but I am prepared to do it if you are.

The PRESIDENT. Senator Peterson, I trust he has answered your question.

Senator PETERSON. Mr. President, he said a lot. I thank the gentleman.

I would like to make a few comments. It is interesting to note that there are those who purport there is a \$467 million deficit. I have read in print again and again from Governor Casey's statements that he needed to immediately go to the TAN's market for \$1.7 billion. Historically we borrow in October and November. Just two years ago—I am going strictly on memory here—I think we borrowed the most we ever borrowed and it was less than \$1 billion. Last year, if my memory is correct, it was \$1.3 billion or \$1.4 billion. That again was in the fall, in October and November, our normal borrowing time, and now we are talking about going out immediately to the market. We were going to go in June, if it was made available, and borrow \$1.7 billion and then have to go back to the market probably again in the fall. We would not be borrowing that kind of money if our deficit was only \$467 million, in my opinion.

You know, there were a lot of statements made here today and one that keeps coming up on the floor, and I do not know how the Attorney General continues to get so involved in state business. He has been out of here a long time. I remember

when the chairman of the Committee on Appropriations used to just love to beat him up over having his name on TV all the time because of commercials, and Bob Casey made Dick Thornburgh look like a piker on the same issues, and I never heard any complaints about that. But it was interesting today that we again got back to the Attorney General being part of the problem we now face here. What is it, five or six years later? I do not know. It seems to me we are really reaching for the problem. But let us look at a few of the facts. It is my opinion, and this is strictly my opinion, whether you liked Dick Thornburgh, whether you liked his policies, whether you liked his looks or whether you liked him or not, history is probably going to prove that he was the best fiscal manager Pennsylvania ever had. Now tough fiscal management was not common in state government. A lot of people did not like it. Now that we have been out of the Thornburgh Administration for five years, it is the opinion of many out in the bush, people who are working in programs, people who are managing state offices and work for the Commonwealth that maybe this administration will go down as the worst fiscal manager that Pennsylvania has ever had, and yet the problem keeps being put back.

Take the lottery for instance. When predictions were saying that our lottery was going to run out of money years ago, through tough management, through good practices, our lottery was one of the best run lotteries financially in the country. What has happened to the cost of running the lottery in the last four years? A ten percent increase per year, which would be 40 percent? No. In a four year period the cost of running the lottery has increased 45 percent. That is money being utilized for all kinds of things rather than paying benefits to our senior citizens. New games keep the lottery alive. I was told you need a new game every 18 months or a minimum of every two years. We are just now coming on with a new game, the first one in four years. It is true that this administration has allowed the lottery's management to deteriorate, its expenses to rise and has not provided us with the income to provide adequate funding for our programs. We talked about robbing the lottery. I have heard that again and again and again about who robbed the lottery. Now this is not going to please a lot of folks, but it is a fact. We are still robbing the lottery, in my view, for mass transit in Pennsylvania. I fought the bill in the House a number of years ago that forces the lottery to pay every time a person transfers, and at the time when I fought the bill in the House a fee on the average mass transit was \$1.00 and a transfer was a dime. What do we reward mass transit for a transfer? A full fare. The average person transfers twice, I am told, in mass transit, so they get three fares for one ride and two transfers. That is happening today, at this very moment. Where do we get the figures upon which we pay mass transit for lottery use by senior citizens? Is it an actual count? No, it is not an actual count, it is an estimate. I am told it is taken on the day after Thanksgiving, which is the heaviest use of the year, someone takes a count, and that is multiplied by 365. Then you add to that the demand response program that is paid out of the lottery. It

was not an urban program, but PennDOT changed the rules several years ago. It used to be if you lived within a quarter of a mile of mass transit you could not use demand response. Well, we just waived that rule. Now you can live with a bus stop in front of your house. You can call a cab and get paid for it by the lottery under the demand response program. In the cities we pay \$11.86. In rural Pennsylvania where this program was begun we get \$4.00 and something as our cap. That is a robbery of the lottery probably in the two programs together that is worth, if my memory is correct, \$60 million to \$80 million that goes on each and every year, money that should be in the lottery to pay for programs.

Now let us move on just a little bit further here to why we are here tonight instead of passing a budget. It has been interesting to watch the Governor and others point fingers. I watched this process when tax increases were needed a number of years ago, when I was a Member of the House. I was a Member of the Majority and we had the opportunity to raise taxes—never easy, never fun—and when we got our act together with the Governor as the Majority Party we put our program through. Why are we sitting here today? Why did we not have negotiations yesterday? Why did we not have negotiations today? Because the Democrats left the table. How do you solve a problem if you do not negotiate? How do you solve a problem if you do not talk? Why are the Democrats not talking to the Republicans and why have they walked away from the table? Because they have not been able to cut a deal with their Governor. They are not in agreement with the Governor and until they are in agreement with the Governor they really cannot deal and make an agreement with us. So they are going to point the finger. They are going to say we are the bad guys. They are going to say we are holding up the budget when, in fact, they have not been at the negotiating table. I think it is time to cut the rhetoric. I think it is time the Democrats in Pennsylvania sit down with their Governor, get their game plan together, sit down with the Republicans, negotiate a budget and then we will work together to fund it. Until that happens we are going to sit here and spin our wheels, point the finger, and try to make each other look like the bad guy. I urge the Democrats in the Senate and the House to sit down with this Governor. I know that is not easy. I know he is not easy to negotiate with. But it is time to do it. Make your peace with him, sit back down to the table with us and let us negotiate a budget and get on with the business of Pennsylvania.

Senator FUMO. Mr. President, I am very happy the gentleman has clearly demonstrated why the gentleman from Montgomery, Senator Tilghman, is the Chairman of the Committee on Appropriations and not him. The Governor talked about borrowing enough money to handle \$1.7 billion in that month, simply because of the fact we do not have cash because we have a deficit. As I have said on this floor the other day, and perhaps if the gentleman would listen a little more carefully to my remarks that go unchallenged, he would understand the budget process. Mr. President, I say again today that this Commonwealth spends approximately \$1.7



billion each and every month. As we drag on without a budget, that money is not being pumped into our economy. That is why the Governor wanted to get this done, so there would not be any interruption in the cash flow so we can pay the month of July's bills of \$1.7 billion a month, then accumulate some cash, pay off the deficit and gradually get through the process. It is a circular thing. That is why it is \$1.7 billion, because you need that much each and every month. Mr. President, as the person who walked out of negotiations, it was me, and me alone. I want to tell the gentleman why. The gentleman and I know he is very fiscally conservative except when it comes to rural programs, but I know he is very fiscally conservative. He would have been appalled at the way his colleagues and us and everybody else were spending money in there. I was appalled too because we were not talking about the money to pay for the money we were spending. He would have walked out too. Mr. President, when he talks about Dick Thornburgh, the true motives of the Majority now come out. When he talks about Dick Thornburgh being a tough fiscal manager and talks about this administration not being that, I submit that history will tell us who, in fact, was what. Mr. President, Dick Thornburgh was a sham and a charade from day one. I remember sitting in hearings with the gentleman from Delaware, Senator Bell, when he too mocked the battle cry of that administration, that they were going to do more with less. In fact, I think it was Senator Bell who took my quote and said that means doing nothing with nothing. That is how great fiscal managers they were. When they left, they left this Commonwealth in a shambles—programs underfunded, people needed in Environmental Resources to protect our environment, people needed in the Insurance Department so that rates could be kept down, people needed in the Department of Agriculture so it could run properly. All they did was conduct a charade for eight years and, Mr. President, they raised taxes to do that. Then what did they do on their way out the door? They lowered the taxes so that the next guy who came in did not even have as much as they had to fund a budget that was underfunded when he came in. Do not tell me about fiscal management. They were the biggest bunch of bimbos ever to hit this town when it came to fiscal management.

Mr. President, let us talk about the Lottery Fund. The gentleman seems to indicate that we cry wolf about the Lottery Fund. It was Dick Thornburgh who raided that Lottery Fund for the first time, and again it was me, personally—and that is how I know it—who interrogated the gentleman from Montgomery, Senator Tilghman, on the floor when you were in the majority and you took out the first \$18 million. You broke the precedent. You took \$18 million the first time from that Lottery Fund and put it into the General Fund so you could try and balance your budget, and that began the insatiable attitude of Dick Thornburgh and the Republicans when it came to taking money out of the pockets of our senior citizens. It got to the point where over \$300 million was stolen by that raid from our senior citizens, and, ironically, that was the so-called surplus they left us with. Tell me about the Lottery Fund.

Now tell me about the astronomical increases. It is very easy to talk urban programs, but I suggest the gentleman is being very hypocritical when he fails to recognize that the biggest spender in that program is the PACE program. Why? Those rates have gone through the roof. Why? Because drug manufacturers are ripping us off, and the gentleman, Senator Peterson, is the biggest defender of that industry when he says we should not go after them, we should not demand as much money as the feds do. The Governor this year has asked for reforms in that Lottery Fund and he has asked that we go to those manufacturers and say, give us back \$40 million. But what do I get from that side of the aisle? You cannot hurt the poor drug manufacturers. We could only give you \$20 million. Let us cut a deal. Mr. President, if you only want \$20 million, do not come and tell me about expenses.

#### POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I have been sitting here listening to the diatribe of the gentleman across the aisle and it seems to me that he has personally attacked two Members on this side of the aisle by name without warrant, and I would suggest that he keep his remarks to the issue at hand.

The PRESIDENT. The gentleman's point is reasonably well taken, but the Chair would point out that the diatribe has come from both sides of the aisle and grows somewhat tedious, to be frank about it. The Chair would appreciate all speakers maintaining some decorum and focusing on the resolution at hand.

Senator FUMO. Mr. President, in answer to the gentleman's point of order, I would like to remind him that it was both of those speakers who raised the issues. It was never my intention today to discuss distortions, nor was it my intention to discuss the Lottery Fund's increased expenses, and it is a common acceptance in trial practice when someone opens the door, the other side is allowed to go in. I did not open the door. Your side did, Senator Loeper, and I truly regret that we have to talk about this tonight. I would much prefer to be here tonight debating a budget with you. You are the ones who decided to do this nonsense, not I, but do not castigate me when I speak the truth. Have I offended someone because I said they protect the drug industry? If that is offensive, I apologize. If that is offensive, then they should not protect them, I guess, and I guess we will have no problem in here, Mr. President, putting through a \$40 million savings to that Lottery Fund. The problem with the other side of the aisle on all of this debate is they are thoroughly perplexed because they cannot have it both ways. They cannot sit around and spend money and not tax. They cannot pass a no-tax budget because it cuts too much. They have to have somebody to beat up so they call the House irresponsible. Mr. President, the responsibility lies with those in the Majority who have not acted at all. The irresponsibility in this Chamber clearly lies with the Republican Majority who refuses to this very day to put on this floor a budget. The irresponsibility lies with the

Republican Majority who today, instead of putting on a budget, gives us stupid, irresponsible, hypocritical resolutions that do nothing. You sit here and fiddle while the economy of Pennsylvania burns. The last time we saw that was Nero in ancient Rome. Do not tell me I am out of order. You are out of order morally and legally. It is your responsibility to respond to the House budget and send them back something that works if you do not like it, or send them back something with a tax program. That is your responsibility, not to waste our time tonight with a stupid resolution that is put on for grandstanding. That is what we are talking about, responsibility. The clear responsibility of the Majority is to lead and govern, not to be obstructionists. That is what we are talking about. The clear responsibility of all of us who took an oath of office is to put aside petty politics and do what we are sworn to do, and that is to address the problems of the Commonwealth in a bipartisan or nonpartisan fashion. I recognize that harness is too heavy for you to carry, but I suggest sooner or later you are going to do it whether you like it or not, be it this month, next month, Christmas or next year. I remind you again that the last time this happened was when Shaffer was our Governor and you paid the price for it. You will pay again, because it is your responsibility to lead, your responsibility to govern. Unfortunately, it is ours to respond. If we were in the majority we would not be here tonight discussing this nonsense, we would be out of here with a budget passed. I urge you to wise up, own up to your oath of office and do what is responsible.

Senator LOEPER. Mr. President, just briefly, I think it is important we maybe set the record straight about one of many issues that have been brought before the Members this evening and that was when the gentleman from Philadelphia spoke. Tell me about the Lottery Fund, he said, tell me about the Lottery Fund. Let us talk about the raid of the Lottery Fund. Mr. President, I would just like to take a moment, just for purposes of the record, to indicate that I understand that the first major transfer from the Lottery Fund for General Fund purposes was a \$100 million transfer that was for long-term care facilities which was made as part of the Supplemental General Appropriations Act for the fiscal year of 1983-84. That was enacted on July 21st of 1983, and some of you may recall that a balanced dollar appropriation from the Lottery Fund as a set-aside for a program of paid prescriptions and medically related reimbursements was also made that year. Some may also recall that in 1983 it was Governor Thornburgh who substantially blue-lined the General Appropriations bill when it cleared the General Assembly that year on June 29th, and as a result the General Assembly returned to the budgetary table and deliberations and extensive discussions had followed. Finally, the House on July 14th of 1983 approved an amended Senate Bill No. 827. I think it is important to note that included in that bill were the Lottery Fund transfers that many of the Senators on the other side of the aisle have talked about this evening, the so-called raid on the Lottery Fund, as they would put it. Interesting enough, Mr. President, it is interesting to note that among the current

serving Members here in the Senate, the gentleman from Erie, Senator Andrezeski; the gentleman from Allegheny, Senator Bodack; the gentleman from Philadelphia, Senator Fumo; the gentlemen from Bucks, Senator Lewis; the gentleman from Fayette, Senator Lincoln; the gentleman from Lackawanna, Senator Mellow; the lady from Northampton, Senator Reibman; the gentleman from Allegheny, Senator Scanlon; and the gentleman from Philadelphia, Senator Williams, voted in the affirmative for that transfer. Also voting in the affirmative was then Senator Singel and, in addition to that, Mr. President, among the affirmative votes in the House were Representative Afflerbach, Representative Fattah and Representative Stewart. So I think when we talk about a raid on the Lottery Fund and the gentleman who is making the most noise on the other side of the aisle, if we look at history of this Body, he, in fact, was one of the pioneers in voting for that transfer.

Senator LINCOLN. Mr. President, I think what the Majority Leader did just now is the most incredibly stupid thing I have ever seen anybody do. I do not say that in a derogatory manner, but I cannot believe he would open up that issue when I remember being in that room right back there with the late Jim Lloyd, who along with the former Senator Singel, are responsible and more responsible and only responsible for the PACE program. They came up with that issue years before we finally forced the Republican Majority and Governor Thornburgh to accept it, and that was with a gun to our head that we finally put those votes up that night for the transfer of the lottery. We were told there would never be a PACE program by the Republican Majority and Governor Thornburgh if we did not go along with what was then the second transfer of the lottery, the second transfer of lottery funds. There was \$18 million done the first time. Then do you know how long it took Governor Thornburgh to finally enact that program that we agreed to with a gun to our head that night? Fourteen months went by before any money was spent in the PACE program and the very first check that was mailed out he held up in a TV commercial. I want to tell the gentleman from Venango, Senator Peterson, about the history. It is going to be written by impartial people, not somebody who feels as strongly about this as I do or somebody who feels as strongly as you do, and the only other case that I have to reference what people may or may not think about Dick Thornburgh is this: In 1982 the late John Heinz defeated Cyril Wecht by over a million votes. He was right at the top of the ticket with Dick Thornburgh—right there with him—and Thornburgh defeated a very little known and very much underfinanced candidate by the name of Allen Ertel by less than 90,000 votes. That is what the general public thinks of Dick Thornburgh and that is what the historians are finally going to realize and write. That PACE program is almost embarrassing to me, how difficult it was for us to get it and what we had to do to get it. The record will reflect that there were votes from this caucus to support that transfer simply because that was the only way of getting what we wanted. We were in the Minority. We had a program that had been put

forth by two very young men who were very, very interested in senior citizens and they did a tremendous job in getting that program in, but we paid the price. What happens after that? We go for four more years where the Thornburgh Administration took money from the Lottery Fund because at that particular time there was a surplus. Instead of saying, let us leave that in the bank like good administrators and maybe worry about a day whenever it may not be producing what it does now, no, no, we kept taking every year and funding General Fund programs. I would not have minded that, to be quite honest with you, but at the same time the Republican Majority in this Senate reduced corporate taxes, business taxes, and if you look over that four-year period of time, you will find that the Republican Majority here in the Senate in their actions reduced corporate taxes almost to the dollar what they took out of the Lottery Fund. You took from the backs and the sweat and blood of many of our parents, our aunts and uncles, our grandmothers, and you gave to business people. One year it amounted to \$14. The excuse we were given during the early to mid '80s—those of us who came from high unemployment areas because of Republican administrations in Washington and a Republican administration here in Harrisburg—was we are going to reduce the business taxes because they are going to reinvest and give us jobs. It is a funny thing, it never happened. All we did was give them a tax break, and we had to sell our souls to the devil to get a PACE program and to get anything else for our senior citizens. The record is something you cannot distort because you can get that Journal and look at the facts in the Journal. I remember very clearly the night we came out of there, all of us, with a very heavy heart because what we wanted was a PACE program, and the price we had to pay to get it was outrageous. So do not lecture me on what I voted for and what other people voted for. The lottery was almost destroyed and this administration has put back over \$100 million into that fund in the last four budgets, and if it was not for that \$100 million, you would not be standing here tonight talking about a stupid, meaningless resolution. You would have already passed a budget because we would really be in trouble right now.

Senator PECORA. Mr. President, we are going back into history. Most of this conversation does not pertain to the resolution we are discussing to vote upon. I must agree with the gentleman from Fayette, Senator Lincoln, though. Senator Lloyd was the first one who introduced the PACE program which I supported also. I think the conversation is getting out of hand. I think we are not doing our job here by going back in history, criticizing individuals, criticizing Members of this Senate. It does not give me the impression that we are really doing our job when we are criticizing each other, especially by name, instead of talking about the issue. The issue is the resolution, and I would appreciate it if we would stick to it and vote for it or against it.

The PRESIDENT. Actually the Chair appreciates the comments from the last speaker, and admits to allowing a wide berth in the discussion on the resolution today. The Chair's

hope now is to bring the discussion to a close so we can move on voting on this resolution.

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Shaffer, Senator Robbins, Senator Armstrong and Senator Hopper have been called to their offices, and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Shaffer, Senator Robbins, Senator Armstrong and Senator Hopper. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Will the Senate adopt the resolution?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

#### NAYS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Joseph W. Blume and to Keshava Rajagopal by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Harvey Kunkle by Senator Bortner.

Congratulations of the Senate were extended to Mary Helen Ruffin-James by Senator Fattah.

Congratulations of the Senate were extended to William Marks by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Hiram Miller, Mr. and Mrs. Adam Leshinskie, Mr. and Mrs. Joseph Fedorko, Mr. and Mrs. Chester Czarnecki and to Reverend Father Michael Slonecki by Senator Helfrick.

Congratulations of the Senate were extended to Dr. Philip F. Dunn by Senator Jubelirer.

Congratulations of the Senate were extended to Isabel Foley by Senator Rhoades.



Congratulations of the Senate were extended to Dr. Richard S. Evans by Senator Scanlon.

### BILLS ON FIRST CONSIDERATION

Senator STEWART. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 429 and 1224.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### COMMUNICATIONS FROM THE GOVERNOR

#### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

July 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 28, 1991 for the appointment of Edward Refice, 202 Mary Street, Apartment 23, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Landscape Architects, to serve until November 29, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul H. Lauer, Shavertown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF MAYVIEW STATE HOSPITAL

July 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 28, 1991 for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Frank L. Fontana, M.D., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### CORRECTION TO NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### JUDGE, COURT OF COMMON PLEAS, LUZERNE COUNTY

July 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated July 1, 1991 for the appointment of Correale F. Stevens, Esquire, Office of District Attorney, Luzerne County Courthouse, Wilkes-Barre 18711, Luzerne County, Fourteenth Senatorial District, as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement, should be corrected to read:

Correale F. Stevens, Esquire, 10 Hunter Road, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement.

### BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**HB 68, 146 and 554.**

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, JULY 3, 1991

10:15 A.M.	APPROPRIATIONS (to consider Senate Bills No. 899, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138 and House Bills No. 175, 185, 547, 1055, 1105, 1106, 1319, 1320, 1322, 1323, 1344, 1536, 1591, 1607 and 1644)	Room 461 4th Floor North Wing
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MONDAY, JULY 8, 1991

12:00 NOON	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1230 and any other business that comes before the committee)	Room 460 4th Floor North Wing
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**RECESS**

Senator LOEPER. Mr. President, it would be my intent now to move that the Senate do recess to the call of the President pro tempore, with the understanding that would probably be at 10:30 a.m. tomorrow morning.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator MELLOW. Mr. President, can Senator Loeper give us an assurance that sometime tomorrow we will be in Session?

Senator LOEPER. Mr. President, yes, it is the intention of the Majority to come back into today's Session approximately at 10:30 a.m. or a little thereafter tomorrow morning.

Senator MELLOW. Mr. President, that is fine. I thank the gentleman.

The PRESIDENT. At the request of the Majority Leader, without objection, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, July 3, 1991, at 10:52 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JULY 3, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 46

### SENATE

WEDNESDAY, July 3, 1991.

The Senate met at 10:52 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, we thank You for the faithful care that has brought us safely to the light of a new day. As we come to this Senate Chamber, we pray that Your Spirit would move in our midst in these hours and days of work, that we may succeed working together to accomplish what we all want, an adequate and fair budget. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 2, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**HB 175 (Pr. No. 2246) (Amended) (Rereported)**

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

**HB 1055 (Pr. No. 1198) (Rereported)**

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," increasing the debt authorization.

**HB 1591 (Pr. No. 2247) (Amended) (Rereported)**

An Act to provide appropriations to the Department of Public Welfare; providing for certain allocations therefrom for the

purpose of carrying out the Public Assistance Law for the year beginning July 1, 1991, for the payment of cash grants and medical assistance and expenses accrued or incurred prior to and remaining unpaid on June 30, 1991; providing to the State Treasurer for the purpose of paying salaries and wages of State officers and employees and other ordinary and general expenses in the interim between June 30, 1991, and August 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; providing appropriations for the fiscal year July 1, 1991, to June 30, 1992, from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, the State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; and to provide and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would ask for a legislative leave for today's Session for Senator Bell and temporary Capitol leaves for Senator Baker and Senator Jubelirer.

Senator STAPLETON. Mr. President, I would ask for legislative leaves for Senator Lynch and Senator Williams.

The PRESIDENT. Senator Loeper requests legislative leave for Senator Bell and temporary Capitol leaves for Senator Baker and Senator Jubelirer. Senator Stapleton asks legislative leaves for Senator Lynch and Senator Williams. The Chair hears no objection. Those leaves will be granted.

### CALENDAR

#### HB 161 CALLED UP OUT OF ORDER

**HB 161 (Pr. No. 2245)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 161 (Pr. No. 2245)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; making it unlawful to leave an unattended child in a vehicle; and providing penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jubelirer. His temporary Capitol leave will be cancelled.

### RECESS

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate, first for a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber and then to be followed by a Republican caucus in the Majority caucus room on the first floor, with an expectation of returning to the floor at approximately 12:45 p.m. to 1:00 p.m.

Senator STAPLETON. Mr. President, the Democrats will caucus immediately after the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, followed by Republican and Democratic caucuses, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 2 (Pr. No. 1428)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The President pro tempore. Mr. President, this is a very bright day in some very dark times that I am pleased to be able to support a piece of legislation that many people have been working on for several years. It means that we are going to be able to, if this legislation is passed and signed into law, keep Pennsylvania competitive to maintain a well skilled and well educated work force. Certainly higher education is an essential part of our state strategy, and a priority in recent years has been to boost the percentage of our young people pursuing some form of post secondary education. The tuition account program contained in Senate Bill No. 2 is designed to encourage more Pennsylvanians to pursue higher education and to earn a degree. By enabling and encouraging families to invest in the future of their children, we build for the future of Pennsylvania. Mr. President, based on the experience in other states and the advice of many people in this state, we have constructed a program that will work to the advantage of Pennsylvania families without putting the taxpayers at risk. The program has generated considerable interest on the part of parents and educators throughout Pennsylvania. Under this measure, savings are linked through a guarantee to tuition rates at state related schools or state system schools or community colleges. With money set aside over time, prospective students and their families are less likely to be discouraged from pursuing higher education. The savings effort of a family participating in this program would not diminish student eligibility for financial aid. The program does not detract from our commitment to funding the array of student assistance programs available through PHEAA, nor does it take away from our commitment to fund institutions of higher learning. Rather, it is adding to the means for providing educational opportunity. There is no single avenue for

meeting college costs. TAP, the Tuition Account Plan, will join with other proven and promising approaches to give Pennsylvania families more options and more incentive to plan for higher education of their children. There has been a great deal of input, Mr. President, a great deal of support from Republicans and Democrats, from the administration, from people in the Senate and elsewhere. I hope we can achieve approval of a measure that will be a victory for students for higher education and for a competitive Pennsylvania. With the passage of this measure, as I indicated, with the support of Republicans and Democrats from the House and the Senate and from the administration, I believe Pennsylvania will be poised to have the finest program of its kind in the nation. Thank you, Mr. President, and I thank all those who participated in making this day come forward.

Senator STAPLETON. Mr. President, I just want to commend the gentleman from Blair, Senator Jubelirer, and all those who worked so hard on this piece of legislation. Certainly all of us on this side of the aisle support this bill. We know the importance of tuition rates, to try to keep them at a minimum, and this is a step forward, and we are very pleased to be able to vote on it today. I ask all of this side of the aisle to certainly support Senate Bill No. 2.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**HB 521** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Baker. His temporary Capitol leave will be cancelled.

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL OVER IN ORDER TEMPORARILY

**SB 727** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

#### BILL OVER IN ORDER

**SB 1053** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1083 (Pr. No. 1200)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Lemmond has been called from the floor to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Lemmond. The Chair hears no objection. The leave will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 1171** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**HB 222, SB 401, HB 401 and SB 429** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 465 (Pr. No. 1402)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue of juvenile matters, for informal hearings and for disposition of dependent children.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**HB 686, 840, SB 948, HB 1020, SB 1109 and SB 1200** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 1224 (Pr. No. 1399)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," permitting the drilling of water wells on State lands under certain conditions.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## RECESS

Senator MELLOW. Mr. President, House Bill No. 1591 is a very important piece of legislation that we have not had the opportunity as a caucus of reviewing. At this time I would request a recess of the Senate for the purpose of a Democratic caucus.

Senator LOEPER. Mr. President, would the gentleman be able to indicate approximately what time he believes they would be available to return to the floor?

Senator MELLOW. Mr. President, I do not know. We have to adequately discuss the proposals of this particular piece of legislation. It appears, at least from the title, that it is another feeble attempt on the part of the Majority to pass a stopgap proposal when, in fact, they should be working on meaningful legislation which would mean the adoption of the 1991-1992 state fiscal budget so we can get along with the activities of the state and, therefore, it will take us a while in our caucus, Mr. President, to discuss the pros and cons of the possibility of considering another stopgap.

Senator LOEPER. Mr. President, I have no objection to the calling of a recess for a caucus. The only thing I would ask is that it is done in a relatively timely fashion so we can move the business of the Senate ahead with dispatch.

Senator MELLOW. Mr. President, we will show the Majority the same respect and courtesies they have shown us.

The PRESIDENT. For the purpose of a Democratic caucus to begin immediately, the Senate will stand in recess.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will come to order.

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1PREFERRED APPROPRIATION BILL  
REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1591 (Pr. No. 2247)** — The Senate proceeded to consideration of the bill, entitled:

An Act to provide appropriations to the Department of Public Welfare; providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the year beginning July 1, 1991, for the payment of cash grants and medical assistance and expenses accrued or incurred prior to and remaining unpaid on June 30, 1991; providing to the State Treasurer for the purpose of paying salaries and wages of State officers and employees and other ordinary and general expenses in the interim between June 30, 1991, and August 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; providing appropriations for the fiscal year July 1, 1991, to June 30, 1992, from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, the State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; and to provide and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment No. A1968:

Amend Bill, page 1, lines 7 through 31; page 2, lines 1 through 30; page 3, lines 1 through 17, by striking out all of said lines on said pages and inserting:

To provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State

Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

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## PART XIV. EFFECTIVE DATE

- Section 1401. Effective date.

Amend Bill, page 4, lines 4 through 30; pages 5 through 26, lines 1 through 30; page 27, lines 1 through 5, by striking out all of said lines on said pages and inserting:

### PART I

#### GENERAL PROVISIONS

Section 101. Short title.—This act shall be known and may be cited as the General Appropriation Act of 1991.

Section 102. Definitions.—The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Employees.” Includes all directors, superintendents, bureau or division chiefs, assistant directors, assistant superintendents, assistant chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, inspectors, examiners, analysts, statisticians, marshals, clerks, stenographers, bookkeepers, messengers and other assistants in any department, board or commission.

“Expenses” and “maintenance.” Includes all printing, binding and stationery, food and forage, materials and supplies, traveling expenses, training, motor vehicle supplies and repairs, freight, express and cartage, postage, telephones and telegraph rentals and toll charges, newspaper advertising and notices, public advertising by or through any medium, fuel, light, heat, power and water, minor construction and renovation, repairs or reconstruction of equipment, buildings and facilities, rent of real estate and equipment, premiums on workmen’s compensation, insurance premiums on policies of liability insurance, insurance premiums on medical payment insurance and surety bonds for

volunteer workers, premiums on employee group life insurance and employee and retired employee group hospital and medical insurance, payment of Commonwealth share of Social Security taxes and unemployment compensation costs for State employees, the purchase of replacement or additional equipment and machinery and all other incidental costs and expenses, including payment to the Department of General Services of mileage and other charges for the use of automobiles and rental payments for permanently assigned automobiles and of expenses or costs of services incurred through the Purchasing Fund. The term “expenses” also shall include the medical costs for the treatment of inmates of State institutions when the inmate must be transferred to an outside hospital: Provided, That in no case shall the State institution pay more for patient care than that provided under the State medical assistance program.

Section 103. Abbreviations.—The following abbreviations when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- “ADA.” Anti-Drug Abuse.
- “ADAMHSBG.” Alcohol and Drug Abuse and Mental Health Services Block Grant.
- “AFDC.” Aid to Families with Dependent Children.
- “ARC.” Appalachian Regional Commission.
- “BG.” Block grant.
- “BVS.” Blind and Visual Services.
- “CCDBG.” Child Care and Development Block Grant.
- “CSBG.” Community Services Block Grant.
- “DCSI.” Drug Control and Systems Improvement Formula Grant Program.
- “DFSC.” Drug Free Schools and Communities Act.
- “DOE.” Department of Energy.
- “ECIA.” Education Consolidation and Improvement Act.
- “ECIBG.” Education Consolidation and Improvement Block Grant.
- “EDA.” Economic Development Administration.
- “EEOC.” Equal Employment Opportunity Commission.
- “EPA.” Environmental Protection Agency.
- “EPCA.” Energy Policy and Conservation Act.
- “ESEA.” Elementary and Secondary Education Act.
- “FEMA.” Federal Emergency Management Agency.
- “FUTA.” Federal Unemployment Tax Act.
- “GED.” General Education Development.
- “HUD.” Department of Housing and Urban Development.
- “JTPA.” Job Training Partnership Act.
- “LIHEABG.” Low-Income Home Energy Assistance Block Grant.
- “LSCA.” Library Services Construction Act.
- “LWCF.” Land and Water Conservation Fund.
- “MCHSBG.” Maternal and Child Health Services Block Grant.
- “MH/MR.” Mental Health/Mental Retardation Services.
- “NCHS.” National Center for Health Statistics.
- “NPDES.” National Pollutant Discharge Elimination System.
- “NSF.” National Science Foundation.
- “PAFE.” Pennsylvania Agricultural Foods Exposition.
- “PEP.” Pennsylvania Employment Program.
- “PHHSBG.” Preventive Health and Health Services Block Grant.
- “PHRC.” Pennsylvania Human Relations Commission.
- “SCDBG.” Small Communities Development Block Grant.
- “SDA.” Service Delivery Area.
- “SSA.” Social Security Act.
- “SSBG.” Social Services Block Grant.
- “VA.” Veterans’ Administration.
- “YDC.” Youth Development Center.

Section 104. State appropriations.—(a) General Fund.—The following sums set forth in this act, or as much thereof as

may be necessary, are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive, Legislative and Judicial Departments of the Commonwealth for the payment of salaries, wages or other compensation and travel expenses of the duly elected or appointed officers and employees of the Commonwealth, for the payment of fees for contractual services rendered, for the purchase or rental of goods and services, printing, public advertising by or through any medium, equipment, land and buildings and for payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(b) State Lottery Fund.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from the State Lottery Fund to the several hereinafter named agencies of the Executive Department of the Commonwealth for the payment of fees for contractual services rendered, for the purchase or rental of goods and services and for payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(c) Pennsylvania Economic Revitalization Fund.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from the Pennsylvania Economic Revitalization Fund to the several hereinafter named agencies of the Executive Department of the Commonwealth for the payment of fees for contractual services rendered, for the purchase or rental of goods and services and for the payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(d) Energy Conservation and Assistance Fund.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from the Energy Conservation and Assistance Fund to the several hereinafter named agencies of the Executive Department of the Commonwealth for the payment of fees for contractual services rendered, for the purchase or rental of goods and services and for the payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(e) Judicial Computer System Augmentation Account.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from the restricted receipt account established within the General Fund, known as the Judicial Computer System Augmentation Account, to the Judicial Department of the Commonwealth for the payment of fees for contractual services rendered, for the purchase or rental of goods and services and for the payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(f) Emergency Medical Services Operating Fund.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from the Emer-

gency Medical Services Operating Fund to the several hereinafter named agencies of the Executive Department of the Commonwealth for the payment of fees for contractual services rendered, for the purchase or rental of goods and services and for the payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(g) The State Stores Fund.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from The State Stores Fund to the hereinafter named agency of the Executive Department of the Commonwealth for the payment of fees for contractual services rendered, for the purchase or rental of goods and services and for the payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(h) Motor License Fund.—The following sums, or as much thereof as may be necessary, are hereby appropriated from the Motor License Fund to the hereinafter named agencies of the Commonwealth for the payment of salaries, wages and other compensation and travel expenses of the duly elected or appointed officers and employees of the Commonwealth, for contractual services and other expenses necessary for the proper conduct of the duties, functions and activities for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(i) Aviation Restricted Revenue Account.—The following sums, or as much thereof as may be necessary, are hereby appropriated from the Aviation Restricted Revenue Account in the Motor License Fund to the hereinafter named agencies of the Commonwealth for the purposes set forth herein for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

(j) Hazardous Material Response Fund.—The following sums set forth in Part X, or as much thereof as may be necessary, are hereby specifically appropriated from the Hazardous Material Response Fund to the several hereinafter named agencies of the Executive Department of the Commonwealth for the payment of fees for contractual services rendered, for the purchase or rental of goods and services and for the payment of any other expenses, as provided by law or by Part X, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Section 105. Federal augmentation appropriations.—The following Federal augmentation appropriations set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from the Federal augmentation funds to the several hereinafter named agencies of the Executive and Judicial Departments of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991. Unless otherwise stated, the appropriations include any carryovers from the prior fiscal year.

Section 106. Job Training Partnership Act appropriations.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby appropriated from the Job Training Partnership Act (JTPA) funds to the several herein-

after named agencies of the Executive Department of the Commonwealth for the payment of the expenses of implementing and carrying out the program stated herein for the fiscal year beginning July 1, 1991.

Section 107. Block grants.—(a) Appropriation.—The following sums set forth in this act, or as much thereof as may be necessary, are hereby specifically appropriated from the block grant (BG) funds to the several hereinafter named agencies of the Executive Department of the Commonwealth for the purposes, and under the restrictions, for which the funds are provided for the fiscal year beginning July 1, 1991.

(b) Small Communities Development Block Grant.—The Small Communities Development Block Grant (SCDBG) is to assist small cities and communities that have a high concentration of impoverished citizens and substandard housing to expand their low and moderate income housing opportunities and to meet community development needs.

(c) Community Services Block Grant.—The Community Services Block Grant (CSBG) is to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. In addition, new focus may be placed on the unemployed, both old and new. Local agencies may lower their eligibility requirements for recipients to three months to allow greater flexibility to assure proper consideration of each recipient.

(d) Education Consolidation and Improvement Block Grant.—The Education Consolidation and Improvement Block Grant (ECIBG) will be used for the administration and provision of education programs in accordance with the requirements of the Omnibus Budget Reconciliation Act of 1981 and the 1988-1989 reauthorization of ECIA Chapter 2 funds.

(e) Preventive Health and Health Services Block Grant.—The Preventive Health and Health Services Block Grant (PHHSBG) is for the provision of preventive health and other health services related to emergency medical comprehensive public health, hypertension, fluoridation, health education, risk reduction, home health, rape crisis and rodent control.

(f) Maternal and Child Health Services Block Grant.—The Maternal and Child Health Services Block Grant (MCHSBG) is to assure mothers and children access to quality maternal and child health services, to reduce infant mortality and the incidence of preventable disease and handicapping conditions among children, to provide rehabilitative services for blind and disabled individuals under the age of 16 receiving Supplemental Security Income benefits and to provide medical services for children with crippling conditions.

(g) Alcohol and Drug Abuse and Mental Health Services Block Grant.—The Alcohol and Drug Abuse and Mental Health Services Block Grant (ADAMHSBG) will be used for the administration and provision of drug and alcohol abuse services and community mental health services in accordance with the requirements of the Omnibus Budget Reconciliation Act of 1981.

(h) Low-Income Home Energy Assistance Block Grant.—The Low-Income Home Energy Assistance Block Grant (LIHEABG) is to help lessen the impact of the high cost of energy on low-income families and individuals.

(i) Social Services Block Grant.—The Social Services Block Grant (SSBG) is for the provision of social services to eligible persons.

(j) Child Care and Development Block Grant.—The Child Care and Development Block Grant (CCDBG) is for the provision of direct child care or to increase the availability of child care for low-income families.

PART II  
GENERAL FUND AND FEDERAL  
APPROPRIATIONS  
FOR 1991-1992  
SUBPART A

EXECUTIVE DEPARTMENT

Section 201. Governor.—The following amounts are appropriated to the Governor: Federal State

For the Office of the Governor: including the maintenance of the Governor's Home, the expense of entertainment of official guests and members of the General Assembly and the Judiciary, participation in the Governor's Conference, the expenses of the Executive Board and the payment of traveling expenses of persons other than employees of the Commonwealth appointed by the Governor to represent or otherwise serve the Commonwealth.

State appropriation..... 6,167,000

Section 202. Executive Offices.—The following amounts are appropriated to the Executive Offices: Federal State

For the Governor's Action Center.

State appropriation..... 294,000

For the Office of Administration.

State appropriation..... 3,806,000

For the Inspector General.

State appropriation..... 1,392,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Inspector General:

(1) "State Odometer Enforcement Support."

Federal appropriation..... 20,000

For the Office of the Budget.

State appropriation..... 24,993,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Office of the Budget:

(1) "JTPA - Program Accountability."

Federal appropriation..... 600,000

For the Integrated Central System.

State appropriation..... 3,701,000

For the Pennsylvania Human Relations Commission.

State appropriation..... 7,274,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Pennsylvania Human Relations Commission:

(1) "EEOC - Special Project Grant."

Federal appropriation..... 1,550,000

(2) "HUD - Special Project Grant."

Federal appropriation..... 140,000

For grants to the arts.

State appropriation..... 10,000,000

The following Federal amounts are appropriated to supplement the sum appropriated for grants to the arts:

(1) "National Endowment for the Arts - Basic State Grant."

Federal appropriation..... 700,000

For the Council on the Arts.

State appropriation..... 669,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Council on the Arts:

(1) "National Endowment for the Arts - Administration."

Federal appropriation..... 50,000

For the Pennsylvania Commission for Women.

State appropriation..... 304,000

For the Pennsylvania Energy Office.

State appropriation..... 1,462,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Pennsylvania Energy Office:

(1) "DOE - Energy Extension Services."

Federal appropriation..... 189,000

(2) "State Energy Conservation Plan (EPCA)."

Federal appropriation..... 442,000

(3) "Institutional Conservation Program."

Federal appropriation..... 205,000

(4) "Heating Oil and Propane Program."

Federal appropriation..... 20,000

For the Juvenile Court Judges Commission.

State appropriation..... 547,000

For the Crime Victim's Compensation Board.

State appropriation..... 549,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Crime Victim's Compensation Board:

(1) "Crime Victims' Payments."

Federal appropriation..... 385,000

For the State Health Facility Hearing Board.

State appropriation..... 176,000

For health care arbitration panels.

State appropriation..... 526,000

For the Public Employee Retirement Study Commission.

State appropriation..... 490,000

For payment of ceremonies in recognition of the Distinguished Daughters of Pennsylvania.

State appropriation..... 6,000

For the Pennsylvania Commission on Crime and Delinquency.

State appropriation..... 1,990,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Pennsylvania Commission on Crime and Delinquency:

(1) "Plan for Juvenile Justice."

Federal appropriation..... 150,000

(2) "Offender-Based Transaction Statistics."

Federal appropriation..... 7,000

(3) "DCSI - Administration."

Federal appropriation..... 358,000

(4) "DCSI - Program Grant."

Federal appropriation..... 18,524,000

For the Office of General Counsel.

State appropriation..... 1,556,000

For payments of grants to political subdivisions to assist in the improvement of juvenile probation services.

State appropriation..... 3,483,000

For the Milrite Council.

State appropriation..... 249,000

For Labor-Management Committees.

State appropriation..... 780,000

Section 203. Lieutenant Governor.—The following amounts are appropriated to the Lieutenant Governor:

Federal State

For the Office of the Lieutenant Governor, including payment of expenses of the residence at the Edward Martin Military Reservation.

State appropriation..... 655,000

For the Board of Pardons.

State appropriation..... 229,000

Section 204. Attorney General.—The following amounts are appropriated to the Attorney General:

Federal State

For general government operations of the Office of Attorney General.

State appropriation..... 10,452,000

The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:

(1) "State Medicaid Fraud Control Units."

Federal appropriation..... 2,609,000

(2) "Middle Atlantic - Great Lakes Organized Crime Law Enforcement Network."

Federal appropriation..... 3,000,000

For Civil Law Enforcement, which includes the entire Civil Law Division of the Office of Attorney General, but not including the Office of Civil Law Director, The Eastern Regional Office and the Western Regional Office

State appropriation..... 11,452,000

For Public Law Enforcement, which includes the entire Public Protection Division of the Office of Attorney General, but not including the Office of Public Protection Director.

State appropriation..... 4,813,000

For trials resulting from indictments by multicounty grand juries.

State appropriation..... 320,000

For Drug Law Enforcement.

State appropriation..... 14,326,000

The following Federal amounts are appropriated to supplement the sum appropriated for drug law enforcement:

(1) "Clandestine Lab Model."

Federal appropriation..... 190,000

For local drug task forces.

State appropriation..... 2,093,000

Section 205. Auditor General.—The following amounts are appropriated to the Auditor General:

Federal State

For the Department of the Auditor General for auditing, annually, periodically or specially, the affairs of any department, board or commission which is supported out of the General Fund, district justices, other fining offices, Volunteer Firemen's Relief Association Funds and the offices of elected State officials and for the proper auditing of appropriations for or relating to public assistance, including any Federal sums supplementing such appropriations. The Auditor General shall submit, to the Majority Chairman and the Minority Chairman of the Appropriations Committee of the Senate and the Majority Chairman and the Minority Chairman of the Appropriations Committee of the House of Representatives, by February 15, 1992, a list of all audits performed between February 1, 1991, and

January 31, 1992, broken down by the department, board or commission audited, the bureau which performed the audit, whether the audit was current or in backlog, and the cost incurred for each audit.

State appropriation.....	33,403,000
For the Board of Claims.	
State appropriation.....	1,237,000
For transfer to the Supplemental State Assistance Fund for Municipal Pension System State Aid.	
State appropriation.....	16,407,000
Section 206. Treasury Department.—The following amounts are appropriated to the Treasury Department:	
For general government operations of the Treasury Department.	
State appropriation.....	15,243,000
For the Board of Finance and Revenue.	
State appropriation.....	1,390,000
For support of the Council of State Governments to be paid to the order of the Executive Director of the Council of State Governments who shall file an accounting of such expenses with the Auditor General.	
State appropriation.....	145,000
For support of the Great Lakes Commission and the Great Lakes Council of Governors to be paid on requisition of the commissioners and the Executive Director of the Great Lakes Council of Governors who shall file an accounting with the Auditor General.	
State appropriation.....	76,000
For support of the National Conference of State Legislatures to be paid on requisition of the Executive Director who shall file an accounting with the Auditor General.	
State appropriation.....	154,000
For the Council of State Governments, Lexington, Kentucky, in trust for the State and Local Legal Center, Washington, D.C.	
State appropriation.....	8,000
For support of the Education Commission of the States to be paid to the order of the Executive Director of the Education Commission of the States who shall file an accounting of such expenses with the Auditor General.	
State appropriation.....	77,000
For support of the Governmental Accounting Standards Board to be paid on requisition with an accounting to be filed with the Auditor General.	
State appropriation.....	40,000
For support of the Advisory Commission on Intergovernmental Relations to be paid on requisition of the Executive Director who shall file an accounting of such expenses with the Auditor General.	
State appropriation.....	9,000
For support of the National Governors' Association to be paid on requisition of the Executive Director who shall file an accounting of such expenses with the Auditor General.	
State appropriation.....	134,000
For the Coalition of Northeastern Governors.	

State appropriation.....	80,000
For publishing statements of the General Fund and other funds of the Commonwealth.	
State appropriation.....	48,000
For compensation of the Commonwealth's Loan and Transfer Agent for services and expenses in connection with the registration, transfer and payment of interest on bonds of the Commonwealth and other services required to be performed by the Loan and Transfer Agent.	
State appropriation.....	225,000
For payment of legal fees, publication of advertisements, costs of engraving and other expenses incurred in issuing of tax anticipation notes.	
State appropriation.....	170,000
For general obligation debt service or to pay all arbitrage rebates to the Federal Government required under section 148 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 148).	
State appropriation.....	462,300,000
For payment of law enforcement officers' death benefits.	
State appropriation.....	425,000
Section 207. Department of Aging.—The following amounts are appropriated to the Department of Aging:	
For family caregiver support.	
State appropriation.....	9,000,000
Section 208. Department of Agriculture.—The following amounts are appropriated to the Department of Agriculture:	
For general government operations of the Department of Agriculture.	
State appropriation.....	18,143,000
The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:	
(1) "Pennsylvania Plant Pest Detection System."	
Federal appropriation.....	32,000
(2) "Poultry Grading Service."	
Federal appropriation.....	116,000
(3) "Diagnostic Laboratory Services."	
Federal appropriation.....	30,000
(4) "Medicated Feed Mill Inspection."	
Federal appropriation.....	14,000
(5) "State Administrative Expenses - Donated Foods."	
Federal appropriation.....	150,000
(6) "Household Commodity Program."	
Federal appropriation.....	2,500,000
(7) "Pseudorabies Pilot Project."	
Federal appropriation.....	50,000
(8) "Pesticide Enforcement, Certification, Training and Control Program."	
Federal appropriation.....	650,000
(9) "Commodity Supplemental Food Program."	
Federal appropriation.....	90,000
(10) "Farmers' Market Food Coupons."	
Federal appropriation.....	366,000
For the administration of the Agricultural Conservation Easement Program.	
State appropriation.....	123,000



For the Animal Health Commission for live-stock diagnostic services; poultry diagnostic services; field investigations; Johnes' Disease research; vaccination for brucellosis; the development of a poultry disease surveillance program; the development and implementation of a Department of Agriculture - swine producer cooperative program of vaccination and testing to reduce the prevalence of swine pseudorabies in epidemic areas of this Commonwealth; improvements in State laboratory services including contracts for laboratory services and/or the purchase of equipment for the State laboratory; the employment of an executive director for the Animal Health Commission; for support staff, including a laboratory director/technician; and comprehensive rabies control and prevention program. Except for the direct costs of the Animal Health Commission, its executive director and its support staff which may be paid from this appropriation, no other funds from this appropriation shall be used for administration.

State appropriation..... 5,424,000

For research into methods to improve and maintain the profitability, competitiveness and environmental aspects of Pennsylvania agriculture. No funds from this appropriation shall be used for marketing research or promotional activities.

State appropriation..... 2,700,000

For agricultural promotion, excluding urban farm market promotion.

State appropriation..... 400,000

For animal indemnities payments to farmers for animals destroyed in disease eradication programs.

State appropriation..... 250,000

For payment into the State Farm Products Show Fund. As a condition for the use of these funds, no expenditures may be made from this appropriation or from the State Farm Products Show Fund for any activities associated with the Pennsylvania Agricultural Foods Exposition (PAFE) unless such activities take place on the premises of the Farm Show Complex, Harrisburg, Pennsylvania.

State appropriation..... 1,000,000

For payments to county fairs.

State appropriation..... 2,950,000

For development and operation of an open livestock show, including cattle, swine, sheep and horses.

State appropriation..... 152,000

For planning and staging of an open dairy show.

State appropriation..... 90,000

For promotion and holding of annual local, regional and State 4-H Clubs and Future Farmers of America dairy shows.

State appropriation..... 36,000

The department may make allocations of the above three appropriations as it deems appropriate to an association whose purposes are in accord with the purposes and intent of the appropriations, the funds so allocated to be used for the development and operation of livestock, dairy and Junior Dairy Shows in the Pennsylvania Farm Show Complex: Provided, That the

funds allocated by the department shall only be used for the specific items approved by the department in advance.

For planning and staging ten annual 4-H Club horse and pony shows and one Statewide show to be held in the fall as preliminary to the Keystone International Livestock Show.

State appropriation..... 41,000

For grants to counties for the purchase of food to be provided to needy persons in this Commonwealth.

Counties shall submit a completed application for funds or designate a regional food bank or county coordinating agency to complete the application process. If a county chooses not to participate in the program or designate a regional food bank or county coordinating agency to participate on its behalf by December 31, 1991, then the county's allocation shall be granted to the regional food bank or county coordinating agency serving that county.

State appropriation..... 11,000,000

Section 209. Department of Commerce.—The following amounts are appropriated to the Department of Commerce:

Federal State

For the general government operations of the Department of Commerce.

State appropriation..... 7,413,000

The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:

(1) "ARC - State Technical Assistance."

Federal appropriation..... 450,000

(2) "USATAP Minority Export Program."

Federal appropriation..... 300,000

(3) "JTPA - Economic Planning."

Federal appropriation..... 120,000

For the purpose of marketing to attract tourists and businesses to this Commonwealth.

State appropriation..... 6,000,000

For tourist promotion assistance.

State appropriation..... 7,200,000

For payment of grants to recognized industrial development agencies to assist such agencies in the financing of their operational costs for the purposes of making studies, surveys and investigations, the compilation of data and statistics and in the carrying out of planning and promotional programs.

State appropriation..... 500,000

For the Pennsylvania Industrial Development Authority.

State appropriation..... 70,000,000

For the payment of grants to Appalachian local development districts, provided that, for fiscal year 1991-1992, not more than 50% of the funds allocated from this appropriation to each local development district shall be expended until such time as the Department of Commerce completes a study to determine if an overlap exists between this appropriation and other appropriations administered by the department. A copy of the study shall be sent to the Majority Chairman and Minority Chairman of the Appropriations Committee of the Senate and the Majority Chairman and Minority Chairman of the Approp-

<p>priations Committee of the House of Representatives.</p> <p>State appropriation..... 850,000</p> <p>For the payment of the Commonwealth's share of the costs of the operation of the Appalachian Regional Commission and the Office of the Appalachian States' Regional representative.</p> <p>State appropriation..... 315,000</p> <p>For the Community Facilities Program.</p> <p>State appropriation..... 4,000,000</p> <p>For the Ben Franklin Partnership Fund to promote, stimulate and encourage basic and applied scientific research and development and scientific and technological education in this Commonwealth. Not more than 15% of this appropriation shall be used to support the personnel, operating and fixed asset costs of each of the technology centers receiving an appropriation.</p> <p>State appropriation..... 20,000,000</p> <p>For grants to Industrial Resource Centers.</p> <p>State appropriation..... 7,000,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for grants to Industrial Resource Centers:</p> <p>(1) "Industrial Resource Centers Work Based Learning."</p> <p>Federal appropriation..... 329,000</p> <p>For Pennports.</p> <p>State appropriation..... 11,950,000</p> <p>For small business development centers, provided that, for fiscal year 1991-1992, not more than 50% of the funds allocated from this appropriation shall be expended until such time as the Department of Commerce completes a study to determine if an overlap exists between this appropriation and other appropriations administered by the department. A copy of the study shall be sent to the Majority Chairman and Minority Chairman of the Appropriations Committee of the Senate and the Majority Chairman and Minority Chairman of the Appropriations Committee of the House of Representatives.</p> <p>State appropriation..... 1,000,000</p> <p>For payment into the Pennsylvania Economic Revitalization Fund.</p> <p>State appropriation..... 40,500,000</p> <p>For the Super Computer Center in Pittsburgh.</p> <p>State appropriation..... 1,000,000</p> <p>For the Pennsylvania Economic Development Financing Authority.</p> <p>State appropriation..... 250,000</p> <p>For Federal procurement assistance, provided that, for fiscal year 1991-1992, not more than 50% of the funds allocated from this appropriation shall be expended until such time as the Department of Commerce completes a study to determine if an overlap exists between this appropriation and other appropriations administered by the department. A copy of the study shall be sent to the Majority Chairman and Minority Chairman of the Appropriations Committee of the Senate and the Majority Chairman and Minority Chairman of the Appropriations Committee of the House of Representatives.</p> <p>State appropriation..... 140,000</p>		<p>For hardwoods research and promotion.</p> <p>State appropriation..... 400,000</p> <p>For an engineering research center at Carnegie-Mellon University.</p> <p>State appropriation..... 400,000</p> <p>For a light microscope imaging research center at Carnegie-Mellon University.</p> <p>State appropriation..... 400,000</p> <p>For powdered metallurgy research and development.</p> <p>State appropriation..... 400,000</p> <p>Section 210. Department of Corrections.—The following amounts are appropriated to the Department of Corrections:</p> <p>Federal State</p> <p>For the State correctional institutions.</p> <p>State appropriation..... 457,926,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for the State correctional institutions.</p> <p>(1) "Maintenance of Federal Inmates."</p> <p>Federal appropriation..... 280,000</p> <p>(2) "Mariel Cuban Inmate Reimbursement."</p> <p>Federal appropriation..... 160,000</p> <p>(3) "Library Services."</p> <p>Federal appropriation..... 25,000</p> <p>Section 211. Department of Community Affairs.—The following amounts are appropriated to the Department of Community Affairs:</p> <p>Federal State</p> <p>For general government operations of the Department of Community Affairs.</p> <p>State appropriation..... 10,214,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:</p> <p>(1) "Administrative Costs of Land and Water Conservation Fund (LWCF) Projects."</p> <p>Federal appropriation..... 20,000</p> <p>(2) "Folk Arts."</p> <p>Federal appropriation..... 58,000</p> <p>(3) "Folklife Resource Survey."</p> <p>Federal appropriation..... 269,000</p> <p>(4) "SCDBG - Programs."</p> <p>Federal appropriation..... 60,000,000</p> <p>(5) "SCDBG - Administration."</p> <p>Federal appropriation..... 1,025,000</p> <p>(6) "CSBG - Program." In addition new focus may be placed on the unemployed, both old and new. Local agencies may lower their eligibility requirements for recipients to three months to allow greater flexibility to assure proper consideration of each recipient.</p> <p>Federal appropriation..... 16,241,000</p> <p>An amount equal to 90% of this appropriation shall be used to fund agencies meeting the requirements of the Omnibus Budget Reconciliation Act of 1981. In areas not served by agencies meeting these requirements, the department will utilize an eligible agency to pass funds through to local service agencies. The department will continue to phase in a formula distribution of funds. These funds will be distributed on the basis of prior year funding level, number of persons whose income is at or below 125% of the Federal poverty line and the number of unemployed persons. No agency receiving funds under the formula shall receive less than 90% of its prior</p>	
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year funding level. If insufficient funds are available, distribution shall be on a pro rata basis.

The department may require agencies to submit work plans to the department to determine that only eligible services will be provided with these funds. All decisions regarding which of the qualified services shall be provided shall be made by the local agency. The department shall not require nor prohibit the offering of any specific service or type of service.

(7) "CSBG - Administration and Audit Costs."

Federal appropriation..... 856,000

(8) "LIHEABG - Administration."

Federal appropriation..... 440,000

For a circuit riders program.

State appropriation..... 211,000

For the Governor's Advisory Commission on Latino Affairs.

State appropriation..... 185,000

For the payment of grants to local governments or regional councils of government to assist in developing and implementing cooperative agreements to supply municipal services.

State appropriation..... 200,000

For the payment of grants to counties, cities, boroughs, townships, towns or regions for planning assistance.

State appropriation..... 175,000

For grants for floodplain management.

State appropriation..... 60,000

The following Federal amounts are appropriated to supplement the sum appropriated for floodplain management:

(1) "FEMA - Technical Assistance on Floodplain Management."

Federal appropriation..... 60,000

For planning and implementation of a State-wide manpower employment assistance and training program and for payments of grants to community action agencies and to political subdivisions and organizations for social service programs.

State appropriation..... 2,736,000

For grants for housing and redevelopment assistance as authorized by the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law. No more than 20% of the amount herein appropriated shall be allocated or granted to any one political subdivision. In addition, any funds returned to the department from prior year continuing appropriations for housing and redevelopment assistance, including interest and refunds, shall be credited to the above appropriation.

State appropriation..... 20,000,000

The following Federal amounts are appropriated to supplement the sum appropriated for housing and redevelopment:

(1) "Temporary Housing - Superfund Cleanup."

Federal appropriation..... 100,000

(2) "DOE - Weatherization."

Federal appropriation..... 13,324,000

(3) "Emergency Shelter for the Homeless."

Federal appropriation..... 1,600,000

(4) "Permanent Housing for Disabled Homeless."

Federal appropriation..... 1,500,000

(5) "LIHEABG - Weatherization."

Federal appropriation..... 8,360,000

For Neighborhood Housing Services Programs.

State appropriation..... 200,000

Distressed communities assistance.

State appropriation..... 1,000,000

For low-interest loans to local governments for purchasing capital equipment or for purchasing, constructing, renovating or rehabilitating facilities. Loans for equipment shall not exceed \$25,000 or 50% of the purchase price per item of equipment. Loans for facilities may not exceed \$50,000 or 50% of any facility purchase price.

State appropriation..... 2,000,000

Rural leadership training program.

State appropriation..... 200,000

Section 212. Department of Education.—  
The following amounts are appropriated to the Department of Education:

Federal State

For general government operations of the Department of Education.

State appropriation..... 18,164,000

The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:

(1) "Adult Basic Education - Administration."

Federal appropriation..... 964,000

(2) "Education of Exceptional Children - Administration."

Federal appropriation..... 3,700,000

(3) "ECIA Chapter (1) Programs - Administration."

Federal appropriation..... 3,387,000

(4) "State Approving Agency (VA)."

Federal appropriation..... 782,000

(5) "Food and Nutrition Service - Administration."

Federal appropriation..... 3,000,000

(6) "Migrant Education - Administration."

Federal appropriation..... 350,000

(7) "Emergency Immigrant Education Assistance - Administration."

Federal appropriation..... 3,000

(8) "Civil Rights Technical Assistance and Training."

Federal appropriation..... 650,000

(9) "Vocational Education - Administration."

Federal appropriation..... 3,057,000

(10) "Mathematics and Science Teacher Training - Administration."

Federal appropriation..... 743,000

(11) "Byrd Scholarship - Administration."

Federal appropriation..... 412,000

(12) "Project Learning Tree."

Federal appropriation..... 4,000

(13) "Severely Handicapped Program."

Federal appropriation..... 91,000

(14) "Head Start Collaboration Project."

Federal appropriation..... 135,000

(15) "JTPA - Linkage."

Federal appropriation.....	900,000	(2) "National School Milk Lunch Program - Scotland."	
(16) "ECIBG - School Districts." - For distribution to school districts, based on applications, for the following program areas: basic skill development, education improvement and support services and special projects.		Federal appropriation.....	275,000
Federal appropriation.....	16,787,000	For the Thaddeus Stevens State School of Technology.	
(17) "ECIBG - Administration and Audit Cost."		State appropriation.....	4,411,000
Federal appropriation.....	620,000	The following Federal amounts are appropriated to supplement the sum appropriated for the Thaddeus Stevens State School of Technology:	
(18) "ECIBG - Special Programs." - For targeted assistance and effective schools program.		(1) "Vocational Education - Thaddeus Stevens."	
Federal appropriation.....	3,821,000	Federal appropriation.....	350,000
(19) "AIDS Demonstration/Training."		For Instructional Support Teams.	
Federal appropriation.....	400,000	State appropriation.....	9,000,000
(20) "Homeless Assistance."		For payment of the equalized subsidy for basic education to school districts: Provided, That the Secretary of Education, with the approval of the Governor, may make payments from this appropriation in advance of the due date prescribed by law to school districts which are financially handicapped, whenever the Secretary of Education shall deem it necessary to make such advance payments to enable the school districts to keep their public schools open. Payments to the school districts from this appropriation are contingent on the condition that for the 1991-1992 school year, school districts may not levy taxes at a rate above their 1990-1991 level unless the projected ending unreserved fund balance for the 1991-1992 school year is no more than an amount equal to 3% of the school district's total general fund budget for the 1991-1992 school year. Final payments to school districts from this appropriation are contingent on the school district submitting revised estimates of their 1991-1992 ending fund balance to the Secretary of Education. Included in this amount are funds for court-ordered payments to Woodland Hills School District.	
Federal appropriation.....	1,378,000	State appropriation.....	2,986,350,000
(21) "Homeless - Administration."		To support the School Performance Incentive Program.	
Federal appropriation.....	40,000	State appropriation.....	3,000,000
(22) "Workplace Literacy."		For teacher development programs.	
Federal appropriation.....	838,000	State appropriation.....	1,500,000
(23) "Preschool Grant - Administration."		For adult literacy programs.	
Federal appropriation.....	500,000	State appropriation.....	7,000,000
(24) "DFSC - Administration."		For payments on account of annual rental or sinking fund charges on school buildings.	
Federal appropriation.....	1,244,000	State appropriation.....	198,800,000
(25) "DFSC - School Districts."		For payments on account of pupil transportation.	
Federal appropriation.....	17,121,000	State appropriation.....	279,145,000
(26) "DFSC - Special Programs."		For payments on account of nonpublic school transportation.	
Federal appropriation.....	6,053,000	State appropriation.....	12,600,000
For the State Library, providing reference services and administering aid to public libraries.		For payments on account of special education of exceptional children in public schools.	
State appropriation.....	2,790,000	State appropriation.....	476,000,000
The following Federal amounts are appropriated to supplement the sum appropriated for the State Library:		For payments for Early Intervention - Handicapped Children.	
(1) "Library Services - Administration LSCA (I)."		State appropriation.....	32,000,000
Federal appropriation.....	1,135,000	For payments on account of homebound instruction.	
(2) "Nuclear Regulatory Commission Documents Support Program."		State appropriation.....	465,000
Federal appropriation.....	16,000	For payment to school districts providing education to nonresident orphaned children placed in private homes by the court and nonresident inmates of children's institutions.	
For the Scranton State School for the Deaf.			
State appropriation.....	4,205,000		
The following Federal amounts are appropriated to supplement the sum appropriated for the Scranton State School for the Deaf:			
(1) "ESEA - Education for the Handicapped - Scranton."			
Federal appropriation.....	85,000		
(2) "National School Milk Lunch Program - Scranton."			
Federal appropriation.....	30,000		
(3) "Life-Long Learning - Scranton."			
Federal appropriation.....	11,000		
(4) "Adult Basic Education - Disabled Adults."			
Federal appropriation.....	10,000		
For the Scotland School for Veterans' Children.			
State appropriation.....	7,637,000		
The following Federal amounts are appropriated to supplement the sum appropriated for the Scotland School for Veterans' Children:			
(1) "ESEA - Education for the Disadvantaged - Scotland."			
Federal appropriation.....	500,000		

State appropriation.....	25,933,000	State appropriation.....	1,100,000
For payments of annual fixed charges to school districts in lieu of taxes for land acquired by the Commonwealth for water conservation or flood prevention.		For services to nonpublic schools.	
State appropriation.....	85,000	State appropriation.....	54,671,000
For payment for maintenance of summer schools for school-age children of migrant laborers.		For textbooks for nonpublic schools.	
State appropriation.....	210,000	State appropriation.....	10,527,000
To provide grants to school districts to assist in meeting the matching requirements of Federal grants received under Federal programs for the education of the disadvantaged where such programs meet criteria established by the Department of Education.		For student supplies for nonpublic schools.	
State appropriation.....	1,000,000	State appropriation.....	6,204,000
For special education - approved private schools.		For programs to meet the needs of pregnant and parenting teenagers.	
State appropriation.....	65,475,000	State appropriation.....	928,000
For annual payments, not to exceed \$500 per student, to institutions of higher learning for defraying the expenses of deaf or blind students.		For a comprehensive reading program.	
State appropriation.....	50,000	State appropriation.....	300,000
For payment of the Commonwealth's share of the approved operating costs and lease payments of intermediate units.		For grants to public libraries for the development and improvement of a Statewide system of libraries and library services, including State aid to local libraries, county libraries, district library centers and regional library resource centers.	
State appropriation.....	14,175,000	State appropriation.....	26,809,000
For grants to school districts to assist in meeting Federal matching requirements for grants received under the Federal Child Nutrition Act and to aid in providing a food program for needy children.		To provide aid to the Free Library of Philadelphia and the Carnegie Library of Pittsburgh to meet the costs incurred in serving as regional libraries in the distribution of braille reading materials, talking book machines and other reading materials to persons who are blind or otherwise handicapped.	
State appropriation.....	11,920,000	State appropriation.....	2,036,000
For payment of the Commonwealth's share of Federal Social Security taxes for public school employees.		For library access.	
State appropriation.....	240,000,000	State appropriation.....	3,000,000
For payment of required contribution into the Contingent Reserve and Supplemental Accounts of the Public School Employees' Retirement Fund.		For the school library catalog network.	
State appropriation.....	532,555,000	State appropriation.....	300,000
For programs of education and training at youth development centers.		For distance learning.	
State appropriation.....	6,233,000	State appropriation.....	450,000
For educational and training programs at the State-owned adult correctional institutions.		For payment of approved operating and capital expenses of community colleges and technical institutes.	
State appropriation.....	7,395,000	State appropriation.....	132,181,000
The following Federal amounts are appropriated to supplement the sum appropriated for education programs at State-owned correctional institutions:		An independent audit report for the preceding fiscal year, which is consistent with the Higher Education Finance Manual, shall be submitted by each community college to the Department of Education not later than 120 days after the close of the preceding fiscal year. The Department of Education may withhold whatever funds appropriated herein it feels necessary to ensure that such audit reports are submitted in the prescribed fashion.	
(1) "Correctional Education."		For higher education equal opportunity program grants.	
Federal appropriation.....	1,430,000	State appropriation.....	7,497,000
For payments to private residential rehabilitative institutions.		For the ethnic heritage studies.	
State appropriation.....	500,000	State appropriation.....	100,000
For education of indigent children at charitable hospitals.		For payments on account of vocational education.	
State appropriation.....	112,000	State appropriation.....	38,922,000
The following Federal amounts are appropriated to supplement the sum appropriated for education of indigent children.		For customized job training.	
(1) "Child Care Block Grant."		State appropriation.....	6,500,000
Federal appropriation.....	4,912,000	For the Governor's Schools for Excellence. Any amounts appropriated above the 1990-1991 level may not be expended without private matching funds at least equal to the amount of the increase.	
For dropout prevention programs.		State appropriation.....	1,049,000
		For Job Training Partnership Act matching funds.	
		State appropriation.....	5,002,000
		The following Federal amounts are appropriated to supplement the sum appropriated for job training partnership matching funds:	

(1) "JTPA - Job Training Partnership Act."		(9) "Bond Forfeiture Program."	
Federal appropriation.....	5,700,000	Federal appropriation.....	300,000
(2) "JTPA - Correctional Education."		(10) "Delaware River Estuary Management Conference."	
Federal appropriation.....	350,000	Federal appropriation.....	300,000
For higher education - rural initiatives.		(11) "Hydroelectric Power Conservation Fund."	
State appropriation.....	254,000	Federal appropriation.....	10,000
For higher education accountability. To improve coordination and planning of higher education and to develop an assessment methodology designed to measure the effectiveness of higher education to be used in the development of a Statewide funding mechanism.		(12) "Wetland Protection Fund."	
State appropriation.....	200,000	Federal appropriation.....	85,000
Section 213. Department of Environmental Resources.—The following amounts are appropriated to the Department of Environmental Resources:	Federal State	For the Chesapeake Bay Pollution Abatement Program.	
For general government operations of the Department of Environmental Resources.		State appropriation.....	2,976,000
State appropriation.....	8,554,000	The following Federal amounts are appropriated to supplement the sum appropriated for the Chesapeake Bay Pollution Abatement Program:	
The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:		(1) "Chesapeake Bay Pollution Abatement."	
(1) "Surface Mine Conservation."		Federal appropriation.....	3,500,000
Federal appropriation.....	1,111,000	For deep mine safety.	
(2) "EPA Planning Grant."		State appropriation.....	3,767,000
Federal appropriation.....	303,000	The following Federal amounts are appropriated to supplement the sum appropriated for the deep mine safety inspections:	
(3) "Construction Management Assistance Grants - Administration."		(1) "Training and Education of Underground Coal Miners."	
Federal appropriation.....	417,000	Federal appropriation.....	1,000,000
(4) "Safe Drinking Water Act - Administration."		(2) "Office of Surface Mining - Deep Mine Safety."	
Federal appropriation.....	88,000	Federal appropriation.....	100,000
For electronic data processing support.		For the Office of Protection.	
State appropriation.....	2,827,000	State appropriation.....	59,400,000
For water quality testing laboratories.		The following Federal amounts are appropriated to supplement the sum appropriated for the Office of Protection:	
State appropriation.....	299,000	(1) "EPA - Planning Grant - Administration."	
For the Office of Resources Management.		Federal appropriation.....	5,000,000
State appropriation.....	18,026,000	(2) "Water Pollution Control Grants."	
The following Federal amounts are appropriated to supplement the sum appropriated for the Office of Resources Management:		Federal appropriation.....	3,850,000
(1) "Coastal Zone Management."		(3) "Air Pollution Control Grants." For the conduct and administration of a Statewide program for the control, abatement and prevention of air pollution and achievement of Federal ambient air quality standards.	
Federal appropriation.....	1,800,000	Federal appropriation.....	4,800,000
(2) "Land and Water Conservation Fund." In addition to these funds, any contingency funds made available to the Commonwealth under the Federal Land and Water Conservation Act are hereby appropriated.		(4) "Radiation Regulation and Monitoring."	
Federal appropriation.....	1,000,000	Federal appropriation.....	114,000
(3) "Bituminous Demonstration Project."		(5) "Surface Mine Control and Reclamation."	
Federal appropriation.....	20,000	Federal appropriation.....	11,000,000
(4) "Federal Surface Mining Control and Reclamation."		(6) "Diagnostic X-ray Equipment - Testing."	
Federal appropriation.....	272,000	Federal appropriation.....	30,000
(5) "Upper Delaware National Scenic River."		(7) "Surface Mine Control and Reclamation - Laboratories."	
Federal appropriation.....	10,000	Federal appropriation.....	392,000
(6) "Topographic and Geologic Survey Grants."		(8) "Rural Clean Water."	
Federal appropriation.....	75,000	Federal appropriation.....	85,000
(7) "Bituminous Coal Resources."		(9) "Water Quality Outreach Operator Training."	
Federal appropriation.....	225,000	Federal appropriation.....	55,000
(8) "Surface Mine Conservation."		(10) "Water Quality Management Planning Grants."	
Federal appropriation.....	215,000	Federal appropriation.....	1,170,000
		(11) "Construction Management Assistance Grants."	

Federal appropriation.....	2,100,000	Federal appropriation.....	500,000
(12) "Small Operator's Assistance."		(8) "Endangered Species Recovery."	
Federal appropriation.....	1,600,000	Federal appropriation.....	20,000
(13) "Safe Drinking Water."		For gypsy moth and other insect and disease control.	
Federal appropriation.....	3,025,000	State appropriation.....	3,469,000
(14) "Lake Wallenpaupack - Phase II."		The following Federal amounts are appropriated to supplement the sum appropriated for gypsy moth and other insect and disease control:	
Federal appropriation.....	279,000	(1) "Forest Insect and Disease Control."	
(15) "Lake Nockamixon - Phase II."		Federal appropriation.....	3,200,000
Federal appropriation.....	69,000	For the black fly control project.	
(16) "Harvey's Lake - Phase I."		State appropriation.....	2,432,000
Federal appropriation.....	40,000	For State parks.	
(17) "Non-Point Source Program."		State appropriation.....	38,706,000
Federal appropriation.....	1,299,000	The following Federal amounts are appropriated to supplement the sum appropriated for State parks:	
(18) "Indoor Radon Abatement."		(1) "Heritage Preservation."	
Federal appropriation.....	550,000	Federal appropriation.....	900,000
(19) "PHHSBG - Rodent Control."		For flood control project.	
Federal appropriation.....	1,800,000	State appropriation.....	230,000
(20) "PHHSBG - Administration and Audit Costs."		For storm water management grants.	
Federal appropriation.....	180,000	State appropriation.....	595,000
(21) "Lake Ontelaunee - Phase I."		For sewage facilities planning grants.	
Federal appropriation.....	100,000	State appropriation.....	950,000
(22) "Lake Luxemborg - Phase I."		For sewage facilities enforcement grants.	
Federal appropriation.....	44,000	State appropriation.....	1,800,000
(23) "Lake Jean - Phase I."		For sewage treatment plant operation grants.	
Federal appropriation.....	55,000	State appropriation.....	30,600,000
(24) "Presque Isle Bay Ecosystem."		For payment of Pennsylvania's share of the expenses of the River Master for the Delaware River.	
Federal appropriation.....	50,000	State appropriation.....	70,000
(25) "Non-Point Source Implementation 319(h)."		For support of the Ohio River Basin Commission.	
Federal appropriation.....	650,000	State appropriation.....	8,000
(26) "Wellhead Protection Fund."		For support of the Susquehanna River Basin Commission.	
Federal appropriation.....	300,000	State appropriation.....	310,000
(27) "Applicant Violator System."		For support of the Interstate Commission on the Potomac River Basin.	
Federal appropriation.....	247,000	State appropriation.....	30,000
(28) "Lake Galena - Phase I."		For conduct of the Delaware River Basin Commission.	
Federal appropriation.....	32,000	State appropriation.....	880,000
(29) "Oil Production Waste Research."		For support of the Ohio River Valley Water Sanitation Commission.	
Federal appropriation.....	80,000	State appropriation.....	118,000
For seasonal farm labor camp inspection program.		For support of the Chesapeake Bay Commission.	
State appropriation.....	239,000	State appropriation.....	200,000
For transfer to the low-level waste fund.		For transfer to the Great Lakes protection fund upon requisition of the executive director of the Council of Great Lakes Governors. This appropriation is the second of three annual payments.	
State appropriation.....	200,000	State appropriation.....	250,000
For radon testing.		For payment to conservation districts.	
State appropriation.....	751,000	State appropriation.....	1,800,000
For State forestry operations.		For the State Conservation Commission Nutrient Management Program.	
State appropriation.....	13,307,000	State appropriation.....	250,000
The following Federal amounts are appropriated to supplement the sum appropriated for forestry operations:		For payment of Pennsylvania's share of the costs of the Interstate Mining Commission.	
(1) "Forest Fire Protection and Control."		State appropriation.....	15,000
Federal appropriation.....	315,000	For payment of annual fixed charges in lieu of taxes to counties and townships on land	
(2) "Forestry Incentives and Agricultural Conservation."			
Federal appropriation.....	30,000		
(3) "Watershed Protection and Flood Prevention - Technical Assistance."			
Federal appropriation.....	10,000		
(4) "Resource Conservation and Development."			
Federal appropriation.....	8,000		
(5) "Forest Management and Processing."			
Federal appropriation.....	461,000		
(6) "Renewable Resources Evaluation."			
Federal appropriation.....	10,000		
(7) "Cooperative Forest Insect and Disease Control."			

acquired for water conservation and flood control.			Federal appropriation.....	1,644,000
State appropriation.....	32,000	(7) "MCHSBG - Administration and Audit Costs."	Federal appropriation.....	2,182,000
For payment of annual fixed charges in lieu of taxes to political subdivisions or school districts on lands acquired by the Commonwealth for Project 70.		For the Governor's Arthritis Task Force.	State appropriation.....	159,000
State appropriation.....	18,000	For the Diabetes Task Force. This appropriation shall provide administrative support for the Task Force.	State appropriation.....	341,000
For payment of annual fixed charges in lieu of taxes to counties, school districts and townships on forest lands.		The following Federal amounts are appropriated to supplement the sum appropriated for diabetes control:		
State appropriation.....	1,225,000	(1) "Diabetes Control."	Federal appropriation.....	180,000
For the Appalachian States Low-Level Waste Compact.		(2) "PHHSBG - Diabetes Task Force."	Federal appropriation.....	263,000
State appropriation.....	117,000	For Three Mile Island health-related studies.	State appropriation.....	212,000
For small water system regionalization.		For the Office of Quality Assurance.	State appropriation.....	4,547,000
State appropriation.....	1,000,000	The following Federal amounts are appropriated to supplement the sum appropriated for the Quality Assurance Program:		
Section 214. Department of General Services.—The following amounts are appropriated to the Department of General Services:		(1) "Medicare - Health Services Agency Certification."	Federal appropriation.....	5,041,000
For general government operations of the Department of General Services.		For the Bureau of Vital Statistics.	State appropriation.....	5,044,000
State appropriation.....	35,865,000	The following Federal amounts are appropriated to supplement the sum appropriated for vital statistics:		
For the administration and operation of the Capitol Police.		(1) "Cooperative Health Statistics."	Federal appropriation.....	765,000
State appropriation.....	4,457,000	(2) "Drake Health Registry."	Federal appropriation.....	122,000
For Harristown rental charges.		For the State Laboratory.	State appropriation.....	3,017,000
State appropriation.....	6,656,000	The following Federal amounts are appropriated to supplement the sum appropriated for the State Laboratory:		
For utility costs, including costs associated with implementation of and payments for performance-based contracts and similar third-party shared savings programs.		(1) "Medicare - Health Services Agency Certification - State Laboratory."	Federal appropriation.....	207,000
State appropriation.....	12,985,000	(2) "National Laboratory Training Network for State Labs."	Federal appropriation.....	10,000
For Harristown utility and municipal charges, including implementation of third-party shared savings programs.		(3) "Research Laboratory Testing Methodologies."	Federal appropriation.....	19,000
State appropriation.....	7,547,000	For the State Health Care Centers, including the district offices of the Department of Health.	State appropriation.....	13,704,000
For fire protection services for the Capitol Complex in Harrisburg.		The following Federal amounts are appropriated to supplement the sum appropriated for State health care centers:		
State appropriation.....	550,000	(1) "Indo-Chinese Refugee Program."	Federal appropriation.....	60,000
For an asbestos response program.		(2) "Disease Control Immunization Program - Project Grants."	Federal appropriation.....	932,000
State appropriation.....	600,000	(3) "Chronic Disease Prevention and Control."	Federal appropriation.....	98,000
For excess insurance coverage.		(4) "Community and Migrant Health."	Federal appropriation.....	175,000
State appropriation.....	500,000	(5) "PHHSBG - Health Education and Prevention."		
Section 215. Department of Health.—The following amounts are appropriated to the Department of Health:				
For general government operations of the Department of Health.				
State appropriation.....	9,656,000			
The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:				
(1) "SSA (XVI) - Drug and Alcohol Referral and Monitoring Program."				
Federal appropriation.....	46,000			
(2) "Health Assessment."				
Federal appropriation.....	382,000			
(3) "HIV Care."				
Federal appropriation.....	2,200,000			
(4) "Assistance for Cancer Prevention."				
Federal appropriation.....	546,000			
(5) "PHHSBG - Administration and Audit Costs."				
Federal appropriation.....	307,000			
(6) "ADAMHSBG - Administration and Audit Costs."				

Federal appropriation.....	700,000
(6) "PHHSBG - Hypertension Services."	
Federal appropriation.....	1,375,000
(7) "PHHSBG - Fluoridation."	
Federal appropriation.....	60,000
For the provision of HIB Vaccine and other childhood immunizations at State health care centers.	
State appropriation.....	290,000
For the Cancer Registry.	
State appropriation.....	747,000
Occupational Disease Study.	
State appropriation.....	65,000
For cancer control, prevention and research.	
State appropriation.....	4,000,000
The following Federal amounts are appropriated to supplement the sum appropriated for cancer control, prevention and research.	
(1) "Data-based Intervention Research in Public Health."	
Federal appropriation.....	175,000
For cancer institute activities in western Pennsylvania.	
State appropriation.....	500,000
For cancer institute activities in eastern Pennsylvania.	
State appropriation.....	250,000
For the Vietnam Veterans Health Initiative Commission.	
State appropriation.....	184,000
For reimbursement to school districts on account of health services.	
State appropriation.....	17,289,000
For maintenance of local health departments.	
State appropriation.....	23,974,000
For local health departments for environmental health services.	
State appropriation.....	6,580,000
For a State supplement to the Federal Special Supplemental Food Service Program for Women, Infants and Children. Included in this amount is \$100,000 for the Farmers Market Food Coupon Program administered by the Department of Agriculture.	
State appropriation.....	17,000,000
The following Federal amounts are appropriated to supplement the sum appropriated for the Supplemental Food Service Program for Women, Infants and Children:	
(1) "Special Supplemental Food Service Program for Women, Infants and Children."	
Federal appropriation.....	107,044,000
In addition to the specific amounts appropriated herein, all other moneys received from the Federal Government for the Special Supplemental Food Service Program for Women, Infants and Children are hereby appropriated to such program.	
For maternal and child health services - high risk. Of the appropriated amount no less than \$2,000,000 will be used for lead paint poisoning abatement and \$1,000,000 for an infant mortality initiative.	
State appropriation.....	4,786,000

The following Federal amounts are appropriated to supplement the sum appropriated for maternal and child health:

(1) "Childhood Lead Poisoning Prevention."	
Federal appropriation.....	700,000
(2) "MCHSBG - Crippled Children Programs."	
Federal appropriation.....	7,870,000
(3) "MCHSBG - Maternal and Child Health Services Programs."	
Federal appropriation.....	14,896,000
(4) "MCHSBG - Supplemental Security Income for Disabled Children Services."	
Federal appropriation.....	1,000,000
For grants to counties and private facilities to finance drug and alcohol abuse treatment and prevention programs.	
State appropriation.....	32,127,000
The following Federal amounts are appropriated to supplement the sum appropriated for alcohol and drug grant programs:	
(1) "ADAMHSBG - Alcohol Grant Programs."	
Federal appropriation.....	25,529,000
(2) "ADAMHSBG - Drug Grant Programs."	
Federal appropriation.....	33,876,000
(3) "Improved Drug and Alcohol Data Collection Systems."	
Federal appropriation.....	300,000
(4) "Reduction of Waiting Period for Drug Abuse Treatment."	
Federal appropriation.....	4,000,000
(5) "Community Youth Activities Program."	
Federal appropriation.....	125,000
(6) "Community Youth Activities Demonstration Grant."	
Federal appropriation.....	400,000
(7) "Drug Abuse Treatment Improvement Project in Target Cities."	
Federal appropriation.....	4,500,000
(8) "Model Comprehensive Treatment Program for Critical Populations."	
Federal appropriation.....	548,000
(9) "Model Drug Abuse Treatment Programs for Correctional Settings."	
Federal appropriation.....	750,000
(10) "Model Drug Abuse Treatment Program for Non-incarcerated Persons."	
Federal appropriation.....	700,000
For renal dialysis services.	
State appropriation.....	7,600,000
For spina bifida services.	
State appropriation.....	1,055,000
For home ventilators.	
State appropriation.....	1,319,000
For coal workers' pneumoconiosis services.	
State appropriation.....	550,000
The following Federal amounts are appropriated to supplement the sum appropriated for coal workers' pneumoconiosis services:	
(1) "Black Lung Clinic Program."	
Federal appropriation.....	455,000
For adult cystic fibrosis.	
State appropriation.....	208,000
For venereal disease screening and treatment.	
State appropriation.....	827,000
The following Federal amounts are appropriated to supplement the sum appropriated for venereal disease screening and testing:	



(1) "Survey and Follow-Up - Venereal Diseases."		(2) "JTPA - Administration."	
Federal appropriation.....	1,400,000	Federal appropriation.....	1,893,000
For diagnosis and treatment for Cooley's anemia.		(3) "JTPA Grants to Service Delivery Areas."	
State appropriation.....	205,000	Federal appropriation.....	52,000,000
For tuberculosis screening and treatment.		(4) "JTPA Summer Youth Programs."	
State appropriation.....	562,000	Federal appropriation.....	30,000,000
The following Federal amounts are appropriated to supplement the sum appropriated for tuberculosis screening and treatment:		(5) "JTPA Incentive Grants." For incentive grants and technical assistance to SDA's. Funds from this appropriation awarded to SDA's pursuant to section 202(b) of Public Law 87-300 (October 13, 1982) as incentive grants shall be used to increase the number of welfare assistance recipients and high school dropouts receiving job training and assistance services, and to provide employment and training services to prevent individuals from dropping out of high school. Funds not needed for incentive grants or technical assistance may be used to provide employment and training assistance to hard-to-serve individuals.	
(1) "Tuberculosis Control Program."		Federal appropriation.....	6,500,000
Federal appropriation.....	219,000	(6) "JTPA - Older Workers."	
(2) "PHHSBG - Tuberculosis Programs."		Federal appropriation.....	3,500,000
Federal appropriation.....	569,000	(7) "Veterans' Employment Programs."	
For hemophilia services.		Federal appropriation.....	1,132,000
State appropriation.....	2,124,000	For occupational and industrial safety.	
For sickle-cell anemia services.		State appropriation.....	5,505,000
State appropriation.....	1,112,000	For the operation of a Worker and Community Right-To-Know Program pursuant to the act of October 5, 1984 (P.L.734, No.159).	
For summer camps for children with sickle-cell anemia.		State appropriation.....	1,174,000
State appropriation.....	36,000	The following Federal amounts are appropriated to supplement the sum appropriated for a worker and community Right-to-Know Program.	
For Lupus disease - research.		(1) "SARA - Title III."	
State appropriation.....	85,000	Federal appropriation.....	150,000
For health care services in northwestern Pennsylvania.		For occupational disease payments.	
State appropriation.....	195,000	State appropriation.....	5,223,000
For AIDS programs - Of this amount, no more than \$500,000 shall be used for administration by the Department of Health. The remaining appropriated funds shall be used for grants to community-based organizations for AIDS education and prevention activities, a public media campaign and prevention training for individuals whose employment places them at risk.		For the payment to the Vocational Rehabilitation Fund for work of the State Board of Vocational Rehabilitation.	
State appropriation.....	3,038,000	State appropriation.....	16,460,000
The following Federal amounts are appropriated to supplement the sum appropriated for AIDS programs:		The following Federal amounts are appropriated to supplement the sum appropriated for transfer to vocational rehabilitation:	
(1) "AIDS Health Education."		(1) "Disability Determination."	
Federal appropriation.....	6,852,000	Federal appropriation.....	41,740,000
For operation of the Keystone State Games.		For supported employment.	
State appropriation.....	200,000	State appropriation.....	899,000
Health Care Loan Forgiveness.		The following Federal amounts are appropriated to supplement the sum appropriated for supported employment:	
State appropriation.....	1,000,000	(1) "Payment to the Vocational Rehabilitation Fund for supported employment."	
Section 216. Insurance Department.—The following amounts are appropriated to the Insurance Department:		Federal appropriation.....	176,000
For general government operations of the Insurance Department.		For centers for independent living, including independent living services purchased by Office of Vocational Rehabilitation District Offices.	
State appropriation.....	11,252,000	State appropriation.....	920,000
Section 217. Department of Labor and Industry.—The following amounts are appropriated to the Department of Labor and Industry:		To carry out the provisions of section 306(h) of The Pennsylvania Workmen's Compensation Act.	
For general government operations of the Department of Labor and Industry. This appropriation includes the sum of \$200,000 for a labor education program.		State appropriation.....	645,000
State appropriation.....	5,284,000	For needs-based payments for dislocated workers and other services authorized by the act of July 13, 1987 (P.L.346, No.66), known as the	
The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:			
(1) "National Occupational Information Coordinating Committee."			
Federal appropriation.....	276,000		

Dislocated Worker Training Assistance Act; provided that, for fiscal year 1991-1992, not more than 30% of the funds allocated from this appropriation to each participating service delivery area and community-based organization and herein appropriated shall be expended until such time as each participating entity submits to the Department of Labor and Industry data for the previous State fiscal year, and updated on a quarterly basis, on the unduplicated caseloads, unduplicated services and amounts of payments by service delivery area and community-based organization. This data is to be provided in a form acceptable to the Department of Labor and Industry. A copy of the data shall be sent to the Majority Chairman and the Minority Chairman of the Appropriations Committee of the Senate and to the Majority Chairman and the Minority Chairman of the Appropriations Committee of the House of Representatives.

State appropriation..... 4,000,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Dislocated Worker Training Assistance Act.

(1) "JTPA - Dislocated Workers."

Federal appropriation..... 24,000,000

For job centers.

State appropriation..... 2,840,000

For PennSERVE.

State appropriation..... 475,000

For a Literacy Corps Pilot Project.

State appropriation..... 482,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Literacy Corps Pilot Project:

(1) "Community Service and Corps."

Federal appropriation..... 2,400,000

Section 218. Department of Military Affairs.—The following sums are appropriated to the Department of Military Affairs:

Federal State

For general government operations of the Department of Military Affairs.

State appropriation..... 11,912,000

The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:

(1) "National Guard - Maintenance Facilities and Training Sites."

Federal appropriation..... 600,000

(2) "Employee Support - National Guard."

Federal appropriation..... 1,161,000

(3) "Communications System - For Telecommunications Costs."

Federal appropriation..... 1,400,000

For maintenance of monuments to Pennsylvania servicemen who died on foreign soil.

State appropriation..... 4,000

For armory maintenance and repair.

State appropriation..... 495,000

For the operation and maintenance of the Erie Soldiers' and Sailors' Home.

State appropriation..... 4,359,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Erie Soldiers' and Sailors' Home:

(1) "Operations and Maintenance - Erie."

Federal appropriation..... 851,000

(2) "Medicare Services - Erie."

Federal appropriation..... 10,000

For the operation and maintenance of the Hollidaysburg Veterans' Home.

State appropriation..... 11,113,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Hollidaysburg Veterans' Home:

(1) "Operations and Maintenance - Hollidaysburg."

Federal appropriation..... 2,239,000

(2) "Medicare Services - Hollidaysburg."

Federal appropriation..... 25,000

(3) "Dietary Renovations."

Federal appropriation..... 10,000

For the operation and maintenance of the Southeastern Veterans' Home.

State appropriation..... 6,588,000

The following Federal amounts are appropriated to supplement the sum appropriated for the Southeastern Veterans' Home:

(1) "Operations and Maintenance - Southeastern."

Federal appropriation..... 1,059,000

For payment of gratuities for the education of children of certain veterans.

State appropriation..... 65,000

For payment of education credits for members of the National Guard.

State appropriation..... 665,000

For assistance to veterans who are ill or disabled and without means of support.

State appropriation..... 2,393,000

For pensions for veterans blinded through service-connected injuries or disease.

State appropriation..... 159,000

To provide for pensions for paralyzed veterans as required by 51 Pa.C.S. § 7702.

State appropriation..... 365,000

For payment of pensions to dependents of soldiers of the Pennsylvania National Guard killed in the line of duty.

State appropriation..... 15,000

For drug interdiction.

State appropriation..... 97,000

Section 219. Department of Public Welfare.—The following sums are appropriated to the Department of Public Welfare:

Federal State

For general government operations of the Department of Public Welfare, including the monitoring of residential contracts.

State appropriation..... 28,936,000

The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:

(1) "Child Welfare Services - Administration."

Federal appropriation..... 2,053,000

(2) "Child Welfare Training and Certification."

Federal appropriation..... 2,700,000

(3) "CCDBG - Administration."

Federal appropriation..... 724,000

(4) "Rehabilitation Services and Facilities - Basic Support Administration."

Federal appropriation.....	442,000
(5) "Medical Assistance - Administration." Federal appropriation.....	12,644,000
(6) "Maintenance Assistance - Administration." Federal appropriation.....	7,067,000
(7) "Food Stamp Program - Administration." Federal appropriation.....	2,650,000
(8) "Developmental Disabilities - Basic Support." Federal appropriation.....	3,723,000
(9) "Child and Adolescent Services System Grant." Federal appropriation.....	300,000
(10) "Refugees and Persons Seeking Asylum - Social Services - Administration." Federal appropriation.....	1,260,000
(11) "Elementary and Secondary Education Act - Title I - Administration." Federal appropriation.....	510,000
(12) "Manpower Development Grant - Mental Health." Federal appropriation.....	164,000
(13) "Adoption Exchange." Federal appropriation.....	165,000
(14) "Mental Health Planning." Federal appropriation.....	90,000
(15) "Community Support Services - M.H." Federal appropriation.....	1,165,000
(16) "Homeless Mentally Ill - Administration." Federal appropriation.....	60,000
(17) "Mental Health Data Collection." Federal appropriation.....	153,000
(18) "Handicapped Education - Early Intervention." Federal appropriation.....	3,074,000
(19) "Child Abuse Challenge Grant." Federal appropriation.....	160,000
(20) "ADAMHSBG - Administration." Federal appropriation.....	168,000
(21) "SSBG - General Government - Administration." Federal appropriation.....	4,987,000
For Information Systems. State appropriation.....	26,936,000
The following Federal amounts are appropriated to supplement the sum appropriated for the Office of Information Systems:	
(1) "Maintenance Assistance - Information Systems." Federal appropriation.....	7,459,000
(2) "Medical Assistance - Information Systems." Federal appropriation.....	11,067,000
(3) "Food Stamp Program - Information Systems." Federal appropriation.....	4,090,000
(4) "Child Support Enforcement - Information Systems." Federal appropriation.....	5,944,000
For Statewide operations related to county administration of the public assistance and medical assistance programs. State appropriation.....	30,621,000

The following Federal amounts are appropriated to supplement the sum appropriated for Statewide operations relating to county administration:

(1) "Maintenance Assistance - Statewide Operations Related to County Administration." Federal appropriation.....	4,197,000
(2) "Medical Assistance - Statewide Operations Related to County Administration." Federal appropriation.....	24,753,000
(3) "Food Stamp Program - Statewide Operations Related to County Administration." Federal appropriation.....	8,978,000
For county assistance office operations related to administration of the public assistance and medical assistance programs. State appropriation.....	

194,536,000

The following Federal amounts are appropriated to supplement the sum appropriated for county assistance offices:

(1) "Maintenance Assistance - County Assistance Offices." Federal appropriation.....	45,696,000
(2) "Medical Assistance - County Assistance Offices." Federal appropriation.....	31,748,000
(3) "Food Stamp Program - County Assistance Offices." Federal appropriation.....	50,867,000
(4) "LIHEABG - Administration and Audit Costs." Federal appropriation.....	10,035,000

(5) "LIHEABG - Program." Federal appropriation.....

(6) "SSBG - County Assistance Offices." Federal appropriation.....

For program accountability. State appropriation.....

The following Federal amounts are appropriated to supplement the sum appropriated for program accountability:

(1) "Medical Assistance - Program Accountability." Federal appropriation.....	1,152,000
(2) "Maintenance Assistance - Program Accountability." Federal appropriation.....	1,352,000
(3) "Child Support Enforcement Program - Program Accountability." Federal appropriation.....	65,725,000
(4) "Food Stamp Program - Program Accountability." Federal appropriation.....	3,385,000

For services for the visually handicapped. State appropriation.....

The following Federal amounts are appropriated to supplement the sum appropriated for services to the visually handicapped:

(1) "Rehabilitation Services and Facilities for the Blind - Basic Support." Federal appropriation.....	8,114,000
(2) "Vocational Rehabilitation Services for Social Security Disability Beneficiaries." Federal appropriation.....	380,000
For youth development institutions and forestry camps. State appropriation.....	

42,117,000

The following Federal amounts are appropriated to supplement the sum appropriated for youth offender programs:

(1) "Food Nutrition Service - YDC."	
Federal appropriation.....	725,000
(2) "SSBG - Basic Institutional and Other Programs and Facilities for Youth Offenders."	
Federal appropriation.....	1,432,000
(3) "Crime and Delinquency Grant."	
Federal appropriation.....	60,000

For the operation, maintenance and administration of the State medical and surgical hospitals.

State appropriation.....	13,116,000
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The following Federal amounts are appropriated to supplement the sums appropriated for State medical and surgical hospitals:

(1) "Medicare Services at State General Hospitals."	
Federal appropriation.....	10,412,000
(2) "Medical Assistance - State General Hospitals."	
Federal appropriation.....	1,761,000

For the State mental hospitals and restoration center and the care of patients of such hospitals and center, including appropriate treatment and aftercare. This appropriation includes \$6,000,000 for the Eastern Pennsylvania Psychiatric Institute.

State appropriation.....	367,455,000
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The following Federal amounts are appropriated to supplement the sum appropriated for State mental hospitals and restoration center:

(1) "Medical Assistance - State Mental Hospitals."	
Federal appropriation.....	83,937,000
(2) "Medicare Services - State Mental Hospitals."	
Federal appropriation.....	20,813,000
(3) "Food Nutrition Service - State Mental Hospitals."	
Federal appropriation.....	208,000
(4) "Library Services and Construction."	
Federal appropriation.....	14,000

For State centers for the mentally retarded. It is the intent of the General Assembly that, on a Statewide basis, the Department of Public Welfare utilize waivers available under Title 19 of the Social Security Act (section 2176 of the Omnibus Budget Reconciliation Act of 1981) to provide services to retarded persons in community settings.

State appropriation.....	114,922,000
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The following Federal amounts are appropriated to supplement the sum appropriated for the State centers for the mentally retarded:

(1) "Medical Assistance - State Centers."	
Federal appropriation.....	159,098,000
For cash assistance grants.	
State appropriation.....	673,770,000

The following Federal amounts are appropriated to supplement the sum appropriated for cash assistance:

(1) "Maintenance Assistance - Cash Grants."	
Federal appropriation.....	521,066,000
(2) "At Risk - Child Care."	

Federal appropriation.....	12,812,000
For medical assistance payments - outpatient services, exclusive of outpatient services provided through capitation plans. This appropriation includes \$6,430,000 for services mandated by section 2334 of the Administrative Code of 1929.	

State appropriation.....	499,363,000
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The following Federal amounts are appropriated to supplement the sum appropriated for medical assistance - outpatient:

(1) "Medical Assistance - Outpatient."	
Federal appropriation.....	469,622,000
For medical assistance outpatient pharmacy dispensing fee increase.	

State appropriation.....	3,000,000
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For expanded medical services to women.

State appropriation.....	3,000,000
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For AIDS-related special pharmaceutical services.

State appropriation.....	2,393,000
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The following Federal amounts are appropriated to supplement the sum appropriated for AIDS-related pharmaceutical services:

(1) "AIDS Special Pharmaceutical Services."	
Federal appropriation.....	114,000

For medical assistance payments - inpatient services, exclusive of services provided through capitation plans.

State appropriation.....	634,532,000
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The following Federal amounts are appropriated to supplement the sum appropriated for medical assistance - inpatient services:

(1) "Medical Assistance - Inpatient."	
Federal appropriation.....	935,644,000

For medical assistance - capitation plans. For provision of outpatient services and inpatient hospital services to eligible persons enrolled in an approved capitation plan.

State appropriation.....	238,665,000
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The following Federal amounts are appropriated to supplement the sum appropriated for medical assistance - capitation plans:

(1) "Medical Assistance - Capitation Plans."	
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Federal appropriation.....	169,121,000
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For medical assistance - long-term care facilities.

State appropriation.....	371,844,000
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The following Federal amounts are appropriated to supplement the sum appropriated for long-term care facilities:

(1) "Medical Assistance - Long-Term Care Facilities."	
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Federal appropriation.....	862,462,000
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Any rule, regulation or policy for the State or Federal appropriations for the cash assistance, outpatient, inpatient, capitation, long-term care and Supplemental Grants to the Aged, Blind and Disabled programs adopted by the Secretary of Public Welfare during the fiscal period 1991-1992 which adds to the cost of any public assistance program shall be effective only from and after the date upon which it is approved as to the availability of funds by the Governor.

For Supplemental Grants to the Aged, Blind and Disabled.

State appropriation.....	95,321,000
The following Federal amounts are appropriated to supplement the sum appropriated for grants to the aged, blind and disabled:	
(1) "SSI - Refugee Assistance."	
Federal appropriation.....	175,000
For medical assistance - transportation.	
State appropriation.....	15,111,000
The following Federal amounts are appropriated to supplement the sum appropriated for medical assistance - transportation:	
(1) "Medical Assistance - Transportation."	
Federal appropriation.....	11,617,000
It is the intent of the General Assembly that reimbursements for transportation services shall not exceed the amount of State and Federal funds appropriated by the General Assembly and that these funds shall be utilized as payment of last resort for transportation services for eligible recipients.	
For preadmission assessment.	
State appropriation.....	4,185,000
The following Federal amounts are appropriated to supplement the sum appropriated for preadmission assessment:	
(1) "Medical Assistance - Preadmission Assessment."	
Federal appropriation.....	4,911,000
(2) "Frail Elderly."	
Federal appropriation.....	2,300,000
For intermediate care facilities/MR.	
State appropriation.....	86,875,000
The following Federal amounts are appropriated to supplement the sum appropriated for intermediate care facilities/MR:	
(1) "Medical Assistance - Intermediate Care Facilities - Mentally Retarded."	
Federal appropriation.....	114,052,000
For community mental health services, exclusive of capital improvements, which shall include grants to counties and county institution districts. Included in this appropriation is \$2,400,000 for children's mental health residential services and sufficient funds for a 3.5% cost-of-living adjustment for community-based programs.	
State appropriation.....	223,620,000
The following Federal amounts are appropriated to supplement the sum appropriated for community mental health services:	
(1) "Homeless Mentally Ill."	
Federal appropriation.....	1,466,000
(2) "Intensive Care Management."	
Federal appropriation.....	9,000,000
(3) "Evaluation of Family-Based Mental Health Services."	
Federal appropriation.....	350,000
(4) "Children's Mental Health Training."	
Federal appropriation.....	100,000
(5) "ADAMHSBG - Community Mental Health Services."	
Federal appropriation.....	16,215,000
(6) "SSBG - Community Mental Health Services."	
Federal appropriation.....	19,058,000
(7) "Medical Assistance - Extended Psychiatric Care."	

Federal appropriation.....	7,200,000
For community-based services for the mentally retarded, exclusive of capital improvements, which shall include grants to counties and county institution districts for noninstitutional programs. This appropriation includes sufficient funds for a 3.5% cost-of-living adjustment for community-based programs.	
State appropriation.....	307,911,000
The following Federal amounts are appropriated to supplement the sum appropriated for community services for the mentally retarded:	
(1) "Medical Assistance - Community Services."	
Federal appropriation.....	68,183,000
(2) "SSBG - Community Services for the Mentally Retarded."	
Federal appropriation.....	17,998,000
For MH/MR residential wage and hour costs resulting from U.S. Department of Labor ruling in 29 CFR 785.20 (1988).	
State appropriation.....	3,000,000
For early intervention services. This appropriation includes sufficient funds for a 3.5% cost-of-living adjustment.	
State appropriation.....	23,044,000
The following Federal amounts are appropriated to supplement the sum appropriated for early intervention services:	
(1) "SSBG - Early Intervention."	
Federal appropriation.....	2,825,000
(2) "Medical Assistance - Early Intervention."	
Federal appropriation.....	1,838,000
For payment to counties for children and youth programs and for the care of delinquent and dependent children, provided that, for fiscal year 1991-1992, not more than 50% of the funds allocated from this appropriation to each county and herein appropriated shall be expended until such time as each county submits to the Department of Public Welfare data for the previous State fiscal year, and updated on a quarterly basis, on the unduplicated caseloads, unduplicated services and number of caseworkers by county program. This data is to be provided in a form acceptable to the Department of Public Welfare. A copy of the data shall be sent to the majority and minority chairmen of the Appropriations Committee of the House of Representatives and of the Appropriations Committee of the Senate. Reimbursement for children and youth services made pursuant to section 704.1 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not exceed the amount of State funds appropriated. Included in this appropriation is \$6,900,000 for the continuation and expansion of family preservation services; \$550,000 for an automated data collection system; and \$250,000 for an intensive review of the causes of multiple, out-of-home placements for children.	
State appropriation.....	299,448,000

The following Federal amounts are appropriated to supplement the sum appropriated for payments to counties for children and youth programs and child abuse and neglect prevention:

<p>(1) "Child Welfare Services." Federal appropriation..... 10,000,000</p> <p>(2) "Maintenance Assistance - Child Welfare." Federal appropriation..... 110,000,000</p> <p>(3) "SSBG - Child Welfare." Federal appropriation..... 16,238,000</p> <p>For 1990-1991 overmatch payment to counties for children and youth programs. State appropriation..... 6,000,000</p> <p>For day-care services provided by State-approved facilities for children. State appropriation..... 37,147,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for day-care services:</p> <p>(1) "Child Care Improvement Grant." Federal appropriation..... 1,246,000</p> <p>(2) "CCDBG - Day Care." Federal appropriation..... 20,564,000</p> <p>(3) "Dependent Care Planning and Development." Federal appropriation..... 623,000</p> <p>(4) "Child Development Scholarship." Federal appropriation..... 122,000</p> <p>(5) "Crisis Nursery Grant." Federal appropriation..... 150,000</p> <p>(6) "SSBG - Day Care." Federal appropriation..... 38,775,000</p> <p>For New Directions. State appropriation..... 24,464,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for New Directions:</p> <p>(1) "Maintenance Assistance - New Directions." Federal appropriation..... 29,967,000</p> <p>(2) "Food Stamp Employment and Training - New Directions." Federal appropriation..... 12,878,000</p> <p>For domestic violence programs. State appropriation..... 5,779,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for domestic violence programs:</p> <p>(1) "Family Violence Prevention and Services." Federal appropriation..... 319,000</p> <p>(2) "SSBG - Domestic Violence Programs." Federal appropriation..... 1,551,000</p> <p>For rape crisis programs. State appropriation..... 2,778,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for rape crisis programs:</p> <p>(1) "PHHSBG - Services to Rape Victims and Rape Prevention." Federal appropriation..... 180,000</p> <p>(2) "SSBG - Rape Crisis Services." Federal appropriation..... 815,000</p> <p>The following Federal amounts are appropriated for family planning:</p> <p>(1) "SSBG - Family Planning." Federal appropriation..... 4,948,000</p> <p>For breast cancer screening. State appropriation..... 706,000</p>	<p>For the provision of legal services. State appropriation..... 2,000,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for legal services:</p> <p>(1) "SSBG - Legal Services." Federal appropriation..... 6,499,000</p> <p>Any award of attorney fees from any Commonwealth agency or official to a legal service provider supported, in whole or in part, directly or by contract under this appropriation shall be paid exclusively from this appropriation.</p> <p>For the Human Services Development Fund. The total appropriation shall be allocated to counties as follows: 50% shall be allocated by per capita and 50% shall be allocated by poverty. Poverty shall be defined as the average number of Aid to Families with Dependent Children, General Assistance and State Blind Pension recipients in fiscal year 1989-1990 as a proportion of the Statewide average number of Aid to Families with Dependent Children, General Assistance and State Blind Pension recipients in this Commonwealth for fiscal year 1989-1990. The most recent population estimates as published by the Pennsylvania State Data Center shall be used to derive the per capita calculation. No county shall receive a grant of less than \$50,000 in State and Federal dollars combined. Under no circumstances shall any county receive a grant in an amount which is less than it received in the immediately preceding fiscal year. State appropriation..... 32,098,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for the Human Services Development Fund:</p> <p>(1) "Refugees and Persons Seeking Asylum." Federal appropriation..... 6,200,000</p> <p>(2) "Immigration Reform and Control." Federal appropriation..... 3,540,000</p> <p>(3) "Temporary Child Care for Handicapped/Chronically Ill Children." Federal appropriation..... 120,000</p> <p>For provision of services to the homeless, such as bridge housing, single-room occupancy, residences for the mentally ill homeless and housing assistance. State appropriation..... 16,698,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for services to the homeless:</p> <p>(1) "Housing Emergency Assistance." Federal appropriation..... 3,493,000</p> <p>(2) "SSBG - Shelter Care." - For provision of emergency shelter services for homeless persons. Federal appropriation..... 2,808,000</p> <p>For services provided to the developmentally disabled in conjunction with the Federal Nursing Home Reform Act (Public Law 100-203). State appropriation..... 1,302,000</p> <p>The following Federal amounts are appropriated to supplement the sum appropriated for services to the developmentally disabled:</p> <p>(1) "SSBG - Developmentally Disabled." Federal appropriation..... 152,000</p>
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(2) "Medical Assistance - Services to the Developmentally Disabled."  
Federal appropriation..... 712,000  
For attendant care services for physically handicapped adults.  
State appropriation..... 9,761,000  
The following Federal amounts are appropriated to supplement the sum appropriated for attendant care services:  
(1) "SSBG - Attendant Care."  
Federal appropriation..... 8,006,000  
The above Federal appropriations to the Department of Public Welfare include any prior earnings that may be received during fiscal year 1991-1992.  
In addition to the amounts specifically appropriated herein to the Department of Public Welfare, all moneys appropriated from the Federal Government during any previous fiscal year which are expected to be received as reimbursements may be carried forward until June 30, 1992, to the extent that contracted obligations are carried forward. In addition, any reimbursements actually received to support such obligations may also be carried forward.  
To assist an association of retarded citizens in cities of the first class.  
State appropriation..... 150,000  
Section 220. Department of Revenue.—The following amounts are appropriated to the Department of Revenue:  
For general government operations of the Department of Revenue.  
State appropriation..... 85,569,000  
For computer acquisition.  
State appropriation..... 1,328,000  
For the distribution of Public Utility Realty Tax.  
State appropriation..... 143,975,000  
Section 221. Department of State.—The following amounts are appropriated to the Department of State:  
For general government operations of the Department of State.  
State appropriation..... 1,305,000  
Reapportionment expenses.  
State appropriation..... 700,000  
For costs related to absentee voting by persons in military services.  
State appropriation..... 8,000  
For costs incurred from the operation of the voter-registration-by-mail program.  
State appropriation..... 350,000  
Section 222. Department of Transportation.—The following amounts are appropriated to the Department of Transportation:  
For mass transit operations of the Department of Transportation, including urban, rural and intercity mass transportation and goods movement operation.  
State appropriation..... 1,482,000  
The following Federal amounts are appropriated to supplement the sum appropriated for Mass Transit Operations:  
(1) "Urban Mass Transportation - Technical Studies Grants."

Federal appropriation..... 544,000  
(2) "Capital Assistance - Elderly and Handicapped Program - Administration."  
Federal appropriation..... 62,000  
(3) "Surface Transportation Assistance - Program Operations and Planning - Administration."  
Federal appropriation..... 619,000  
(4) "Mass Transportation Capital Improvement Grants."  
Federal appropriation..... 2,000,000  
The following Federal amounts are appropriated to supplement the sum appropriated for mass transit operations and goods movement:  
(1) "Title IV Rail Assistance - Program Operations and Planning."  
Federal appropriation..... 26,000  
For the rail safety inspection program.  
State appropriation..... 340,000  
For transfer to the Motor License Fund for collection of vehicle sales tax.  
State appropriation..... 1,726,000  
For the operation of Welcome Centers.  
State appropriation..... 934,000  
For urban mass transportation assistance for grants to local transportation organizations to be used only for purchase of service projects, advertising and promotion programs. This appropriation includes sufficient funds to implement section 204(i) of the Pennsylvania Urban Mass Transportation Law. This appropriation includes \$26,000,000 for the Free Transit Program.  
State appropriation..... 265,687,000  
For rural and intercity transportation: for small urban area purchase of service grants, and operating subsidies and demonstration projects for passenger rail and bus service.  
State appropriation..... 4,300,000  
The following Federal amounts are appropriated to supplement the sum appropriated for intercity rail and rural bus transportation:  
(1) "Surface Transportation Assistance."  
Federal appropriation..... 3,500,000  
(2) "Surface Transportation Assistance - Capital."  
Federal appropriation..... 6,000,000  
For operating subsidies, lease payments and maintenance projects on rail freight lines.  
State appropriation..... 3,600,000  
Section 223. Pennsylvania State Police.—The following amounts are appropriated to the Pennsylvania State Police:  
For general government operations of the Pennsylvania State Police.  
State appropriation..... 104,953,000  
The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:  
(1) "Drug Enforcement."  
Federal appropriation..... 200,000  
For the Municipal Police Officers' Education and Training Commission, including in-service training.  
State appropriation..... 4,567,000  
For replacement of patrol vehicles.



State appropriation.....	2,116,000		requirements of the higher education accountability appropriation in section 212. No funds from this appropriation shall be used for the administration, operation or maintenance of the property known as Welkinweir.	
For an automated fingerprint identification system (AFIS).				
State appropriation.....	2,085,000			
Section 224. State Civil Service Commission.—The following amounts are appropriated to the State Civil Service Commission:		Federal State		
For the general government operations of the Civil Service Commission, including administration of the merit system for employees under provisions of the Civil Service Act: Provided, That, in addition to the amount hereby appropriated, any money collected by the commission by way of reimbursement under the Civil Service Act shall be paid into the General Fund through the Department of Revenue and shall be credited to this appropriation.			State appropriation.....	377,711,000
			To enhance the recruitment and retention of minority students and faculty.	
			State appropriation.....	300,000
			The State System of Higher Education shall report its financial statements in accordance with generally accepted accounting principles as prescribed by the National Association of College and University Business Officers, the American Institute of Certified Public Accountants or any other recognized authoritative body, as well as applicable policy and standards promulgated by the Commonwealth and the Federal Government.	
			For deferred maintenance, as a condition of accepting these funds, the State System of Higher Education shall provide matching funds equal to at least 50% of this appropriation.	
State appropriation.....	1,000		State appropriation.....	3,800,000
Section 225. Pennsylvania Emergency Management Agency.—The following amounts are appropriated to the Pennsylvania Emergency Management Agency:		Federal State	For the McKeever Environmental Learning Center.	
For general government operations of the Pennsylvania Emergency Management Agency.			State appropriation.....	250,000
State appropriation.....	3,171,000		For the support of the academy for the profession of teaching.	
The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:			State appropriation.....	500,000
(1) "Civil Preparedness Reimbursements."			For postsecondary learning.	
Federal appropriation.....	2,780,000		State appropriation.....	500,000
(2) "Flash Flood Project - Warning System."			For an affirmative action program.	
Federal appropriation.....	375,000		State appropriation.....	1,115,000
For the Office of Fire Safety.			Section 228. Pennsylvania Higher Education Assistance Agency.—The following amounts are appropriated to the Pennsylvania Higher Education Assistance Agency:	
State appropriation.....	892,000			Federal State
The following Federal amounts are appropriated to supplement the sum appropriated for fire safety:			For payment of education assistance grants.	
Fire Prevention.			State appropriation.....	155,000,000
Federal appropriation.....	8,000		For matching payments for student aid funds.	
For Firefighters' Memorial Flags.			State appropriation.....	6,350,000
State appropriation.....	10,000		For institutional assistance grants to be allotted by the Pennsylvania Higher Education Assistance Agency.	
Section 226. Pennsylvania Fish Commission.—The following amounts are appropriated to the Pennsylvania Fish Commission:		Federal State	State appropriation.....	29,092,000
For the support of the Atlantic States Marine Fisheries Commission.			No college, university or institution receiving a direct appropriation from the Commonwealth of Pennsylvania shall be eligible to participate in the institutional assistance grants program.	
State appropriation.....	9,000		For equal opportunity professional education.	
Section 227. State System of Higher Education.—The following amounts are appropriated to the State System of Higher Education:		Federal State	State appropriation.....	750,000
For the State System of Higher Education, including the Chancellor's Office. This appropriation shall be contingent upon any 1991-1992 academic year tuition increases for undergraduate Pennsylvania resident students not exceeding 6%, or \$100, whichever is greater. The final quarterly payment of this appropriation is contingent on the Secretary of Education certifying to the General Assembly that the State System of Higher Education has fully cooperated in the Department of Education's efforts to fulfill the			For establishing, operating and maintaining regional computer resource centers, including teacher computer training grants and for the purchase of computers and for the development of hardware and software necessary to improve student knowledge about and through computers.	
			State appropriation.....	7,000,000
			For the loan forgiveness program established by the act of December 16, 1988 (P.L.1259, No.155), known as the Urban and Rural Teacher Loan Forgiveness Act.	

State appropriation.....	3,740,000	For payment to the Milk Marketing Fund.	
For agricultural loan forgiveness.		State appropriation.....	950,000
State appropriation.....	2,000,000	Section 234. Pennsylvania Board of Probation and Parole.—The following amounts are appropriated to the Pennsylvania Board of Probation and Parole:	Federal State
Section 229. Pennsylvania Historical and Museum Commission.—The following amounts are appropriated to the Pennsylvania Historical and Museum Commission:		For general government operations of the Board of Probation and Parole.	
To the Pennsylvania Historical and Museum Commission for general government operations of the Pennsylvania Historical and Museum Commission.		State appropriation.....	29,930,000
State appropriation.....	12,220,000	For intensive parole supervision.	
The following Federal amounts are appropriated to supplement the sum appropriated for general government operations:		State appropriation.....	1,912,000
(1) "Division of Historic Preservation."		For payments for grants-in-aid to counties for providing improved adult probation services.	
Federal appropriation.....	850,000	State appropriation.....	7,878,000
(2) "Surface Mining."		The following Federal amounts are appropriated to supplement the sum appropriated for payments for grant-in-aid to counties for providing improved adult probation services:	
Federal appropriation.....	25,000	(1) "Statewide Urinalysis Testing Program."	
For Columbus Day celebrations.		Federal appropriation.....	15,000
State appropriation.....	150,000	For supplemental payments for grants-in-aid to counties for providing improved adult probation services.	
To undertake major maintenance and repair needs at historic sites and museums administered by the Pennsylvania Historical and Museum Commission.		State appropriation.....	3,500,000
State appropriation.....	817,000	For a Drug Offenders Work Program. Such work shall in no case replace jobs protected by a collective bargaining unit.	
For museum assistance grants.		State appropriation.....	175,000
State appropriation.....	412,000	Section 235. Pennsylvania Public Television Network Commission.—The following amounts are appropriated to the Pennsylvania Public Television Network Commission:	Federal State
For humanities activities in Pennsylvania.		For the general government operations of the Pennsylvania Public Television Network Commission.	
State appropriation.....	75,000	State appropriation.....	2,500,000
Section 230. Pennsylvania Housing Finance Agency.—The following amounts are appropriated to the Pennsylvania Housing Finance Agency:		For public television station grants.	
For transfer to the Pennsylvania Housing Finance Agency for the Homeowner's Emergency Mortgage Assistance Program.		State appropriation.....	6,458,000
State appropriation.....	7,500,000	Section 236. Pennsylvania Securities Commission.—The following amounts are appropriated to the Pennsylvania Securities Commission:	Federal State
Section 231. Pennsylvania Infrastructure Investment Authority.—The following amounts are appropriated to the Pennsylvania Infrastructure Investment Authority:		For general government operations of the Pennsylvania Securities Commission.	
For transfer to the Pennsylvania Infrastructure Investment Authority (PENNVEST).		State appropriation.....	3,064,000
State appropriation.....	2,000,000	Section 237. State Employees' Retirement System.—The following amounts are appropriated to the State Employees' Retirement System:	Federal State
The following Federal amounts are appropriated to supplement the sum appropriated for the Pennsylvania Infrastructure Investment Authority:		For payment of the employer's contribution on behalf of members of the National Guard.	
(1) "Sewage Projects Revolving Loan Fund."		State appropriation.....	672,000
Federal appropriation.....	40,000,000	Section 238. State Tax Equalization Board.—The following amounts are appropriated to the State Tax Equalization Board:	Federal State
Section 232. Environmental Hearing Board.—The following amounts are appropriated to the Environmental Hearing Board:		For general government operations of the State Tax Equalization Board.	
For the Environmental Hearing Board.		State appropriation.....	1,191,000
State appropriation.....	1,321,000	Section 239. Pennsylvania Crime Commission.—The following amounts are appropriated to the Pennsylvania Crime Commission:	Federal State
The following Federal amounts are appropriated to supplement the sum appropriated for the Environmental Hearing Board:		For general government operations of the Pennsylvania Crime Commission.	
(1) "OSM Grant."			
Federal appropriation.....	40,000		
Section 233. Milk Marketing Board.—The following amounts are appropriated to the Milk Marketing Board:			
	Federal State		

State appropriation.....	2,469,000	Chairman of the Caucus (R). State appropriation.....	3,000
Section 240. State Ethics Commission.— The following amounts are appropriated to the State Ethics Commission:	Federal State	Chairman of the Caucus (D). State appropriation.....	3,000
For the salaries, wages and all necessary expenses for the work of the State Ethics Com- mission.		Secretary of the Caucus (R). State appropriation.....	3,000
State appropriation.....	829,000	Secretary of the Caucus (D). State appropriation.....	3,000
Section 241. Health Care Cost Contain- ment Council.—The following amounts are appropriated to the Health Care Cost Contain- ment Council:	Federal State	Chairman of the Appropriations Committee (R). State appropriation.....	6,000
For the Health Care Cost Containment Council.		Chairman of the Appropriations Committee (D). State appropriation.....	6,000
State appropriation.....	1,744,000	Chairman of the Policy Committee (R). State appropriation.....	2,000
SUBPART B		Chairman of the Policy Committee (D). State appropriation.....	2,000
LEGISLATIVE DEPARTMENT		Caucus Administrator (R). State appropriation.....	2,000
Section 251. Senate.—The following amounts are appropriated to the Senate:	Federal State	Caucus Administrator (D). State appropriation.....	2,000
For the salaries, wages and all necessary expenses for the following purposes:		Upon presentation of requisitions for contin- gent expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses.	
Salaries of Senators.		Miscellaneous expenses:	
State appropriation.....	3,550,000	Mileage and Expenses, Senators: In addition to the annual reimbursement for expenses autho- rized by law for each member of the Senate, each member shall be entitled to reimbursement for actual expenses, not exceeding the sum of \$2,500 annually, incurred for lodging and meals while away from home on official legislative business, official postage and all other expenses incidental to legislative duties.	
Salaries of employees of the President of the Senate.		State appropriation.....	550,000
State appropriation.....	159,000	Legislative printing and expenses, furniture, equipment, renovations and other expenses.	
Salaries and wages of employees of the Chief Clerk and all necessary expenditures to be allo- cated and disbursed at the direction of the Presi- dent pro tempore.		State appropriation.....	3,764,000
State appropriation.....	3,267,000	Upon presentation of requisitions by the Chief Clerk against the appropriations for legis- lative printing and expenses for expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisitions as entitled to receive such expenses.	
Salaries, wages and expenses of employees of the Senate, and expenses of the office of the President pro tempore to be disbursed at the direction of the President pro tempore.		For computer services, including the payment of salaries, wages, operating costs, contracts, equipment and other incidental materials and expenses.	
State appropriation.....	4,626,000	State appropriation.....	3,364,000
Incidental expenses for payment of mainte- nance and other expenses of the Senate.			
State appropriation.....	1,485,000		
For payment of postage.			
State appropriation.....	1,426,000		
The above appropriations for postage and for incidental expenses shall be paid prior to the payment of such expenses on warrant of the State Treasurer in favor of the Chief Clerk upon the presentation of requisitions for the same: Provided, That the total amount of requisitions for advancements, less the total amount of expenditures made as certified by such officer to the State Treasurer, shall not exceed the amount of the bond of the officer having control of the disbursement from the funds advanced.			
Contingent expenses:			
President.			
State appropriation.....	5,000		
President pro tempore.			
State appropriation.....	20,000		
Floor Leader (R).			
State appropriation.....	7,000		
Floor Leader (D).			
State appropriation.....	7,000		
Whip (R).			
State appropriation.....	6,000		
Whip (D).			
State appropriation.....	6,000		

budget and financial committees of other states, and for the necessary clerical assistance and other assistance, travel expenses and all other expenses deemed necessary by the chairman in compiling data and information connected with the work of the Senate in compiling comparative costs and other fiscal data and information for the use of the committee and the Senate during legislative sessions and during the interim between legislative sessions to the discharge of such duties. The committee shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any State office, department, institution, board, committee, commission or agency or any institution or agency supported, in whole or in part, by appropriation from the State Treasury and to administer oaths. The Committee on Appropriations may issue subpoenas under the hand and seal of the chairman to compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony touching matters properly being inquired into by the committee and to cause the deposition of witnesses either residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions. Upon presentation of requisitions by the Chief Clerk for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses.

State appropriation.....

1,485,000

For the payment of the expenses of the Committee on Appropriations (D), designated by a majority vote of the Minority Party Senate Caucus (D), for investigating schools, colleges, universities, correctional institutions, mental hospitals, medical and surgical hospitals, homes and other institutions and agencies supported, in whole or in part, by appropriations from the State Treasury in analyzing reports, expenditures, and the general operation and administration of the institutions and agencies, in examining and analyzing requests of the same and of the various departments, boards and commissions of the Commonwealth, and for the collection of data from other states, attending seminars and conferences, and in cooperating and exchanging information with legislative budget and financial committees of other states, and for the necessary clerical assistance and other assistance, travel expenses and all other expenses deemed necessary by the chairman in compiling data and information connected with the work of the committee in compiling comparative cost and other fiscal data and information for the use of the committee and the Senate during legislative sessions and during the interim between legislative sessions to the discharge of such duties. Upon presentation of requisitions by the Chief Clerk for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses.

State appropriation..... 1,485,000  
For the Leadership Operations Account (R) for payment of salaries, wages and all other incidental expenses incurred in hiring personnel and staff for services which, in the opinion of the Floor Leader (R), may be required or arise during legislative sessions and during the interim between legislative sessions and for the payment of all other expenses related to the performance of Senate duties and responsibilities. Upon presentation of requisitions by the Chief Clerk for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses.

1,485,000

State appropriation..... 5,188,000  
For the Leadership Operations Account (D) for payment of salaries, wages and all other incidental expenses incurred in hiring personnel and staff for services which, in the opinion of the Floor Leader (D), may be required or arise during legislative sessions and during the interim between legislative sessions and for the payment of all other expenses related to the performance of Senate duties and responsibilities. Upon presentation of requisitions by the Chief Clerk for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses.

5,188,000

State appropriation..... 5,188,000  
For allocation in such amounts as may be designated by the Legislative Management Committee (R) to the several standing committees and support offices (other than the Committee on Appropriations) for payment of compensation of counsel, research assistants and other staff personnel hired to assist the members (R) of the Senate or its standing committees and for other necessary Senate expenses incurred. Upon presentation of requisitions by the Chief Clerk for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses.

5,188,000

State appropriation..... 3,742,000  
For allocation in such amounts as may be designated by the Legislative Management Committee (D) to the several standing committees and support offices (other than the Committee on Appropriations) for payment of compensation of counsel, research assistants and other staff personnel to assist the members (D) of the Senate or its standing committees and for other necessary Senate expenses incurred. Upon presentation of requisitions by the Chief Clerk for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisitions as entitled to receive such compensation or expenses.

3,742,000

State appropriation..... 3,742,000  
All appropriations made in this act or in any other fiscal year to any account of the Senate, except for the Committee on Appropriations (D)

3,742,000

or the Committee on Appropriations (R) accounts, remaining unexpended and unencumbered on the effective date of this part, may be transferred by the Committee on Management Operations, by a vote of two-thirds of its members, in its discretion, to such Senate accounts as the committee deems necessary. Such power to transfer appropriations shall be limited to the 1990-1991 fiscal year.

Section 252. House of Representatives.—The following amounts are appropriated to the House of Representatives:

For the salaries, wages and all necessary expenses for the following purposes:

Salaries of Representatives and extra compensation to the Speaker of the House of Representatives.

	Federal	State
State appropriation.....	13,627,000	
Salaries:		
House employees (D).		
State appropriation.....	6,485,000	
House employees (R).		
State appropriation.....	6,485,000	
For the operation of the Speaker's Office.		
State appropriation.....	678,000	
Bipartisan Management Committee, Chief Clerk and Comptroller.		
State appropriation.....	7,593,000	
Mileage:		
Representatives, officers and employees.		
State appropriation.....	548,000	
Postage:		
Chief Clerk and Legislative Journal.		
State appropriation.....	594,000	
Contingent Expenses:		
Speaker.		
State appropriation.....	20,000	
Chief Clerk.		
State appropriation.....	386,000	
Floor Leader (D).		
State appropriation.....	6,000	
Floor Leader (R).		
State appropriation.....	6,000	
Whip (D).		
State appropriation.....	4,000	
Whip (R).		
State appropriation.....	4,000	
Chairman of the Caucus (D).		
State appropriation.....	3,000	
Chairman of the Caucus (R).		
State appropriation.....	3,000	
Secretary of the Caucus (D).		
State appropriation.....	3,000	
Secretary of the Caucus (R).		
State appropriation.....	3,000	
Chairman of the Appropriations Committee (D).		
State appropriation.....	6,000	
Chairman of the Appropriations Committee (R).		
State appropriation.....	6,000	
Chairman of the Policy Committee (D).		
State appropriation.....	2,000	
Chairman of the Policy Committee (R).		
State appropriation.....	2,000	
Caucus Administrator (D).		

State appropriation.....	2,000
Caucus Administrator (R).	
State appropriation.....	2,000
Administrator for Staff (D).	
State appropriation.....	20,000
Administrator for Staff (R).	
State appropriation.....	20,000

The above appropriations for postage and for contingent expenses shall be paid prior to the payment of such expenses on warrant of the State Treasurer in favor of the officers above named upon the presentation of their requisitions for the same: Provided, That the total amount of requisitions for advancements, less the total amount of expenditures made as certified by such officers to the State Treasurer, shall not exceed the amount of the bond of the officer having control of the disbursement from the funds advanced.

Miscellaneous expenses:

Legislative Office for Research Liaison.	
State appropriation.....	423,000
Incidental expenses.	
State appropriation.....	6,237,000
Expenses - Representatives: In addition to annual reimbursement for expenses heretofore authorized by law for each member of the House of Representatives, each member shall be entitled to reimbursement for actual expenses, not exceeding the sum of \$2,500 annually, incurred for lodging and meals while away from home on official legislative business, official postage, staff and all other expenses incidental to legislative duties.	
State appropriation.....	2,010,000
Legislative printing and expenses.	
State appropriation.....	10,000,000
Members' home office expenses.	
State appropriation.....	2,030,000
Attending National Legislative Conference - expenses.	
State appropriation.....	200,000

The above appropriations for attending National Legislative Conference meetings and for attending meetings of the Council of State Governments shall be paid to the Chief Clerk of the House in the same manner and under the same conditions as the appropriations for postage and contingent expenses above.

For the payment of the expenses of the Committee on Appropriations (D) of the House of Representatives in investigating schools, colleges, universities, correctional institutions, mental hospitals, medical and surgical hospitals, homes and other institutions and agencies supported, in whole or in part, by appropriations from the State Treasury in analyzing reports, expenditures and the general operation and administration of the institutions and agencies in examining and analyzing requests of the same and of the various departments, boards and commissions of the Commonwealth, and for the collection of data from other states, attending seminars and conferences, and in cooperating and exchanging information with legislative budget and financial committees of other states, and any office expenses necessary to serve the committee and its chairman, and for the necessary clerical

assistance and other assistance, travel expenses and all other expenses deemed necessary by the chairman in compiling data and information connected with the work of the committee in compiling comparative cost and other fiscal data and information for the use of the committee and the House of Representatives during legislative sessions and during the interim between legislative sessions to the discharge of such duties. The committee shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any State office, department, institution, board, committee, commission or agency or any institution or agency supported, in whole or in part, by appropriation from the State Treasury and to administer oaths. The sum appropriated shall be paid on warrant of the State Treasurer in favor of the chairman of the committee on the presentation of his requisition for the same. The Chairman of the Committee on Appropriations (D) shall, not later than 30 days after the termination of his term of office or until his successor is elected and also within 30 days after the adjournment of any regular or special session, file an account, together with supporting documents whenever possible, in the office of the Committee on Appropriations, of the committee's expenses since the filing of the prior account.

State appropriation.....

1,282,000

For the payment of the expenses of one member of the Committee on Appropriations (R) of the House of Representatives, designated by a majority vote of the House of Representatives Caucus (R), for investigating schools, colleges, universities, correctional institutions, mental hospitals, medical and surgical hospitals, homes and other institutions and agencies supported, in whole or in part, by appropriations from the State Treasury in analyzing reports, expenditures, and the general operation and administration of the institutions and agencies in examining and analyzing requests of the same and of the various departments, boards and commissions of the Commonwealth and for the collection of data from other states, attending seminars and conferences, and in cooperating and exchanging information with legislative budget and financial committees of other states, and any office expenses necessary to serve the committee and its chairman, and for the necessary clerical assistance, and other assistance, travel expenses and all other expenses deemed necessary by the chairman in compiling data and information connected with the work of the committee in compiling comparative cost and other fiscal data and information for the use of the committee and the House of Representatives during legislative sessions and during the interim between legislative sessions to the discharge of such duties. The sum appropriated shall be paid on warrant of the State Treasurer in favor of the member so designated by the majority vote of the House of Representatives Caucus (R) on the presentation of his requisition for the same. Such member so designated shall, not later than 30 days after the termination of his term of office or until his successor is elected and also within 30 days after the

adjournment of any regular or special session, file an account, together with supporting documents whenever possible, in the office of the Committee on Appropriations (R) of the House of Representatives, of his expenses since the filing of the prior account.

State appropriation.....

1,282,000

The Committee on Appropriations may issue subpoenas under the hand and seal of the Majority Chairman to compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony touching matters properly being inquired into by the committee and to cause the deposition of witnesses either residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions.

For the payment to the Special Leadership Account (D) for payment of salaries, wages and all other incidental expenses incurred in hiring personnel and staff or for services, which, in the opinion of the Majority Leader, may be required or arise during legislative sessions and during the interim between legislative sessions and for the payment of all other expenses related to the performance of his duties and responsibilities. The sum appropriated shall be paid on warrant of the State Treasurer in favor of the Majority Leader on the presentation of his requisition for the same. The Majority Leader shall, not later than 30 days after the termination of his term of office or until his successor is elected and also within 30 days after the adjournment of any regular or special session, file an account, together with supporting documents whenever possible, in the office of the Majority Leader, of such expenses since the filing of the prior account.

State appropriation.....

4,772,000

For the payment to the Special Leadership Account (R) for payment of salaries, wages and all other incidental expenses incurred in hiring personnel and staff or for services which, in the opinion of the Minority Leader, may be required or arise during legislative sessions and during the interim between legislative sessions and for the payment of all other expenses related to the performance of his duties and responsibilities. The sum appropriated shall be paid on warrant of the State Treasurer in favor of the Minority Leader on the presentation of his requisition for the same. The Minority Leader shall, not later than 30 days after the termination of his term of office or until his successor is elected and also within 30 days after the adjournment of any regular or special session, file an account, together with supporting documents whenever possible, in the office of the Minority Leader, of such expenses since the filing of the prior account.

State appropriation.....

4,772,000

For allocation in such amounts as may be designated by the Legislative Management Committee (D) to the several standing committees (other than the Committee on Appropriations) of the House for payment of compensation of counsel, research assistants and other staff personnel hired and assigned to work on behalf of the chairman and the majority members of such standing committees of the House and for other



necessary expenses incurred. Upon presentation of requisitions by the Chief Clerk of the House for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisitions as entitled to receive such compensation or expenses. An accounting, together with supporting documents whenever possible, shall be filed in the office of the Chief Clerk of such expenses since the filing of the prior account.

State appropriation..... 8,232,000

For allocation in such amounts as may be designated by the Legislative Management Committee (R) to the several standing committees (other than the Committee on Appropriations) of the House for payment of compensation of counsel, research assistants and other staff personnel hired and assigned to work on behalf of the minority members of such standing committees of the House and for other necessary expenses incurred. Upon presentation of requisitions by the Chief Clerk of the House for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisitions as entitled to receive such compensation or expenses. An accounting, together with supporting documents whenever possible, shall be filed in the office of the Chief Clerk of such expenses since the filing of the prior account.

State appropriation..... 8,232,000

All appropriations made in this act or in any other fiscal year to any account of the House of Representatives, except for the Committee on Appropriations (D) or the Committee on Appropriations (R) accounts, remaining unexpended and unencumbered on the effective date of this part, may be transferred by the Bipartisan Management Committee, in its discretion, to such House accounts as the committee deems necessary. Such power to transfer appropriations shall be limited to the 1990-1991 fiscal year.

For the Commonwealth Emergency Medical System.

State appropriation..... 35,000

Section 253. Legislative Reference Bureau.—The following amounts are appropriated to the Legislative Reference Bureau:

Federal State

For the salaries, wages and all necessary expenses for the work of the Legislative Reference Bureau, including the Documents Law Section.

Advance copies of statutes and volumes of the Laws of Pennsylvania shall be printed under contracts entered into by the Legislative Reference Bureau (without the intervention of any other State agency or officer and without regard to any other statute regulating printing contracts) and distributed (without regard to any other statute regulating distribution of laws) as determined by the bureau, and moneys from sales shall be paid to the bureau or the Department of General Services, as the bureau shall determine, which shall pay the same into the State Treasury

to the credit of the General Fund. Such moneys are hereby appropriated from the General Fund to the Legislative Reference Bureau for the editing, printing and distribution of such laws and related expenses.

State appropriation..... 3,904,000

For contingent expenses connected with the work of the Legislative Reference Bureau to be paid on warrants of the State Treasurer in favor of the director on the presentation of his requisitions for the same. The director shall file an accounting of the expenses, together with supporting documents whenever possible, in the office of the Legislative Reference Bureau.

State appropriation..... 15,000

For the printing of Pennsylvania Bulletin and Pennsylvania Code.

State appropriation..... 450,000

Section 254. Legislative Budget and Finance Committee.—The following amounts are appropriated to the Legislative Budget and Finance Committee:

Federal State

For the salaries, wages and all necessary expenses for the work of the Legislative Budget and Finance Committee upon presentation of requisitions for the same from the chairman to be paid on warrants of the State Treasurer directly to and in favor of the person named in the requisitions.

State appropriation..... 2,059,000

Section 255. Chief Clerks of Senate and House of Representatives.—The following amounts are appropriated to the Chief Clerks of the Senate and House of Representatives:

Federal State

For the purchase of Pennsylvania and National flags to be sent to residents of Pennsylvania.

Chief Clerk Senate.

State appropriation..... 20,000

Chief Clerk House of Representatives.

State appropriation..... 20,000

Section 256. Legislative Data Processing Committee.—The following amounts are appropriated to the Legislative Data Processing Committee:

Federal State

For the operation of the Legislative Data Processing Center upon presentation of requisitions for the same from the chairman to be paid on warrants of the State Treasurer directly to and in favor of the person named in the requisitions.

State appropriation..... 3,100,000

Section 257. Local Government Commission.—The following amounts are appropriated to the Local Government Commission:

Federal State

For the salaries, wages and all expenses necessary for the work of the Local Government Commission upon presentation of requisitions for the same from the chairman to be paid on warrants of the State Treasurer directly to and in favor of the person named in the requisitions.



State appropriation.....	519,000	
For the compilation and distribution of various municipal codes.		
State appropriation.....	50,000	
Section 258. Joint Legislative Air and Water Pollution Control and Conservation Committee.—The following amounts are appropriated to the Joint Legislative Air and Water Pollution Control and Conservation Committee:		
For the salaries and expenses of the Joint Legislative Air and Water Pollution Control and Conservation Committee upon presentation of requisitions for the same from the chairman to be paid on warrants of the State Treasurer directly to and in favor of the person named in the requisitions.		
State appropriation.....	232,000	
Section 259. Legislative Audit Advisory Commission.—The following amounts are appropriated to the Legislative Audit Advisory Commission:		
For the salaries, wages and all expenses necessary for the work of the Legislative Audit Advisory Commission.		
State appropriation.....	20,000	
Section 260. Capitol Preservation Committee.—The following amounts are appropriated to the Capitol Preservation Committee:		
For the operation of the Capitol Preservation Committee. All appropriations made in this act or in any other fiscal year to the Capitol Preservation Committee for the restoration of the Capitol remaining unexpended and unencumbered on the effective date of this part may be expended by the committee for such restoration, including any construction, alterations, structural modifications and relocations of existing facilities and services as may be necessary or incidental to accomplish any such restoration.		
State appropriation.....	213,000	
For the restoration of the Capitol and its artifacts, including support facilities and services.		
State appropriation.....	99,000	
For a colonial history of the Pennsylvania House of Representatives.		
State appropriation.....	97,000	
Section 261. Pennsylvania Commission on Sentencing.—The following amounts are appropriated to the Pennsylvania Commission on Sentencing:		
For the Pennsylvania Commission on Sentencing.		
State appropriation.....	480,000	
Section 262. Center for Rural Pennsylvania.—The following amounts are appropriated to the Center for Rural Pennsylvania:		
For the Center for Rural Pennsylvania.		
State appropriation.....	792,000	
Section 263. Reapportionment Commission.—The following amounts are appropriated to the Reapportionment Commission:		

For the work of the Reapportionment Commission. Any funds remaining upon completion of the commission's work shall lapse into the General Fund.

State appropriation.....

251,000

#### SUBPART C

#### JUDICIAL DEPARTMENT

Section 281. Supreme Court.—The following amounts are appropriated to the Supreme Court:

Federal State

For the Supreme Court: including the salaries of the Supreme Court judges, for the office of prothonotary and for the library in the Eastern District and Western District, for the office of prothonotary in the Middle District, for criers, tipstaves, official stenographers, court officers and the law secretary of the Chief Justice in Eastern, Middle and Western Districts, home office expenses and, except for employees of the Pennsylvania Board of Law Examiners, Judicial Inquiry and Review Board, Civil Procedural Rules Committee and Criminal Procedural Rules Committee, Workmen's Compensation Insurance Premiums for all other Supreme Court employees, for the office of State reporters, including the salaries and compensation of employees, including the fees for prothonotaries of the Supreme Court of the Eastern, Middle and Western Districts on assignment to judges to counties other than their own, and further including assessments for the National Center of State Courts. Senior judges working as active or senior judges a minimum of 75 days in the prior calendar year are to receive health benefits. No funds from this appropriation shall be used for travel or other expenses for active judges.

State appropriation.....

7,024,000

The following Federal amounts are appropriated to supplement the sum appropriated to the Supreme Court:

(1) Death Penalty Resource Center.

Federal appropriation.....

300,000

For expenses for active judges.

State appropriation.....

130,000

For the Civil Procedural Rules Committee.

State appropriation.....

246,000

For the Criminal Procedural Rules Committee.

State appropriation.....

305,000

For the Pennsylvania Board of Law Examiners.

State appropriation.....

41,000

For the Judicial Inquiry and Review Board.

State appropriation.....

692,000

For the Domestic Relations Committee.

State appropriation.....

193,000

For the Court Administrator, including the expenses of the Judicial Council of Pennsylvania and the District Justice Administrator. No funds from this appropriation shall be used for travel or other expenses for active judges. Funds from this appropriation may be used for the operation

of the Pennsylvania Board of Law Examiners. All funds so spent shall be repaid in full to the administrative office of the Pennsylvania courts without interest or charges from the augmenting revenues of the Pennsylvania Board of Law Examiners.

State appropriation..... 3,496,000

For district justices education.

State appropriation..... 439,000

Section 282. Superior Court.—The following amounts are appropriated to the Superior Court:

Federal State

For the salaries and expenses of the Superior Court: including the salary of the Superior Court judges, for panelization of judges program, for criers, tipstaves, official stenographers, home office expenses, court officers and law secretary of the president judge and Workmen's Compensation Insurance Premiums for all employees of the Superior Court, for the prothonotary's office in the Philadelphia District; including salaries and compensation for employees, including the expenses of dockets, stationery, supplies, books for the library and other costs of the Superior Court and its offices. Senior judges working as active or senior judges a minimum of 75 days in the prior calendar year are to receive health benefits. No more than \$10,000 from this appropriation shall be used for travel or other expenses for active judges.

State appropriation..... 14,431,000

For expenses for active judges.

State appropriation..... 184,000

Section 283. Commonwealth Court.—The following amounts are appropriated to the Commonwealth Court:

Federal State

For the salaries of judges, for the salaries and expenses of employees and for home office expenses. Senior judges working as active or senior judges a minimum of 75 days in the prior calendar year are to receive health benefits. No more than \$10,000 from this appropriation shall be used for travel or other expenses for judges.

State appropriation..... 8,463,000

For expenses for active judges.

State appropriation..... 112,000

Section 284. Courts of common pleas.—The following amounts are appropriated to the courts of common pleas:

Federal State

For the courts of common pleas: including the salaries and expenses of judges; including the expenses of traveling judges; including the mileage in divided judicial districts; and the payment of a per diem salary, mileage and miscellaneous expenses to active visiting judges for the performance of their official duties. No printing, postage, telephone and supplies may be paid for from this appropriation. No expenses of any kind relating to education may be paid from this appropriation.

State appropriation..... 38,256,000

For senior judges of the courts of common pleas. Senior judges working as active or senior judges a minimum of 75 days in the prior calendar year are to receive health benefits. Senior judges shall not be assigned unless adequate funds are available in this appropriation to provide compensation. Any senior judge assigned in excess of existing funding shall be compensated from the appropriation for the Supreme Court.

State appropriation..... 2,503,000

For common pleas judicial education.

State appropriation..... 401,000

Section 285. Community courts - district justices.—The following amounts are appropriated to the community courts and district justices:

Federal State

For the salaries and expenses of community court judges and district justices. Senior judges working a minimum number of days provided by the Supreme Court are to receive health benefits. Except for those printing costs relating to 42 Pa.C.S. § 3532 (relating to expenses), no other printing, postage, telephone and supplies may be paid for from this appropriation. No expenses of any kind relating to education may be paid from this appropriation.

State appropriation..... 30,647,000

Section 286. Philadelphia Traffic Court.—The following amounts are appropriated to the Philadelphia Traffic Court:

Federal State

For the salaries and expenses of judges. Senior judges working as active or senior judges a minimum of 75 days in the prior calendar year are to receive health benefits.

State appropriation..... 429,000

Section 287. Philadelphia Municipal Court.—The following amounts are appropriated to the Philadelphia Municipal Court:

Federal State

For the salaries and expenses of judges. Senior judges working as active or senior judges a minimum of 75 days in the prior calendar year are to receive health benefits.

State appropriation..... 2,870,000

For law clerks.

State appropriation..... 40,000

To provide prompt service and support for victims of domestic violence.

State appropriation..... 70,000

Section 288. Juror cost reimbursement.—The following amounts are appropriated for juror cost reimbursement:

Federal State

For juror cost reimbursement.

State appropriation..... 1,469,000

Section 289. County court administration cost reimbursement.—The following amounts are appropriated for court costs:

Federal State

For payment to counties as reimbursement for costs incurred by counties in the administration and operation of courts of common pleas. Reimbursement shall be provided on the follow-

ing basis: for each common pleas court judge authorized position, whether filled or vacant within a judicial district, \$70,000 per authorized position shall be provided. Judicial districts comprising more than one county shall be entitled to receive \$70,000 per authorized common pleas court judge position; the amount payable to each county shall be determined by the proportion of the individual county's population in relation to the population of the entire judicial district. No county shall be reimbursed for costs above the actual direct costs, excluding capital outlays, incurred by them for the operation of the courts of common pleas. For the purposes of reimbursement for common pleas court judge authorized positions, no county shall receive less than 75% of the actual reimbursement for court costs provided to them from funds appropriated for the fiscal year July 1, 1980, to June 30, 1981.

For the purpose of determining the actual direct costs incurred by the counties in the administration and operation of the courts of common pleas, the costs as reported to the Department of Community Affairs in the county's annual audit and financial report forms under the heading "(a) Judicial," but confined to the subheading "(4184) courts, excluding capital outlay," shall be used. If a city coterminous with a county does not report on the Department of Community Affairs' form, its figures from the same subheading, set forth in the department forms, shall be used.

All payments for reimbursement shall be made to the county treasurer and, in cities of the first class coterminous with counties of the first class, to the city treasurer.

In making allocations and payments hereunder, the Court Administrator of Pennsylvania shall exclude all costs which are not properly reportable under the heading herein above specified.

State appropriation..... 27,811,000

### PART III

#### STATE LOTTERY FUND

Section 301. Executive Offices.—The following amounts are appropriated to the executive offices:

Federal State

For ridership verification and fare structure audits by comptroller operations of transit operations participating in the Older Pennsylvanians' Free Ride and Reduced Fare Programs.

State appropriation..... 65,000

Section 302. Department of Aging.—The following amounts are appropriated to the Department of Aging:

Federal State

For general government operations of the Department of Aging.

State appropriation..... 2,954,000

The following Federal amounts are appropriated to supplement the sum appropriated for administration:

(1) "Programs for the Aging - Title III - Administration."

Federal appropriation..... 1,653,000

(2) "Programs for the Aging - Title V - Administration."

Federal appropriation..... 140,000

For the payment of grants and for the purpose of developing, operating and purchasing services for the aged and other adults, including, but not limited to, model projects, community care services, audits of area agencies on aging and counseling services. No funds from this appropriation shall be used for costs of administration by the Department of Aging.

State appropriation..... 61,011,000

The following Federal amounts are appropriated to supplement the sum appropriated for programs for the aging:

(1) "Programs for the Aging - Title III."

Federal appropriation..... 42,000,000

(2) "Programs for the Aging - Nutrition."

Federal appropriation..... 7,500,000

(3) "Programs for the Aging - Employment - Title V."

Federal appropriation..... 4,260,000

For transfer from the State Lottery Fund to the Pharmaceutical Assistance Fund.

State appropriation..... 173,000,000

For payment of grants for protective services for older Pennsylvanians.

State appropriation..... 4,160,000

For PENNCARE for older Pennsylvanians.

State appropriation..... 70,456,000

Section 303. Department of Public Welfare.—The following amounts are appropriated to the Department of Public Welfare:

Federal State

For medical assistance - long-term care facilities for older Pennsylvanians.

State appropriation..... 76,000,000

### PART IV

#### PENNSYLVANIA ECONOMIC REVITALIZATION FUND

Section 401. Department of Agriculture.—The following amounts are appropriated to the Department of Agriculture:

Federal State

For transfer to the Capital Loan Fund for Class IV loans to agricultural processors.

State appropriation..... 2,000,000

Section 402. Department of Commerce.—The following amounts are appropriated to the Department of Commerce:

Federal State

For employee ownership assistance - technical assistance.

State appropriation..... 250,000

For Beaver Valley revitalization.

State appropriation..... 250,000

For the revitalization of the Mon Valley, including the counties of Westmoreland, Fayette, Greene and Washington.

State appropriation..... 1,000,000

For Shenango Valley revitalization.

State appropriation.....	250,000
For Alle-Kiski Valley revitalization.	
State appropriation.....	250,000
For Butler revitalization.	
State appropriation.....	125,000
For Lawrence revitalization.	
State appropriation.....	125,000
For a community economic recovery program.	
State appropriation.....	3,000,000
For business infrastructure development.	
State appropriation.....	19,500,000
For the Machinery and Equipment Loan Fund.	
State appropriation.....	8,000,000
For site development.	
State appropriation.....	1,000,000
For the Industrial Communities Site Development and Action Program.	
State appropriation.....	10,000,000
Section 403. Department of Community Affairs.—The following amounts are appropriated to the Department of Community Affairs:	Federal State
For support of the Recreation Improvement and Rehabilitation Act.	
State appropriation.....	3,000,000
For grants for housing and redevelopment assistance as authorized by the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law, in areas designated as enterprise zones. No funds from this appropriation shall be distributed to any organization or agency other than a municipal government or a certified redevelopment authority created by a municipal government or governments under the provisions of the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, unless specifically authorized by such government or redevelopment authority.	
State appropriation.....	7,250,000
For a Heritage Parks Program.	
State appropriation.....	2,000,000
For grants for housing and redevelopment assistance as authorized by the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law. No more than 20% of the amount herein appropriated shall be allocated or granted to any one political subdivision. This entire amount shall be used for economic development.	
State appropriation.....	17,000,000
Section 404. Department of Labor and Industry.—The following amounts are appropriated to the Department of Labor and Industry:	Federal State
For the Pennsylvania Conservation Corps.	
State appropriation.....	3,000,000

## PART V

## ENERGY CONSERVATION AND ASSISTANCE FUND

Section 501. Executive Offices.—The following amounts are appropriated to the Pennsylvania Energy Office:

For energy conservation programs under the provisions of the Energy Conservation and Assistance Act. At least 75% of these funds must

be used for those programs listed as priorities in section 7(b) of the Energy Conservation and Assistance Act.

State appropriation..... 4,500,000  
 Section 502. Department of Public Welfare.—The following amounts are appropriated to the Department of Public Welfare:

For supplemental assistance under the Energy Conservation and Assistance Act.

State appropriation..... 19,600,000

## PART VI

## JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT

Section 601. Supreme Court.—The following amounts are appropriated to the Supreme Court:

For the Statewide Judicial Computer System. The Supreme Court is prohibited from augmenting this amount by billings to other appropriations to the judicial branch for the Statewide Judicial Computer System or for any other purpose.

State appropriation..... 15,000,000

## PART VII

## EMERGENCY MEDICAL SERVICES OPERATING FUND

Section 701. Department of Health.—The following amounts are appropriated to the Department of Health:

For emergency medical services.

State appropriation..... 9,000,000

For Catastrophic Medical and Rehabilitation Program.

State appropriation..... 3,000,000

## PART VIII

## STATE STORES FUND

Section 801. Pennsylvania State Police.—The following amounts are appropriated to the Pennsylvania State Police:

For liquor control enforcement operational expenses.

State appropriation..... 13,418,000

## PART IX

## MOTOR LICENSE FUND APPROPRIATIONS FOR 1991-1992

## SUBPART A

## MOTOR LICENSE FUND

Section 901. Department of Transportation.—The following amounts are appropriated to the Department of Transportation:

For the salaries, wages and all necessary expenses for the proper administration of the Department of Transportation, including the State Transportation Commission and the State Transportation Advisory Committee and the Statewide coordination of municipal services.

State appropriation..... 24,146,000

For the salaries, wages and all necessary expenses for the operation of the Highway and Safety Improvement Programs, including planning and research, design, engineering, right-of-way acquisition and the operation of the engineering district facilities and liaison services with

communities on local road engineering and construction activities.

State appropriation..... 151,760,000

For the salaries, wages and all necessary expenses for the administration and operation of the maintenance program for State roads, bridges, tunnels and structures, including the operation of the county maintenance district facilities. Of the total funds in this appropriation, \$300,000 shall be used for demonstration projects for the surface upgrading of dirt roads, including, but not limited to, the use of oil and chips.

State appropriation..... 482,461,000

For supplemental maintenance program payments.

State appropriation..... 152,952,000

For reinvestment in Department of Transportation facilities.

State appropriation..... 1,000,000

For the salaries, wages and all necessary expenses for the administration of the Traffic Safety Program and the administration and operation of the Operator and Vehicle Registration Programs.

State appropriation..... 50,944,000

For motor vehicle insurance compliance.

State appropriation..... 3,873,000

For the commercial driver licensing program.

State appropriation..... 8,244,000

For the high accident corridor corrections program.

State appropriation..... 2,500,000

For rental payments to the State Highway and Bridge Authority for projects constructed with funds borrowed by the authority.

State appropriation..... 7,000,000

For payments to municipalities to assist in maintenance and construction costs of roads.

State appropriation..... 159,811,000

For supplemental payments to municipalities to assist in maintenance and construction costs of roads in accordance with 75 Pa.C.S. Ch. 93 (relating to supplemental funding for municipal highway maintenance).

State appropriation..... 5,000,000

For local bridge inspections.

State appropriation..... 380,000

Section 902. Executive Offices.—The following amounts are appropriated to the Executive Offices:

Federal State

For comptroller operations related to the Motor License Fund.

State appropriation..... 4,844,000

Section 903. Treasury Department.—The following amounts are appropriated to the Treasury Department:

Federal State

For payment of refunds of liquid fuels taxes for agricultural use to which the Commonwealth is not entitled.

State appropriation..... 3,000,000

For the payment of salaries, wages and all necessary expenses in the proper administration of the program to refund liquid fuels taxes to which the Commonwealth is not entitled.

State appropriation..... 259,000

For the payment of approved claims for the refunding of liquid fuels taxes and fuel use taxes to which the Commonwealth is not entitled.

State appropriation..... 350,000

For the payment of approved claims for the refunding of emergency liquid fuels tax moneys to which the Commonwealth is not entitled.

State appropriation..... 1,000

Refunding liquid fuels tax - political subdivision use.

State appropriation..... 2,100,000

Refunding liquid fuels tax - volunteer fire companies, volunteer ambulance services and volunteer rescue squads.

State appropriation..... 175,000

Refunding liquid fuels tax - to the Boat Fund for the use of the Fish Commission for the improvement of the waters of Pennsylvania on which motorboats are permitted to operate.

State appropriation..... 1,900,000

For the payment of principal and interest requirements on general obligation bonds issued for transportation projects.

State appropriation..... 170,816,000

For payment of principal and interest requirements on general obligation bonds issued for public improvements.

State appropriation..... 1,986,000

For interest payments on obligations issued for the Advance Construction Interstate Program.

State appropriation..... 14,423,000

For payment of the compensation of the Commonwealth's loan and transfer agent for services and expenses in connection with the registration, transfer and payment of interest on bonds of the Commonwealth and other services required to be performed by the loan and transfer agent.

State appropriation..... 135,000

Section 904. Department of Education.—The following amounts are appropriated to the Department of Education:

Federal State

For administration of the school safe driving program and for payments to school districts or joint school organizations for driver education courses.

State appropriation..... 1,949,000

Section 905. Department of General Services.—The following amounts are appropriated to the Department of General Services:

Federal State

For payment of tort claims.

State appropriation..... 17,500,000

Section 906. Department of Revenue.—The following amounts are appropriated to the Department of Revenue:

Federal State

For the proper administration and enforcement of the regulations under the Liquid Fuels Tax Act, Motor Carriers Road Tax Act and Bus Compact.

State appropriation..... 8,121,000

Section 907. Pennsylvania State Police.—The following amounts are appropriated to the Pennsylvania State Police:

Federal State

For transfer to the General Fund to finance the Traffic Control and the Traffic Safety Facilities Program of the Pennsylvania State Police.

State appropriation..... 219,564,000

For transfer to the General Fund to finance the Municipal Police Officers' Education and Training Commission.

State appropriation..... 4,567,000

For transfer to the General Fund to finance adequate replacement patrol vehicles.

State appropriation..... 4,498,000

For the commercial driver licensing program.

State appropriation..... 2,529,000

#### SUBPART B

#### AVIATION RESTRICTED REVENUE ACCOUNT

Section 921. Department of Transportation.—The following amounts are appropriated to the Department of Transportation:

For payment for aviation operations, including the operation and maintenance of State-owned aircraft, payment of general expenses, supplies, printing and equipment; for the development and maintenance of State airports and the maintenance and repair of landing fields, intermediate landing fields, landing field equipment, beacon sites and other navigation facilities; and for the encouragement and development of civil aeronautics.

State appropriation..... 13,083,000

For payment for airport construction and development, including encouragement and development of aeronautics, development of State airports and assistance to political subdivisions and municipal authorities in the construction and improvement of airports and other aeronautical facilities.

State appropriation..... 4,000,000

For payments to public airports for runway rehabilitation.

State appropriation..... 500,000

For real estate tax rebate payments to privately owned public use airports.

State appropriation..... 563,000

For business airport grants.

State appropriation..... 2,000,000

Section 922. Treasury Department.—The following amounts are appropriated to the Treasury Department:

For payment for aviation-related debt service.

State appropriation..... 1,355,000

#### PART X

#### HAZARDOUS MATERIAL RESPONSE FUND

Section 1001. Pennsylvania Emergency Management Agency.—The following amounts are appropriated to the Pennsylvania Emergency Management Agency:

For training programs for hazardous material response teams.

State appropriation..... 126,000

For public and facility owner education, information and participation programs.

State appropriation..... 126,000

For general administration and operational expenses, including expenses of the Hazardous Material Emergency Planning and Response Advisory Committee.

State appropriation..... 126,000

For grants to support counties' activities.

State appropriation..... 882,000

#### PART XI

#### RESTRICTED RECEIPT ACCOUNTS

Section 1101. General provisions.—The Secretary of the Budget may create the restricted receipt accounts set forth in this part for the purpose of administering Federal grants only for the purposes herein designated during the fiscal year July 1, 1991, through June 30, 1992.

Section 1102. Executive Offices.—The following restricted receipt accounts may be established for the Executive Offices:

(1) "Pennsylvania Commission on Crime and Delinquency - Juvenile Justice and Delinquency Prevention."

(2) "Pennsylvania Commission on Crime and Delinquency - Federal Criminal Justice Assistance."

(3) "Pennsylvania Commission on Crime and Delinquency - Federal Crime Victim Assistance."

Section 1103. Department of Community Affairs.—The following restricted receipt account may be established for the Department of Community Affairs:

(1) "ARC Housing Revolving Loan Program."

Section 1104. Department of Education.—The following restricted receipt accounts may be established for the Department of Education:

(1) "Vocational Education Programs."

(2) "ECIA Title I - Exceptional and Educationally Deprived Children."

(3) "Education of the Handicapped Act - Title VI."

(4) "Adult Basic Education - Federal Grants."

(5) "Education of the Handicapped Act."

(6) "Food Nutrition Service."

(7) "Library Services and Construction Act - Titles I, II, III and IV - Library Expansion Services."

(8) "Penn State University Federal Aid."

(9) "Transition Program for Refugee Children."

(10) "Emergency Immigration Education Assistance."

(11) "Mathematics and Science Teacher Training/Retraining Program."

(12) "Removal of Architectural Barriers."

(13) "Education of the Handicapped - Part D."

(14) "Byrd Scholarships."

(15) "Homeless Adult Assistance Program."

(16) "Severely Handicapped."

(17) "Medical Assistance Reimbursements to Local Education Agencies."

Section 1105. Department of Environmental Resources.—The following restricted receipt accounts may be established for the Department of Environmental Resources:

(1) "Federal Water Resources Planning Act."

(2) "Federal Aid to Volunteer Fire Companies."

(3) "Federal Land and Water Conservation Fund Act."

(4) "National Forest Reserve Allotment."

(5) "Flood Control Payments."

(6) "Federal Land and Water Conservation Fund Act - Environmental Resources."

(7) "Soil and Water Conservation Act - Inventory of Programs."

Section 1106. Department of Transportation.—The following restricted receipt accounts may be established for the Department of Transportation:

(1) "Capital Assistance Elderly and Handicapped Programs."

(2) "Railroad Rehabilitation and Improvement Assistance."

(3) "Ridesharing/Van Pool Program - Acquisition."

Section 1107. Pennsylvania Emergency Management Agency.—The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) "Receipts from Federal Government - Contributions for Civil Defense Supplies, Equipment and Facilities."

(2) "Receipts from Federal Government - Contributions for Civil Defense Personnel and Administrative Expenses."

(3) "Receipts from Federal Government - Civil Defense - Disaster Relief Assistance to State and Political Subdivision."

Section 1108. Pennsylvania Historical and Museum Commission.—The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

(1) "Federal Grant - Historical Preservation Act of 1966."

#### PART XII

##### SPECIAL PROVISIONS FOR FEDERAL FUNDS

Section 1201. General Fund repository for Federal funds.—All moneys received from the Federal Government as contributions or supplements to the departments or agencies of the Commonwealth or the programs herein provided shall be paid into the General Fund.

Section 1202. Limitation on encumbering or spending Federal funds.—Federal funds shall be encumbered or spent only to the extent that such funds are estimated as being available during the fiscal year of the Commonwealth.

Section 1203. Appropriation of prior unspent Federal funds.—Any Federal money which has been previously appropriated by the General Assembly and authorized or allocated by the Federal Government but remains unspent from prior fiscal years, and will not be renewed for fiscal year 1991-1992, is hereby appropriated.

Section 1204. Subgrants between Federal fund appropriations.—With the exception of Federal money received under JTPA and SSBG, subgrants may be made between appropriations without further approval of the General Assembly. The Secretary of the Budget shall submit a list of subgrants to the Chairmen of the House and Senate Appropriations Committees quarterly. No subgrant to a State agency, however, may be made from a restricted receipt account without a specific appropriation by the General Assembly.

Section 1205. Utilization of emergency Federal funds.—(a) Federal funds available for costs and damages resulting from natural disasters or civil disobedience may be added to an appropriation contained in this act or to funds appropriated or may be used for the purposes prescribed by the Federal Government.

(b) In addition to the moneys appropriated by this act, all moneys received from the Federal Government for the purpose of disaster assistance or relief shall be paid into the General Fund and are hereby appropriated out of the General Fund to the departments, boards, commissions or agencies designated by the Governor.

(c) In the event of any emergency situation in which the General Assembly cannot act in sufficient time, the Governor is authorized through executive authorization to provide up to \$5,000,000 in Federal funds to alleviate the emergency situation. For the purposes of this section, "emergency" is defined as any situation in which there is a chance of, or which may result in, substantial human suffering.

#### PART XIII

##### MISCELLANEOUS PROVISIONS

Section 1301. Prior laws unaffected.—This act is not intended to be inconsistent with or to repeal any provision of any act enacted at this or any prior session of the General Assembly regulating the purchase of supplies, the ordering of printing and binding, the purchase, maintenance and use of automobiles, the

method of making payments from the State Treasury for any purpose or the functioning of any administrative department, board or commission.

Section 1302. Compliance with other law before funds available.—No appropriation made by this act to any department, board, commission or agency of the Executive Department shall be available unless and until the department, board, commission or agency has complied with sections 615 and 616 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 1303. Contracts prerequisite to encumbering or committing funds.—Funds for the purchase of supplies, materials and equipment shall not be deemed to be committed or encumbered until contracts covering the purchase have been entered into with the vendors.

Section 1304. Minority business set-asides.—(a) Each department or other instrumentality of the Commonwealth listed in Subpart A of Part II, authorized to contract for buildings, highways, commodities, equipment, supplies or services, shall report to the General Assembly all information pertinent to anticipated procurement needs at the beginning of each fiscal year and each fiscal quarter thereafter.

(b) As used in this section, the term "minority business" means a minority business enterprise as defined in the act of July 22, 1974 (P.L.598, No.206), known as the Pennsylvania Minority Business Development Authority Act.

Section 1305. Appropriation of funds from miscellaneous sources.—(a) In addition to the amounts appropriated by this act, moneys received in payment for food and household supplies furnished to employees and other persons, except inmates, by an institution, and moneys received from the proceeds from the sale of any products of the soil, meats, livestock, timber or other materials sold by the department shall be paid into the General Fund and are hereby appropriated out of the General Fund to the several respective institutions for the operation and maintenance of the institutions.

(b) In addition to the amounts appropriated by this act, all moneys received from any other source, except the Federal Government, as contributions for the programs provided herein or as payment for services or materials furnished by one institution to another, except those collections designated as revenues, shall be paid into the General Fund and are hereby appropriated out of the General Fund for the purposes of the respective appropriations.

(c) In addition to any funds specifically appropriated by this act, all moneys received by a department or agency of the Commonwealth from any other sources, except the Federal Government, as contributions or supplements to the department or agency for a program or administration of an act included in this act shall be paid into the General Fund and credited to the appropriation for that program or administration of the act.

Section 1306. Legislative Department contingencies.—The amounts appropriated in Subpart B of Part II to the Senate and the House of Representatives and to the various agencies, boards, bureaus, commissions, committees and other entities thereunder shall be subject to the contingency that lapses of no less than \$20,000,000 from prior year appropriations shall be made from the various Legislative Department accounts.

Section 1307. Lapsing of unused funds.—(a) Except as otherwise provided by law or in subsections (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n), that part of all appropriations in Parts II, III, IV, V, VI, VII, VIII, IX and X unexpended, uncommitted or unencumbered as of June 30, 1992, shall automatically lapse as of that date.

(b) The appropriations in Part II to the Department of Community Affairs for housing and redevelopment assistance and low-interest local government loans shall be two-year continuing appropriations.



(c) The appropriations in Part II to the Department of Environmental Resources for the Chesapeake Bay Pollution Abatement Program, and the black fly control program shall be continuing appropriations.

(d) The appropriation in Part II to the Department of Military Affairs for the Veterans Memorial Commission shall be a two-year continuing appropriation.

(e) The appropriation in Part II to the Pennsylvania Emergency Management Agency for the State Fire Academy shall be a two-year continuing appropriation.

(f) The appropriation in Part II to the Pennsylvania Higher Education Assistance Agency for loan forgiveness shall be a two-year continuing appropriation.

(g) The appropriations in Part II to the Legislative Department shall be continuing appropriations.

(h) The appropriation in Part IV to the Department of Community Affairs for the Recreation Improvement and Rehabilitation Act shall be a three-year continuing appropriation.

(i) The appropriations in Part IV to the Department of Community Affairs for housing and redevelopment economic set-aside and enterprise development shall be two-year continuing appropriations.

(j) The appropriation in Part IV to the Department of Labor and Industry for the Pennsylvania Conservation Corps shall be a two-year continuing appropriation.

(k) The appropriations in Part IV to the Department of Commerce for business infrastructure development and industrial resource centers shall be two-year continuing appropriations.

(l) The appropriation in Part V to the Pennsylvania Energy Office shall be a two-year continuing appropriation.

(m) The appropriations in section 921 of Part IX for airport development, runway rehabilitation, business airport grants and real estate tax rebate payments shall be two-year continuing appropriations.

(n) Notwithstanding the provisions of subsection (f) of section 606 of the act of July 1, 1981 (P.L.628, No.5A), known as the General Appropriation Act of 1981, the appropriation in Part IV of that act to the Legislative Reapportionment Commission shall be a continuing appropriation.

#### PART XIV

#### EFFECTIVE DATE

Section 1401. Effective date.—This act shall take effect July 1, 1991, or immediately, whichever is later.

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, House Bill No. 1591 was a product of the Majority's productivity, I guess, in the last 24 hours. It is basically a stopgap piece of legislation that funds state government for a month and funds the Motor License Fund for the entire year. My amendment does what we should be doing in this Chamber and that is, rather than trying to play around with stopgaps, our amendment is, in fact, a full year's budget. Mr. President, we are not completely happy with the amendment, but we took the House version of the budget that they passed to us and made some changes. Some of the changes we made. Otherwise it is the House budget that is already languishing somewhere in the Republican Committee on Appropriations in the bowels of that committee. What we have done is take away the provisions that provided that state employees will be required to take a five day leave without pay. We added money for the DOWP program in Philadelphia, which is a pilot program that takes people who

are convicted of non-violent crimes, and rather than have us pay \$25,000 a year to put them in prison we pay \$2,500 a year and they clean up under I-95 for PennDOT and that has been working very well. We also added money for the domestic violence program in the Municipal Court of Philadelphia at \$70,000 which was funded last year and we continued that. We also added, Mr. President, at the request of many business and labor leaders, money for the Health Care Cost Containment Council, at the Governor's recommended level of \$1,744,000. In addition we added an additional \$30 million over the House for children and youth programs, so that we can help our counties with this ever increasing problem. Mr. President, we are quite serious about this. We would hope the Senate Majority would give us the necessary votes to pass this budget so the people in Pennsylvania will feel that we are doing something up here other than that which we have been doing for the last three days that I have characterized in the media but I will not characterize on this floor, but you know what I am talking about. Mr. President, the time has come for the Majority to start leading. It is their responsibility to do that. If they will not exercise their responsibility, we will do it for them. If they want to stifle this budget, that too is within their power, but then they must answer to the people of Pennsylvania, not only to the employees of this state but to all the people of Pennsylvania, and they have to give us a reason why they want to violate their constitutional oath. Mr. President, we are sick and tired and I think the public is sick and tired of the lamebrain excuse that we are waiting for the House to send us a tax bill. We went through that at great length yesterday. We talked about such things as deception, misleading people and I think we have covered that quite well. Mr. President, there is currently a bill, House Bill No. 185, again languishing in the bowels of the Committee on Appropriations, that they could easily bring out and then we could amend it and put in a tax program that would match the funding of this bill. As I said before, we are not happy about this amendment but we will fund it. We will put up our 12 votes. We will do our share for what has to be done here today. We will look to that side of the aisle for their 14 votes. We would not expect them to put up a full 26 votes for a budget they have not negotiated, but we are willing to do our fair share. We just implore them to honor the oath of office that they took in here that day when their families were present, when this Chamber was decorated with flowers and there was this great feeling of happiness. They stood and they swore before God that they would honor their oath of office. We are asking them to remember what they said that day in more than just a photograph. We are asking them to remember what they said that day in action. To do any less is a violation of that oath of office and the integrity they talk about that they have. Mr. President, we challenge them to join with us and be responsible.

Senator LOEPER. Mr. President, as far as the amendment is concerned, all, basically, I heard was what we have before us is a proposal that was passed on a partisan line vote in the House of Representatives without any discussion or debate.

However, this amendment has some modifications to that. The gentleman talked about fair share. However, all I heard about the modifications were programs for the City of Philadelphia, increases for those programs for the City of Philadelphia. I heard about children and youth programs, something we are all concerned about, but yet, as the Governor stated publicly in his press conference last Friday, he rejected any change in the Children and Youth Program as presently proposed by the gentleman from Philadelphia. Therefore, and it seems to me most importantly, what we are lacking is the absence of any revenue package from the House. It is a position we have articulated on this floor before. It is very clear constitutionally that any revenue raising measure must begin in the House of Representatives. That budget from the House came over to the Senate some \$2.6 billion out of whack. I am not certain what the number is on this budget, but I am sure with additions of increased spending for the City of Philadelphia, plus other alternatives or alterations to programs to increase the numbers of spending, we are still far short of a balanced budget to be presented before this Senate. Therefore, Mr. President, I would oppose the amendment. However, I would ask the Members of the Senate to seriously consider the content of the bill that is before us without the amendment because that is a measure that addresses the immediate issue. It addresses the issue as far as three important gaps that we currently face in this Commonwealth. I think it is important we look at the amendment that is before us that does not address many of those important issues. I think what we are trying to do with the bill that is before us today is not to provide a temporary step in the Motor License Fund but yet a full year budget for them.

Secondly, it seems to me, Mr. President, a permanent piece of the budget done now is much better to put into place than have it saved for later. I think if they look carefully at the bill that is before them, the Members would see that this is the Governor's transportation proposal and it is adjusted only to reflect the revenue measures not yet approved by the General Assembly. I believe for a number of reasons, as I have already stated, that it is just not timely in fashion to present that amendment and the House budget, once again, before this Body without a revenue package from the House in order to fund it, and I would ask for a negative vote on the amendment.

Senator FUMO. Mr. President, to clarify some of the things the Majority Leader has said, the money that goes for the DOWP program goes to the Pennsylvania Board of Probation. It does not go to the City of Philadelphia. The money for the abuse program goes to the Philadelphia Municipal Court, not the City of Philadelphia, but, rather, the state court in Philadelphia called the Municipal Court of Philadelphia. Mr. President, as far as the children and youth issue, all we did was add \$30 million so we could help our counties. We did not resolve the issue of state takeover, nor do we attempt to do it in this budget. I also recall the Governor saying recently that area was an area still open for negotiation, but if the Governor does not like it, I am willing to have him blue

line it. No problem. We are not here beating him up. Mr. President, again I remind the gentleman of the word so dutifully brought out by the gentleman from Allegheny, Senator Fisher, "distortion." Again I refer the gentleman to the same constitutional provision he talks about, Article III of the Constitution, Section 10, but I read the whole sentence. Obviously Republicans either did not learn how to read in school or they are distorting the facts or something of that nature. But the rest of that sentence that Senator Fisher failed to read is, "...the Senate may propose amendments as in other bills." There is in this Chamber—again I repeat, and I will say it forever—House Bill No. 185 which is, in fact, a revenue bill which, in fact, we can amend to put the taxes in that are necessary to fund any budget we want and send back to the House. We are like little kids, na na na na na, pish, pish, shame on you. That stops today, gentlemen. That stops today. You can keep doing it, but we are going to be here to do some work. Mr. President, the other side of the aisle clearly, clearly does not want to exercise its responsibility. I listened to the Majority Leader talk about a scaled-back full year appropriation for the Motor License Fund. We are getting closer. Productivity is increasing. That is what I told them to do the other day. Why do you not give us a full year budget, scale it back to the revenue projections, and we will be out of here—a no-tax budget. Could it be that Republicans in Pennsylvania are in tune with the Governor and Republicans in Pennsylvania want to raise taxes? My God, is that not amazing. You want to raise taxes. Well, okay, we will help you. We have 12 votes here ready to help you. Let us get moving. Or if you really believe that nonsense you put out in press releases, that you do not want to tax the public, give us a no-tax budget. You see, you learned how to do it when you did the Motor License Fund. You gave us a no new tax Motor License Fund budget for a year. Now it is a very simple process. You just get an adding machine and you sit down with the printout and you deduct out money until you get to the point where the budget is balanced. If you do not know how to do that, I have members of my staff who will gladly volunteer their time to assist you, but I do think your staff is competent enough to do that. What I think is you have not figured the plan out yet, and that is because you do not know how to lead. That is because you are not up to the responsibility of being in the Majority. You do not know from day to day what you want to do. You started this on Sunday with a three-line supplemental. Yesterday you wanted to do senior citizens. Today you are back with a full supplemental, but you have a full Motor License Fund budget. At some point in time I really wish their leadership on that side of the aisle would get together and come up with a plan, even if it is to lead us down the toilet, but at least lead us. Do something. Earn your keep. Earn your pay. Earn your cars. Earn your perks. Do something. Lead.

Mr. President, this is ridiculous. The gentleman does not like the budget, give me another one. Do not give me the nonsense that you do not like ours. We will give you the opportunity to amend. You can say the House passed it along partisan

lines, but guess what they did over there, Mr. President? They put up a constitutional majority for a budget along partisan lines. I challenge you to do the same. Put up 26 votes for a budget, partisan or otherwise. They did what they are supposed to do. Their leaders, although they are new, learned how to lead very quickly. They took 105 of those cowboys and Indians, as they like to call them, put them in a corral and stampeded them right into the gate and they passed a budget. You cannot do it here with only 26. We do not care if you do it along partisan lines. Give us a budget that does not give us anything, but give us a budget and pass it along party lines. Cut off debate, but do something. Wake up over there. Where are all those guys? All those seats are empty. Tell them to come on back from Avalon and Margate and wherever the heck else they are going. We are going to be here for a while. Do we not want to come up and talk about the budget? Can we not call the Members back from the office? Do the Republicans not even want to sit on the floor? Do they have any debate? Can they not take the heat? A good Democratic President once said, "If you can't take the heat, get out of the kitchen." Ronald Reagan used to love that quote. He could not come up with any original ones that were not written by some Hollywood scriptwriter, so he often referred to Democrats. If you can't take the heat, get out of the kitchen. Oh, now we are going to have a point of order.

#### POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, the point is germaneness, that is the amendment that is before us. If the gentleman would like to take his remarks of yesterday and those of the day before and just enter them into the record again, that would be acceptable to us but I would ask that he remain and keep his remarks to the amendment that is before us.

The PRESIDENT. The Chair thanks the gentleman for his point and the Chair must agree. He finds it difficult to understand how Ronald Reagan's scriptwriter is relevant to the discussion of the budget.

Senator FUMO. Mr. President, if I may, we are in this problem nationally because of Ronald Reagan's stripped down economics.

The PRESIDENT. Now it is clear.

Senator FUMO. He is more relevant to this debate than the Republican Majority in the Senate.

The PRESIDENT. Well, the Chair is certainly glad he asked. There are, however, other speakers who wish to be heard, and the Chair would appreciate it if the gentleman would conclude.

Senator FUMO. Mr. President, I think Harry Truman is relevant to this argument too because he had guts and courage. I do not see any of that coming from the other side of the aisle. Let us vote for this amendment and get something done.

#### POINT OF INFORMATION

Senator LINCOLN. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I do not care if you answer this or the Majority Leader, either one of you. What day are we in? I missed the first part of Session, and I cannot understand why we have been going on recess until the next day and then adjourning yesterday today, and by Sunday, Monday, Tuesday, Wednesday I am getting a little confused. What day are we in?

The PRESIDENT. The Chair is pleased to inform the gentleman this is, in fact, Wednesday, July 3rd.

Senator LINCOLN. Mr. President, Did we conclude Tuesday's Session prior to beginning?

The PRESIDENT. The gentleman is correct.

Senator LINCOLN. Mr. President, I think from Sunday until today we have progressed in one area and that is it is now extremely clear as to the difference in the Democrat caucus' approach to what we are dealing with and the Republican approach. Beginning on Sunday, the Republicans have tried to deflect the responsibility of passing the budget on time by doing a meaningless stopgap on Sunday, six hours prior to the conclusion of the fiscal year, which that evening I questioned why we were doing that. If there was not a plan in place prior to move this state toward chaos by not passing a budget, I could not understand why they would do something in a stopgap manner that early. When I saw how silly and how very meaningless that stopgap was, then I understood Sunday's actions. Then, Monday, we did not do anything Monday. We did not deal with anything then. Tuesday we did a resolution that said to the Governor, like those ones we passed saying to Congress, do this or do that, that has no meaning or has no effect. That is what we did yesterday. We talked about that for about two or three hours about the Governor ought to prioritize his spending so that it took the same dollar that we spent on Sunday and do it a little differently on Tuesday. Whenever we offered an amendment that would say a true priority of those limited dollars, that amendment was voted down by partisan vote, which meant we voted for it, they voted against it. Now we are on Wednesday, and the reason I wanted to make sure we were clear is because I did not want to neglect a very important task being done on Wednesday, when it was still Tuesday's Session and so I can just keep everything in order. Now we are in Wednesday, the third day into the fiscal year, and we come up with House Bill No. 1591 which has been amended by the Republican Majority in this Senate in a meeting of the Committee on Appropriations that supposedly funds at one month for the next fiscal year. I think the clarity is now there as to who they care about and who they do not. We find in House Bill No. 1591, as amended, a full year budget for the Motor License Fund, but we see nothing that helps solve the serious problems the 501 school districts in Pennsylvania are facing in that they had to have a budget by June 30th. Most of them depend on our state

appropriations in the General Fund bill for those budgets, and here we are, July 3rd, talking about passing a one-month spending plan, stopgap, whatever you want to call it, that addresses the Motor License Fund but does absolutely nothing for the 501 school districts.

Now I get to the point of my support for the amendment. In the amendment offered by the gentleman from Philadelphia, Senator Fumo, there is \$240 million additional ESBE funding. On top of last year's ESBE funding, this would increase the amount of money we were going to distribute to these 501 school districts in Pennsylvania; last year's number plus \$240 million, which is the most money we have ever appropriated in one year in an increase, in my 19 years in the General Assembly anyway, for ESBE increases. It is not only the increased spending and increased funding where we very badly need it, because I have heard the complaints of the Majority about all the school districts raising their taxes over the past couple of years in debate here and more particularly earlier this year about all the school districts that are in very bad shape and they need money and we are not letting them have it and we are keeping them from keeping their taxes down. Well, here is a chance to do that. Not only are you going to do one thing by helping control local property tax increases, you are more seriously and more immediately allowing those 501 school districts to complete their obligation of passing a budget so they can, in September, start school and have their kids get a good education and have the teachers working. They can make final determinations on layoffs if they are going to continue those, as I know throughout most of Pennsylvania teachers have been notified some time ago because there is usually a contract or a legal reason for notifying so many days in advance before there is a layoff that takes place. We are seeing today the opportunity to say to those 501 school districts, here is what you are going to get. Now you can go Monday of next week or Thursday of this week, or whenever, and you can finalize your spending plan for the next fiscal year. If precedent is anything to go by from Sunday until now, there will not be a Republican vote for Senator Fumo's amendment and then there will be some more debate and we will see a Republican Majority, 26 votes, pass House Bill No. 1591 and send it to the House and then go home and say they have done their job and do whatever they want to do. If you have noticed, my remarks in debate since Sunday have been extremely limited in saying where and whatever somebody is doing because that is none of my business. What any Member of this Senate does when they leave here today is their own business, but I do object to what position is being put forth here today so that when we do leave here, those of us who vote against leaving, which we are going to do, and those of you who vote to leave, the ones who vote to leave are not going to get away with leaving here saying, I am going away for the weekend, I am going to my home for the weekend, I am going to go to college for the weekend, I am going to spend time with a nun, a priest, a preacher, whatever you want to do. You are not going to say it with a clear conscience and you are not going to say that without some

objections from me personally that you have done your job, because this is far, far from being a completion of the responsibilities of all of us. I will echo Senator Fumo's remarks in that you do have a majority and you do have a responsibility. Believe me, if we had time we could probably debate a considerable larger amount of what you are attempting to do here. I think the most obvious example of how the interest of the Republican Party in the Senate lies and how they do not is that they are willing to pass a Motor License Fund budget but they are not interested in helping the 501 school districts. I think that is abominable. I think it is irresponsible and I think if you are serious, tell us you want to start talking right now or you are going to do something in the Committee on Appropriations that will legitimately put together a budget, one that we can really look forward to having the next year's budget be, and I would be willing to say I think Senator Fumo would withdraw this amendment if you are willing to do that and we would work together, the way we should, to solve this very serious problem we are in. If not, then I think it is very clear that there is no intention on the part of the Majority Party in this Senate to do anything about solving the problem. I do not know when they are going to move into that frame of mind, but I would hope the sequence of events we have seen since Sunday are not indicative of moving away from solving the problem, as it seems to be, but there would be some serious thought given to spending whatever time it takes. If it is Monday of next week and you want to have a budget ready for us to deal with, I have no problem with that. If it is tomorrow, if it is Friday, if it is Saturday or if it is Sunday, I have no problem with that, and I do not think anybody over on this side of the aisle does have a problem with that. But I think this amendment is not what I want to see the budget be, but it is a heck of a lot better than what I see coming out of the Republican Majority in House Bill No. 1591. I would ask for you to support the amendment, and upon my prediction of a 24-26 defeat of this amendment, then I would ask you to think a little bit and use a little thought before you jam House Bill No. 1591 through here and then see if you can leave and sneak out of town saying you have done your job. I think that is really the height of irresponsibility.

Senator MELLOW. Mr. President, I guess I was delaying putting my switch on to see if the gentleman from Delaware, Senator Loeper, wanted the opportunity to rebut anything that was said by the gentleman from Fayette, Senator Lincoln, or the gentleman from Philadelphia, Senator Fumo, and it is quite obvious that the things they have said, apparently even to his thinking, are totally accurate or he would have hit the switch and he would have tried to rebut. Perhaps when I finish with my comments, the gentleman or some other surrogate on his side of the aisle may choose to do so.

Mr. President, if there is a willingness on the part of the Republican Party in the Senate of Pennsylvania to go ahead and to discuss a budget, then we now have presented them with that particular type of document, something they have not allowed us to do under their leadership. If there is a problem with this bill in some form or if there is a problem

with the amendment in some form, if it does not meet their needs, then, obviously, we could go into recess for a period of time so the Republican Members of the Senate could go ahead and could provide amendments to go ahead and to meet any of the concerns in the issues they may have with the presentation of the amendment. Mr. President, if there is a problem with the fact that five months ago, on February 6th, Governor Casey sent to the General Assembly, and indeed to this Senate, his budget, and the Majority Party in the Senate has refused to discuss on the floor of this Senate his budget or any other budget, if that need be the case, Mr. President, then I think we could recess the Senate for a short period of time to give the Majority Party the opportunity to go ahead and to present that budget. On the other hand, if accepting this particular amendment as a budget would have the Republican Party in the Senate being perceived as if they were doing their job as they were elected to do in holding the trust for the people they represent, then it is obvious they do not want to do that. We tried for weeks to negotiate in good faith, and it was obvious there was no good faith coming from the Republican Members of the Senate, at least those who were negotiating on their behalf. Mr. President, we have tried for the last three days to talk on the floor of this Senate. We are now in the third day beyond the time when we were supposed to have a budget passed. If there was ever any willingness on the part of the Majority Members of the Senate, then when we discussed a stopgap on Monday, a resolution on Tuesday and another feeble attempt at a stopgap today, the Majority Party, in fact, would be going ahead and they would be trying to do their job they were elected to do, but once again there is no willingness on their part to do that.

What is a bit concerning, Mr. President, is the fact that during most of the debate the vast majority of the Republican Members of the Senate have not even seen fit to appear on the floor of the Senate. Now we have to ask ourselves a question. Is it too painful for them to listen to the truth, or perhaps is it the fact that the leader of their flock, the good shepherd who was elected by the 26 Members of his Republican caucus who, in fact, I do not think has been doing his job to present a bill to the floor, is it possible that some other Member over there might feel that now it is time to go ahead and to start doing the job that the Republican leadership, in fact, is not doing? It is very, very hard to stand on this side of the aisle. It is very hard to hear the discussion that comes from the other side. It is very difficult to see Members of the Republican Party standing next to one another trying to talk as if they are not interested in what is taking place here on the floor of the Senate when the things that are happening, Mr. President, affect all the people of Pennsylvania, those people who have elected us to serve right here in the Senate as their State Senators to do the job we have been elected to do.

If there is any meaningful effort whatsoever on the part of the Majority, here is your opportunity to lead. You have been elected to do that. All 26 Members of the Senate who were elected by the Republican Party have been given that opportunity today to lead, not necessarily just the individual Member

who has been elected as your leader. Any one of you over there can go ahead and any one of you can start to show some very strong political independence and come up with some kind of a budget to do what is right for the people who you represent, because you represent Democrats and you represent Republicans and you represent school districts that need school subsidies and you represent people who are suffering from mental health and mental retardation and child welfare programs. Each and every one of us represents those kinds of people. This is not a Democrat versus Republican issue. This is a people issue, and we are not doing our job under the direction of the Republican leadership right here in this Senate. Right now we have the opportunity in an amendment that was offered by Senator Fumo to try to correct that. Three days into a fiscal year and you have yet to put on the floor of this Senate a budget that we can talk about. The only thing we have seen is a feeble approach through a stopgap. I know what is going to happen. When this amendment is defeated by party votes of 26-24, in view of the fact that you will vote an individual who has been sick and has not been on this Senate floor for the past two months because of illness, but you will exercise his legislative leave and pass this bill with his 26th vote, and we will allow you to do that because it is our hope that the news media will eventually start to pick that up about how you are putting your 26 votes together. Furthermore, what is going to happen is once this amendment is defeated and you go ahead and you pass your stopgap, you then will think you have done your job and you will be able to vote against the adjournment resolution we will offer that will convene the Senate tomorrow so we will be here once again to do the job that you, unfortunately, have not been able to do.

Mr. President, I ask for an affirmative vote on the amendment.

Senator LOEPER. Mr. President, before I address the remarks related to the bill, I would like to correct one total misimpression the Minority Leader left with many of the Members, and that is relative to the legislative leave of the Senator from Delaware, Senator Bell. I think it is very unfortunate that the Minority Leader would use this occasion to cast aspersions on the integrity of a Member of this Senate, one who is the dean of this Senate, one who has been in this Senate for many years and one who is recovering from a serious illness, however, who has been in his district office on a regular basis meeting with constituents and doing work. I spoke with Senator Bell as recently as 11:00 o'clock this morning, and I would suggest to the gentleman from Lackawanna, if he should have any question as to Senator Bell's capability or interest in following these issues while he is working in his district office, Senator Bell is available to talk to him if he wishes to call him on the phone to verify that.

Secondly, Mr. President, I am pleased to see that I have moved from the role of a lamebrain on Sunday to at least the good shepherd today. But I think when we want to get serious about budget negotiations and budget proposals that are before us, once again we do not see any type of revenue proposal to fund this budget.



Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator LOEPER. Mr. President, I was wondering if the gentleman would indicate to the Members of the Senate how much, over and above existing revenues, the budget amendment he has introduced today would cost?

Senator FUMO. Mr. President, I am advised it is about \$2.7 billion, give or take \$50 million or \$100 million, you know. I would be more precise if we could sit down and negotiate something.

Senator LOEPER. Mr. President, can he tell us the bottom line on this amendment, that is how much he has proposed to increase taxes to every taxpayer in Pennsylvania? Is it precisely \$2.7 billion?

Senator FUMO. Mr. President, if this amendment passes, if the Majority decides to see the light that is coming through the windows and it goes on to the House, I am sure they will pass it on to the Governor and we will have to see if he blue-ines it, but assuming that he does not, as I said before and I say again, we are fully prepared to join with the Majority and put up our 12 votes for \$2.7 billion in taxes.

Senator LOEPER. Mr. President, could the gentleman precisely tell me what is the total cost of this amendment?

Senator FUMO. Mr. President, if the gentleman wants to go at ease, we could do that, but at this point in time I cannot give him an exact number. If he wants to go at ease and give us about five or ten minutes, we can give him an exact number. It is his choice.

Senator LOEPER. Mr. President, now I would think if we had offered an amendment to deal with the entire General Fund budget of this Commonwealth, we certainly should know how much the bottom line of this amendment would be.

I have no further questions, Mr. President, but I would like to speak to the amendment.

Senator FUMO. Mr. President, if I may, for the gentleman's information, I have a number. It is \$13,800,000,000 which is the total cost of the amendment.

Senator LOEPER. Mr. President, we talked here on the floor today about this amendment. I alluded to it a little earlier in some of my remarks, but I find it very difficult to hear from the other side of the aisle continuously about a negotiated budget. You know, Mr. President, it was this side of the aisle that continuously tried to negotiate, continuously tried to meet and was met with delays and deferrals, and finally it was the other side of the aisle that broke off the negotiations and stampeded out of the rooms of the four caucuses. I think, Mr. President, when we take a look now at what is before us, we see something that is absolutely no different than what we saw come over from the House of Representatives. We see before us a spending plan that has no revenue plan to match it, and it certainly seems to me when we talk about Governor Casey's budget that was presented to us five months ago, let us take a look at the history for a minute.

Let us look at last November when we had a balanced state budget, according to the Budget Office and the Governor, and then let us talk about February, when all of a sudden we saw that we had a deficit starting to accrue in the Commonwealth. At that time we saw a \$1.7 billion need for new revenues as recommended by the Governor. However, it was not until May 30th of this year that we saw another plan, a revised plan come forth from the Governor's Office, that one calling for about \$2.6 billion or \$2.7 billion of new taxes for all Pennsylvanians. Then, once again, even into the month of June when we were starting budget negotiations, we saw a third revision on a school subsidy proposal. We saw an additional revision on a special education proposal, and it has been extremely difficult to try and keep up with the various alternatives and proposals that we have been receiving from the Governor's Office. I think when we talk about the budget before us, once again we want to know what are the taxes that are going to fund this budget. I think when we take a look at the proposal that we see before us, it is even more bloated than the Governor's proposal and it is even more bloated than the House Democrats' spending bill that they sent over here some few weeks ago. I think the bottom line, Mr. President, as the leaders of the other side of the aisle have indicated, is they have their Members prepared to vote for this budget, this amendment. That indicates to me that there are 24 Members of that side of the aisle also prepared to vote for the \$2.7 billion of new taxes that are needed to fund this proposal, and I would call on them to remember that an affirmative vote on this amendment is a commitment to vote for \$2.7 billion in new taxes.

Senator FUMO. Mr. President, if the gentleman wants to adopt this amendment and if he wants to take out House Bill No. 185, we will be ready to talk about \$2.7 billion in taxes. Let us see if he has the guts to meet that challenge. Also, Mr. President, when we talk about negotiations, one of the things I pride myself for in Harrisburg is the ability to keep my word and the ability to keep confidences. But if the gentleman wants to talk about negotiations, then I no longer feel duty bound to keep things secret. We were in the Governor's Office today at about 12:10 p.m. and the schedule was that we were to meet in that office at 12:00 o'clock p.m. with the Governor, along with House Democrats, and we were to have a private meeting at 1:00 o'clock p.m., myself, the gentleman from Delaware, Senator Loeper, along with House of Representatives Minority Leader Ryan and Bill DeWeese. When we sat in there we informed Representative DeWeese that despite the offer of the other side of the aisle to sit down and talk about negotiations, they had just passed a stopgap bill out of the Committee on Appropriations. Representative DeWeese then called the Majority Leader, Senator Loeper, and was confounded by that because he had met with Senator Loeper yesterday for over an hour. He met with Representative Ryan last night for a long period of time, and it appeared as if we were going to negotiate again, and he asked him why, in fact, if we were going to do that, was he playing around shooting bullets with stopgaps? Senator Loeper informed him that they

might, in fact, hold the bill today. So we went about the rest of our meeting. I looked at my watch and saw it was about 11:45 a.m. and the gentleman from Fayette, Senator Lincoln, was supposed to come back and watch the desk, and I asked staff to call and see if we were at the desk. They called and to our surprise, not only were we back in Session, but Senator Loeper was prepared to move the stopgap. It was at that point in time that I said we are not going to meet at 1:00 o'clock. We are not going to meet until you are ready to get serious. Do not tell me about negotiating in good faith. I know how to do it. You do not.

Now one thing, Mr. President, we keep talking about revisions. Well the revisions are necessary and were necessary because revenue estimates slipped further than they were before. Mr. President, he opened the door and I am going in.

#### POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I would note that the speaker has continuously this week cast false aspersions upon various Members of this Senate without any basis of fact. I raised the issue yesterday, and I would raise it once again today, Mr. President.

The PRESIDENT. The Chair would just take this opportunity to note that we did have a rather wide-ranging discussion of current and ancient history yesterday on the floor of the Senate, much of which was important and much of which was irrelevant. The Chair would simply urge all Members to confine remarks to the issue at hand, which is the normal procedure for debate on the Senate floor in the first place. With that, the Chair would recognize Senator Fumo.

Senator FUMO. Mr. President, I resent the gentleman's point of order. If I said something false or cast false aspersions on somebody in my last remarks, let him tell me where they were. If my recollections of the facts are different—maybe Representative DeWeese had a different conversation with him—I will stand corrected. Perhaps he could tell us the sequence of events he knows about. I merely am saying what I know about and who told me. Nothing in that is false, to my knowledge. If the gentleman wants to clear up facts, clear them up on the record, but I resent even the implication that I would stand here and speak falsehoods about something like that because I take that seriously. Mr. President, we talk about revisions. It was necessary that there were revisions because of the revenue estimates that were off. Yes, there were revisions, but now those revenue estimates are history. We had, in fact, a budget deficit last year of \$467 million. We know what that number is. What is causing the problem? You mean now we do not have a budget before us from the Majority because there were changes made in April and May? How long must we wait until the situation stabilizes for the Majority to make up its mind to lead and give us a budget? I do not have any problem with revisions. If the gentleman wants to offer amendments to my amendment, offer them. Let us have a meaningful budget discussion right now. I repeat again, if

you want to take out your tax bill, take it out and put it on the floor. Pass this amendment and we will be there to pass taxes. You do not have the guts to do that either. The only thing you people can do in here is sit around and talk rhetoric and make distortions, and I make that charge clearly. You can distort facts forever, but the record speaks for itself and the numbers add up.

Mr. President, do not talk to me about negotiations. The Majority has blown up this train on negotiations, and when they are ready to put it back together we will be ready, but we are not going through any more charades.

Senator ANDREZESKI. Mr. President, on the amendment, I find it simply a matter of interpretation to sit in our seat here and have the Majority Leader say a vote for this amendment is a vote for taxes, because as I look at the amendment I do not see anything that is raising corporate income tax and I do not see anything raising personal income tax or any variety of other taxes that have been proposed. What I do see is a spending plan, and what we are voting for is a spending plan on this amendment. As I know and, hopefully, other Members of this Body know, if our spending plan does not meet our revenue intake, then we are going to have to reduce that or let the Governor blue line the budget to meet our revenues. The fact remains, we have a spending plan, and the fact remains if we want to spend that amount of money we are going to have to come back here and vote it on a tax plan. But I would encourage the Members here to stand and say, well, let us get off the dime on this and let us start doing something on this. If we could get the ball moving, we have a plan we could send.

Senator LOEPER. Mr. President, I desire to interrogate the gentleman from Erie, Senator Andrezeski.

The PRESIDENT. Will the gentleman from Erie, Senator Andrezeski, permit himself to be interrogated?

Senator ANDREZESKI. I will, Mr. President.

Senator LOEPER. Mr. President, I am sorry, I did not quite understand the gentleman's remarks. Did I understand correctly that he is prepared to vote for a budget that is going to increase spending by \$2.7 billion, but yet he is not prepared to vote for any taxes to fund it? Is that correct?

Senator ANDREZESKI. Mr. President, I am prepared to stand here today and do the job that people elected me to do, and that is to come up with a negotiated budget package. I am prepared to stand here today and vote on a spending plan for the year for Pennsylvania that will allow us to come up with a plan to fund that. Mr. President, I know and the Majority Leader knows that the process involves spending and the process involves taxation. We have to start somewhere and this is the starting point. In the past I voted against taxation on budgets. I would not be afraid to vote against taxes on this budget, but I am willing to say, let us get the cards on the table and see what we can afford in the future.

Senator LOEPER. Mr. President, I am sorry, I did not understand exactly what the gentleman was saying, and that is he believes he can vote in the affirmative for over \$2.7 billion of new spending but he has to review his decision on whether



he can support the taxes to fund that level of spending, is that correct?

Senator ANDREZESKI. Mr. President, first of all, the Majority Leader knows that has been done by many individuals in this Chamber in the past. Secondly, I would be willing to look at a tax plan to see if it met the needs of the people who have to pay taxes in Pennsylvania and how much of a bite it takes out of them.

Senator LOEPER. Mr. President, I have no further questions. I do not mean to put the gentleman on the spot. However, I think it is crystal clear that anybody who votes for this amendment of \$2.7 billion of new spending has an obligation to also vote for the taxes to fund it.

#### POINT OF ORDER

Senator FUMO. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, I have learned the last couple of days that there are a lot of things you can raise points of order about, and I believe the Majority has done it to me a couple of times. I wish the gentleman would confine his questions to the amendment. If he has a tax bill he is ready to put out on the floor, we could talk about that too. When it comes, we will talk about it, but he is very far afield now off of the amendment.

The PRESIDENT. The Chair appreciates the gentleman's point of order and would point out to both gentlemen that both have spoken three times on this amendment, which exceeds the normal allotment, and both are doing so with the unanimous consent of the Senate. It is also the intention of the Chair to restrain all speakers and to confine them to the issue at hand, which is the amendment, which the Chair is going to do much more methodically from this point forward.

Senator MELLOW. Mr. President, I guess I am going to violate that order then right at the start, because I must answer the statements that have been put on the record by the gentleman from Delaware, Senator Loeper.

First of all, Senator Loeper said I was casting aspersions against the integrity of the gentleman from Delaware, Senator Bell. I have never cast an aspersion against the integrity of anyone on the floor of this Senate and certainly not against Senator Bell. The man has not been well for the last several months and we all wish him our best on this side of the aisle. I hoped his friendly face would be here in this Senate with us.

Secondly, Mr. President, I think it is important to note that we also had one of our own Members, the gentleman from Philadelphia, Senator Lynch, who is approaching being a 20-year veteran as a Member of the Senate, who himself is not well. We did not go ahead at all and vote Senator Lynch on legislative leave until first Senator Lynch had the opportunity of being present on the floor of the Senate, which he was one day last week and then went back into his district to deal with legislative commitments, and he was here on the floor of the Senate two particular days this week and then has gone back and has given us a letter even as to what constituents Senator Lynch has been meeting with.

Finally, Mr. President, we did have the opportunity on Sunday, and we have not objected to legislative leave requests for Senator Bell because only Senator Bell and Senator Loeper or the gentleman from Allegheny, Senator Fisher, who have made the requests know full well if it is a legitimate request. But I have to wonder if on Sunday, June 30th of this past week, if Senator Bell, who was placed on legislative leave, was meeting in his office with constituents.

The PRESIDENT. The Chair must interrupt the gentleman and ask him, does the gentleman wish to object to the legislative leave request for Senator Bell?

Senator MELLOW. Mr. President, if I had wished to request to object to legislative leave, I would have done that when you asked that question under leaves of absence.

The PRESIDENT. Then the Chair would remind the gentleman that the point he is making is not germane to the consideration of the amendment we have in front of us.

Senator MELLOW. Mr. President, I respectfully disagree with you. I think it is totally germane since I was accused on the floor of the Senate by the Republican Leader of casting aspersions against Senator Bell's integrity, and I think there has to be a point of clarification and I respectfully disagree with the Chair. This is a very important issue. It is a very emotional issue, and there is no way, Mr. President, we are going to allow remarks like that to be placed on this floor. Furthermore, we are here prepared to do our job we were elected to do and that is to pass a budget on time. It is obvious the Republicans in this great Body do not want to live up to the constitutional mandate and an oath of office they took on January 1st.

Mr. President, I ask once again for an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator BELAN. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator FUMO and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

## LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Shumaker has been called from the floor to his office, and I would request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Shumaker. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator AFFLERBACH. Mr. President, as I am sure the other side has noticed, I have been rather quiet for the last several days and I am sure that has met with their appreciation. In part that has been the case because my mother told me many years ago never to say something about someone or some organization unless you can say something nice about them. I finally can do that. I think it is time to actually commend the Majority in this Chamber, and I do commend them because for the first time this year they have finally brought forth onto the floor of this Senate a piece of legislation that allowed the more responsible Members of this Senate to actually put forth an amendment to discuss an entire budget for the Commonwealth. They finally took that action on the Majority side to provide that opportunity only three days after we have missed the deadline of June 30th for a new budget. As the gentleman from Philadelphia, Senator Fumo, said earlier, we are making progress. Despite the fact that they now have told us what they do not want to see in a full one year budget, perhaps one day they may even tell us what they do want to see and put forth their own proposal for a twelve month budget, but not for at least 30 days because that is really what the Majority is telling us with this stopgap measure they now have put before us, a stopgap measure which they will use the power politics ploy they have used the last three or four days to push through. They are telling us they do not believe we are going to have a full budget within 30 days, and they indeed are the ones who can control that, just as they have controlled the process up to this time. We came here Sunday. That was a do-nothing day. We came back on Monday and we passed, by their votes alone, a limited stopgap. Then they came back in on Tuesday and that was resolution day—power politics—and, oh yes, Tuesday was also judgment day when once again the Majority lined up 26 strong to deny over 1.5 million people in the City of Philadelphia access to justice by refusing to confirm three justices whom the public had already voted into office as candidates on both tickets. One more power politics ploy of the public be damned. But today I commend them because today they finally had the courage to put forth on this Senate floor a bill that allowed us to at least begin a serious budget discussion. One of these days, maybe when they decide they also have a responsibility to replenish the cookies in the cookie jar from which they have taken since 1985 as part of the negotiating teams on these budgets, maybe at that time we will finally get a full budget for the 1991-92 fiscal year. The Majority Leader has said that a lot of these delays have occurred because it has

been exceedingly difficult to keep up with the various proposals of the Governor and the various proposals that are coming out of the House and how changes have been made, and so forth. Mr. President, I submit to you that rhetoric is the rhetoric of what should be a Minority and not a Majority Party. That is reactionary rhetoric, not proactive rhetoric. Majority leadership requires proactive not reactive postures, and that, I submit to you, has been the problem in this entire process. We again see before us a stopgap measure geared to 30 days. I, for one, am not willing to continue to sit by quietly while the Majority tells us that they are not ready to negotiate. They are not ready to consider funding their fair share of the cookies they want to take from that jar, but instead they are going to continue to piecemeal this process, not in a matter of two weeks, but now in a matter of 30 days, and then how long after that? Another 30 days, and another 30 days?

Mr. President, it is time the Majority realized that, as has been said in the past, the responsibility of the Majority is also the responsibility to act and, hopefully, we will remain in Session and not just turn our faces and run away for the next four days so we can put on the floor of this Senate additional proposals until they are finally willing to say what they would like to vote for rather than what they do not like to vote for. I urge defeat of this stopgap amendment which is nothing more than a continuation of the sham that began here on Sunday night and, obviously, is intended to continue for at least another 30 days.

Senator FUMO. Mr. President, on the bill which is basically the amendment that was introduced by the gentleman from Montgomery, Senator Tilghman, in the Committee on Appropriations today, I want to let the Chamber know that at that meeting I asked Senator Tilghman if he would allow himself to be interrogated. He said no. I asked all the Republicans in that room if they would allow themselves to be interrogated, and they were all there, I think, just about, and they all said no, so I will not ask anybody to be interrogated. But I will take on my function and my job, I guess it becomes now, of the daily arithmetic lesson. Mr. President, in this piece of legislation the Majority proposes to spend \$939,826,000. Yesterday they passed an amendment that if we take everything to its fullest and give them the benefit of every doubt—they said to pay the \$113 million due to the senior citizens and we will give them credit for the full \$60 million in the Lottery Fund balance, even though we all know that is too much because they do have to give out prizes on occasion, but that adds a \$76 million price tag to that—the total spending in the last two days after they adopt this stopgap is \$1,015,826,000. That is what they want to spend today. Mr. President, they cannot even give us a no-tax stopgap. Yesterday in their resolution they put forth the number that there was \$230 million in the Commonwealth's accounts. Well, we looked into that, Mr. President, and there was a lot less than \$230 million. When you deduct out federal funds and restricted receipts you take out at least \$200 million, and maybe even more but I will give them the benefit of the doubt and say it was only \$200 million. That means that yesterday's

balance—or whenever they quoted it. I believe it was on June 30th—was \$30 million. Senator Loeper then told us they had collected \$38 million in the last two days, and we will give them full credit for all of it, although we know now that in that money again is restricted receipts and federal funds, but we will say it is all there, and then we will calculate to the end of the month because that is what this is for, 30 days, and we will give them another benefit of the doubt and say that those two days were off days. Rather than collecting an average of \$19 million a day, again some of which is federal and restricted money, but we are even going to ignore that, we will say we collect \$25 million a day. You multiply the 19 remaining collection days and you get \$475 million. When you add that all up, Mr. President, the \$30 million balance, and we know it is less, the \$38 million that they collected, and we know that is less, and the projected \$475 million, and we know that is less, you get to a cash balance at the end of the month of \$543 million. That means the minute they vote for this, and we will not vote for this, we are not that fiscally irresponsible, they are authorizing spending that will produce a deficit at the end of the month of \$472,826,000. Mr. President, that is not a balanced budget, and you cannot float a tax anticipatory note, as I told the gentleman from Venango, Senator Peterson, yesterday because you do not have a budget. So where then will the Commonwealth get this money, even assuming that the House was crazy enough to go on with it? Mr. President, I bring out these numbers to clearly show what a charade all of this is. If they do not have the money for an adding machine, I will buy them one personally, not even with state funds, provided they promise to use it. This is all nonsense. It is jibberish. It is a charade. It is a sham. But usually when you do those, you get a little bit of class when you get up to the plate and try that trick. At least your numbers are supposed to add up. You are admitting to stupidity as well as irresponsibility. I cannot believe that. I sincerely wish the other side of the aisle would stop embarrassing itself with this nonsense. Give us a budget. Give us a tax bill or resign the Majority and let us run the Calendar and we will do it for you. Do something, please. Stop trying to fool the public. Stop trying to fool the press. Just because we are here today—and I will have to say it now—participating basically in mental masturbation does not mean anybody believes we are getting anywhere. Let us have a real budget or let us at least have a stopgap that adds up. Mr. President, I urge a negative vote on this, at least so all of us will not look as stupid as the people who proposed it.

Senator LOEPER. Mr. President, without going into a lot of flowery rhetoric, I would like to just point out for purposes of the record exactly where the revenues would come from in order to fund House Bill No. 1591. I think it is important to note that in signing House Bill No. 1591 the Governor would be certifying revenues for the entire 1991-92 fiscal year. Even at current tax rates, Mr. President, the revenue estimate is greater than the amount of the General Fund appropriations that are included before us today in House Bill No. 1591. There is \$939.8 million plus the Governor's carryover deficit

of \$467 million, and that is according to the Governor's figures, and that, basically, is the constitutional test on which the bill can be signed. On a cash basis, let us just reflect for a moment that in July of 1990 we collected \$763.7 million in General Fund revenue. In addition, we collected \$219.7 million in federal funds and other augmentations. In July of 1991 we can anticipate an equivalent amount of revenues and augmentations at least \$100 million higher than that of last year. I think if we were to look, as I said earlier in the week, we had a General Fund cash balance carried over into July of 1991 of some \$230 million. Therefore, the total anticipated resources through July 30th should be at least \$1.3 billion. In House Bill No. 1591 we appropriate \$1.188 billion in General Fund and federal appropriations. This would leave, Mr. President, at least \$112 million or more if the Governor chooses to transfer funds to the Lottery Fund to pay personal property tax and rent rebate programs. Mr. President, that is our adding machine on this side and the way that the numbers add up for us.

Senator FUMO. Mr. President, obviously the gentleman is not paying attention. First of all, we will deal with his first argument. He talks about the revenue estimate for next year and he wants that to be a gross number and divided through by 12 and get a number for spending for July. Mr. President, as we said yesterday again, you can only do that if you have a budget for the entire year so you can float tax anticipatory notes to take care of the money you do not have in the beginning of the year that you get at the end of the year. If the gentleman does not understand that, I will take him to the Revenue Department and we will sit there for a couple of hours and get an in-depth lecture on cash flow. But let us look at the cash side. I am not impressed with last year's numbers because the gentleman clearly said what was collected already this year. We are going by the actual numbers taken in the gate, and it does not look like \$763.7 million is coming in. Plus, Mr. President, even when the gentleman pumps those numbers up, then he wants to say that is what we will collect. I think part of the problem over there, and now it is starting to come out, is that Mr. Bittenbender forgets he is no longer the Budget Secretary. You lost that election four years ago, so he cannot certify those revenues.

#### POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, it is the same point I have raised earlier.

The PRESIDENT. I think the gentleman from Philadelphia understands how completely irrelevant the last comment was to the discussion, and he is going to refrain from making any further comments along those lines.

Senator FUMO. I disagree that it is completely irrelevant, but at the risk of embarrassing you again like we did on Ronald Reagan, I will not.

The PRESIDENT. The Chair thanks the gentleman. I will take it however I can. The gentleman may proceed within the bounds of propriety.

Senator FUMO. Mr. President, the gentleman said we would have \$1.3 billion. He adds into that federal monies that are for specific federal programs that cannot be used for these state programs. Does he now put forth the concept that we add larceny to stupidity and irresponsibility, that we steal the federal money to pay for his folly of a stopgap? Mr. President, the numbers do not add up. Unless he is prepared to go see his friend the Attorney General and get a promise that he will not prosecute anybody who wants to do that. He could probably do that. If he was Melvin Laird, he could. This is nonsense. These numbers do not add up, and the irony of all of this is we can be here for hours discussing what numbers are going to come in and not come in. Why can we not expend the same energy on a real budget for the entire year? What reason does the gentleman give for not letting us adopt a budget for the full year? What reason does the gentleman give for not allowing House Bill No. 185 to come out so we could adopt a tax program? Why must we spend hours and hours and hours worrying about the money that is going to come in to July and worrying about estimates and monies out? Why can we not just sit down and do a budget? Why must we go through all these mental gymnastics? What ego are you satisfying by this? What price must the people of Pennsylvania pay to satisfy your ego? We do not care who authors a budget. Run one. It does not have to be negotiated. Run a budget. Bring something out that is real. We will amend it. We will be responsible, and we will send it to the House. Let us do what we have been elected to do. Remember your oath before God. Why not just bring a budget bill out, and if we do not want taxes we will put it down. If we do want taxes, we will put it up. I will be the first one that says that anybody who offers an amendment has to pay for it. I do not have a problem with that. I am ready to vote for taxes. I have been saying that around here forever. But, no, the Majority does not have the guts or the ability to lead or govern. It is just woefully lacking in anything today, and it is a sad state for the Republican Party and it is a sad day for the Senate.

Mr. President, let us vote this down and get on with the adjournment motion.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Leimond		

#### NAYS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### SB 727 CALLED UP

**SB 727 (Pr. No. 770)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL LAID ON THE TABLE

**SB 727 (Pr. No. 770)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### UNFINISHED BUSINESS

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### SECRETARY OF BANKING

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sarah W. Hargrove, Old City Hall, Apartment 124, 423 Walnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Banking, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### SECRETARY OF COMMUNITY AFFAIRS

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Karen A. Miller, 120 North 11th Street, Reading 19601, Berks County, Eleventh Senatorial District, for reappointment as Secretary of Community Affairs, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

#### SB 727 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 727, Printer's No. 770, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

#### CONGRATULATORY RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Congratulations of the Senate were extended to Saint Nicholas Orthodox Church of Donora by Senator Belan.

#### HOUSE MESSAGES

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 14**.

##### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

**Senate Concurrent Resolution No. 80.**

#### BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**HB 14.**

#### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

MONDAY, JULY 8, 1991

12:00 NOON PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1230 and any other business that comes before the committee)	Room 460 4th Floor North Wing
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#### RECESS

Senator LOEPER. Mr. President, at this time I would like to ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator MELLOW. Mr. President, could Senator Loeper indicate to us if there is a willingness on his part to reconvene the Senate either later on today or sometime tomorrow?

Senator LOEPER. Mr. President, we have not determined what our schedule is going to be at this time. In fact, that is the purpose of our caucus. Like Senator Mellow when I interrogated him as to how much time it was going to take, he indicated he was not sure and I am not sure, Mr. President, but we intend to go down and have a Republican caucus at this point.

Senator MELLOW. Mr. President, I am not surprised about the answer because it is obvious the gentleman probably would want to leave here and go somewhere for the 4th of July and, therefore, will not give us an answer. Based on that, Mr. President, I would move that the Senate would adjourn until 10:00 a.m., Thursday, July 4, 1991.

The PRESIDENT. Senator Mellow moves that the Senate do now adjourn until Thursday, July 4, 1991 at 10:00 a.m.

Senator LOEPER. Mr. President, Mr. President—

Senator MELLOW. Mr. President, I request a roll call.

The PRESIDENT. On the motion to adjourn, which is a nondebatable motion—

Senator LOEPER. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The Chair would recognize the gentleman from Delaware with the reminder that the motion is amendable as to time, if that is his intention. The gentleman is recognized for that purpose.

Senator LOEPER. Mr. President, I wish to amend the motion to 7:00 o'clock tomorrow morning.

The PRESIDENT. Senator Loeper offers an amendment to the adjournment motion. Senator Loeper offers an amendment that would have the Senate reconvene at 7:00 a.m., Thursday, July 4, 1991.

On the question,

Will the Senate agree to the amendment to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,

Will the Senate do now adjourn—

Senator LOEPER. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LOEPER. Just for the information of the Republican Members of the Senate, we still intend to go down to our caucus room once this adjournment motion is completed.

The PRESIDENT. The motion before the Senate is a motion to adjourn until 7:00 a.m., Thursday, July 4, 1991.

On the motion,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LOEPER. Mr. President, would it be in order to amend the amendment to the motion?

The PRESIDENT. The motion is before the Body and in that posture it is amendable as to time only.

Senator LOEPER. Mr. President, I would like to add to the amendment that we reconvene at 7:00 a.m. tomorrow morning unless sooner recalled by the President pro tempore.

Senator MELLOW. Mr. President, Mr. President—

The PRESIDENT. Would the gentlemen please approach the rostrum.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. For the information of the Members, before the Body at the moment, Senator Loeper has proposed an amendment that would require that "unless sooner recalled by the President pro tempore." It is the Chair's understanding that there is a revision to that motion to be made by Senator Mellow.

Senator MELLOW. Mr. President, I would like to offer an amendment to Senator Loeper's amendment that the Senate could reconvene at the call of the President pro tempore, to give us a six hour call by the President pro tempore or 7:00 a.m. tomorrow morning. There must be six hours. We could not, Mr. President, in all good faith ask Members to sleep in their offices all night in case the President pro tempore, through some feeling, might want to wake up at 3:00 o'clock in the morning and call the Senate into Session. That is possible on the part of the President pro tempore if he would choose to do that.

The PRESIDENT. Senator Mellow offers an amendment to the amendment that simply requests a six hour call.

On the question,

Will the Senate agree to the amendment to the motion?

Senator LOEPER. Mr. President, I simply oppose the amendment.

Senator SCANLON. Mr. President, I do not understand where we are. All I want to know is what happens to me if I do not show up, at what time?

The PRESIDENT. The Chair has to answer honestly and tell you I am not sure. At the moment there is an attempt to add language in the adjournment motion that says that there will be a six hour call for adequate notification of the Members.

Senator LINCOLN. Mr. President, I heard the Majority Leader say that he opposed an amendment. Is he saying that he opposes the six hour inclusion in the amendment that has been amended to amend because we have not voted on anything yet?

The PRESIDENT. The gentleman is correct. The Majority Leader has indicated that he is asking for a negative vote.

Senator LINCOLN. Mr. President, on one part of this whole mess?

The PRESIDENT. That is correct.

Senator LINCOLN. Mr. President, and that would be Senator Mellow's six hour call?

The PRESIDENT. Senator Mellow's six hour call. The gentleman is correct.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

Senator LOEPER. Mr. President, that is not debatable.

The PRESIDENT. The motion is generally not debatable. The Chair will allow an interrogation if the parties consent to such a colloquy.

Senator Jubelirer, the question is, do you wish to be interrogated?

The PRESIDENT pro tempore. Mr. President, I think the matter is clear and I do not think there is anything I could answer, so the response to the question is in the negative.

Senator MELLOW. Mr. President, Mr. President—

The PRESIDENT. The Chair reminds all participants that this is really a nondebatable situation. We are offering an amendment to an amendment to the adjournment motion.

Senator MELLOW. Mr. President, this is not a debate, this is information for Members of the Senate so we would have



some idea what time we could expect the President pro tempore to call us back into Session. I believe that all 50 Members of this Body have a right to know so they would not have to stay here all through the night in fear of the fact that the President pro tempore may want to wake up at 3:00 o'clock a.m. to call us in. Furthermore, Mr. President, we have talked about the integrity of the institution and this is really to protect the integrity of the institution as set forth by the President pro tempore. Once again I would ask if he would permit himself to be interrogated?

The PRESIDENT. The question has been asked and answered. The gentleman does not wish to be interrogated at this moment and there is no way to force him under the Rules of the Senate.

Senator MELLOW. Mr. President, well, I guess that only goes to show what has taken place in this Body.

The PRESIDENT. The Senate will come back to order. The Members of the Senate please be seated, as decorum drips through our fingers like wet sand. If the Members would remain seated for just a moment more. Would the Members please come to order. The Chair recognizes the gentleman from Washington, Senator Stout.

#### POINT OF INFORMATION

Senator STOUT. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Washington, Senator Stout, will state it.

Senator STOUT. Mr. President, the point of information, on the amendment that we are asked to vote on at this time, if the maker of the amendment will not stand for interrogation and I am sure the Minority Leader is not able to do that, I am a little concerned here. I want to know at what time I have to be here tomorrow, because back in the 46th Senatorial District I have made a rather serious commitment to be a judge at the annual East Finley Township Chicken Flying Contest. You know I think that is something important. I am sure the gentleman from Lancaster, Senator Wenger, and the gentleman from Indiana, Senator Stapleton, who are standing chairs for the Committee on Agriculture and Rural Affairs, will appreciate that. I think we need to lighten up a little bit here. What seems to be happening here in the last several days is that sometimes we get caught up in our own rhetoric here. I think what really has happened, too many people were vaccinated with a Victrola needle. Let us get on with it.

The PRESIDENT. The Chair thanks the gentleman.

The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. Will the Senators please come to order and take their seats. Having completed the business of the day we are on the order of business of adjournment. Pending before the Senate at this moment is an amendment to an amendment to the adjournment motion. The amendment that we are dealing with is one made by the gentleman from Lackawanna, Senator Mellow, that would require the President pro tempore to offer six hours notice before reconvening the Senate, should it be before 7:00 a.m. tomorrow morning. I am sure that is clear to all of the Members.

Senator MELLOW. Mr. President, it is my understanding from the gentleman from Delaware, Senator Loeper, that the Senate will reconvene this evening at 10:00 o'clock p.m. If that need be the case, then my amendment to his amendment of a six hour notification would not be relevant. Therefore, I would withdraw the motion provided that the understanding of 10:00 o'clock this evening of reconvening is the actual time of the reconvening of the Session. If I must do that in the form of an interrogation, I will do that in the form of an interrogation.

The PRESIDENT. Perhaps the Chair can simplify matters simply by putting it to the Majority Leader. Is it the Majority's intention to reconvene at 10:00 o'clock this evening?

Senator LOEPER. Mr. President, yes. In fact, if it would be suitable to the gentleman, I would suggest that if he would simply withdraw the motion to adjourn, the Senate would now recess until 10:00 p.m. this evening.

Senator MELLOW. Mr. President, I do not think I would want to do that. Our motion was to reconvene the Session of the Senate at 10:00 o'clock tomorrow morning, which I think is a much more appropriate time. I do not believe anything short of punitive action could take place at 10:00 o'clock tonight since there is no Calendar. There are no real bills in position on that Calendar that we can work on unless there would be a Supplemental Calendar. It is my fear that the legislative action at 10:00 o'clock tonight will not be in the best interest of the Commonwealth. Therefore, Mr. President, I would like the motion that I had made earlier, that we would adjourn the Session until 10:00 o'clock tomorrow morning. I will not withdraw that motion.

The PRESIDENT. For the purpose of clarification for the benefit of all the Members, the gentleman from Lackawanna has withdrawn his amendment requiring six hour notification based on commentary you just heard. There is still before us an amendment to the adjournment motion that allows the Senate President pro tempore to call the Senate in sooner than 7:00 a.m. tomorrow morning.

Senator LOEPER. Mr. President, just for the information of the Members and for the information of the gentleman from Lackawanna, Senator Mellow, there is a bill that is in position that I intend to consider amendments on at 10:00 o'clock this evening, which is Senate Bill No. 727 and the bill from the gentleman from Bucks, Senator Greenwood, and we would intend to deal with the amendments to that bill this evening at 10:00 o'clock. That is the bill under consideration on today's Calendar that we went over temporarily.

Senator MELLOW. Mr. President, I thank the gentleman for that information, knowing full well that is an intra-party fight, and we would certainly like to participate in the discussion based on the three amendments being offered by the gentleman's caucus, Members of his caucus who have a difference of opinion. We think that would be a very enlightening discussion.

The PRESIDENT. The question before the Senate is on the amendment which would alter the adjournment motion to allow the President pro tempore to call the Senate back to order previous to 7:00 a.m. tomorrow.



And the question recurring,  
Will the Senate agree to the amendment to the motion?

Senator FUMO. Mr. President, only for the purpose of clarification. I regret that I was not paying as complete attention as I should have. Just what are we voting on? What has been withdrawn? Are we still on six hour call, 7:00 a.m., 10:00 o'clock tonight?

The PRESIDENT. If the gentleman would yield, the Chair will attempt to explain it again. The gentleman from Lackawanna has withdrawn his amendment which would have required a six hour notification from the President pro tempore. Therefore, the matter that is pending before the Senate is the amendment offered by the gentleman from Delaware, Senator Loeper, that would allow the President pro tempore to call the Senate back into Session prior to the 7:00 a.m. time for adjournment.

Senator FUMO. Mr. President, is that with the agreement that was said it will be 10:00 o'clock tonight?

The PRESIDENT. That is correct.

Senator FUMO. Mr. President, is there a reason why we just do not do a time certain at 10:00 p.m. tonight?

Senator LOEPER. Mr. President, that is the point I made.

Senator FUMO. Mr. President, okay, all right, I understand. I will stick to the budget, Mr. President.

And the question recurring,  
Will the Senate agree to the amendment to the motion?

Senator LOEPER. Mr. President, I am sorry. Just a point in clarification if we are going to have to vote the amendment and the maker of the original motion to adjourn would not withdraw it, is that not the motion that the Senate would reconvene at 7:00 a.m. tomorrow morning unless sooner recalled by the President pro tempore, and if that motion stands, an "aye" vote would be to support that motion, a "nay" vote would be to oppose that motion?

The PRESIDENT. The gentleman is absolutely correct. Just so that everybody does understand, there will be two votes on this matter. The first is the issue that Senator Loeper brings forth, and that is whether to allow the Senate President pro tempore to call this Body back into Session earlier than 7:00 a.m. and then following that will be the main motion, finally, which will be 7:00 a.m.

Senator MELLOW. Mr. President, I would just like to request a "no" vote on that amendment.

Senator LOEPER. Mr. President, I would request an affirmative vote.

And the question recurring,  
Will the Senate agree to the amendment to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger

Greenleaf Lemmond

#### NAYS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,  
Will the Senate agree to the motion?

Senator LOEPER. Mr. President, on the motion to adjourn, I would ask my Members to vote in the negative to adjourn because it is our intention to recess and come back at 10:00 o'clock this evening.

Senator MELLOW. Mr. President, I would ask for an affirmative vote on the motion to adjourn. There is some concern in our caucus that we may not be called back at 10:00 o'clock, and we want to make certain we are here to do the job we were elected to do and I would ask for an affirmative vote on the motion to adjourn.

Senator PECORA. Mr. President, I have a question. Did we not pass a motion to come in at 7:00 a.m. tomorrow morning?

The PRESIDENT. The Chair would advise the gentleman that we adopted an amendment to the original motion. It is now necessary to vote the ultimate question which is the motion itself.

#### LEGISLATIVE LEAVE

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Corman.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Corman. The Chair hears no objection. That leave will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair also recognizes the presence on the floor of Senator Shumaker. His temporary Capitol leave will be cancelled.

#### PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, if the stated position of the Majority Leader to vote against this prevails, then we will have before us a motion that passed that would have said that we will recess today until the call of the President pro tempore, is that correct?

The PRESIDENT. No, the gentleman is incorrect. If the motion fails, the entire package fails. That is, we will be at the business of finishing the unfinished business of the day's Calendar.

Senator LINCOLN. Mr. President, and it would still necessitate some motion for us to leave here either until 10:00 o'clock tomorrow morning, until Monday afternoon at 2:00 o'clock? A "no" vote and the defeat of this motion by the gentleman from Lackawanna, Senator Mellow, to come here tomorrow at 7:00 o'clock would put us right back at square one where we were at two and a half hours ago.

The PRESIDENT. The gentleman is correct.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator MELLOW and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

#### RECESS

Senator LOEPER. Mr. President, I now move that the Senate do recess until 10:00 p.m. this evening.

The PRESIDENT. Senator Loeper moves that the Senate do now recess until 10:00 p.m., July 3rd. The Senate will stand in recess until 10:00 o'clock this evening.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Corman. His temporary Capitol leave is cancelled.

#### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 2

#### THIRD CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

SB 727 (Pr. No. 770) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENWOOD. Mr. President, I want to begin by commending the Members of the Senate. There are those who say that this Senate might shirk from the opportunity to take on the controversial issue of teachers strikes. For us to decide to come in here for this special session, 10:00 o'clock in the evening, prior to the 4th of July, because we are so willing to tackle this issue, is commendable. The fact that we are here, quite frankly, and we all know this, is because we face a \$3 billion budget deficit, and there is a certain amount of reluctance to put up tax votes, I think, because we may have to raise the personal income tax of Pennsylvanians by a third of a percent, or something like that. To do that might cost the average taxpayer in Pennsylvania \$100 or so a year, or something like that, and the reluctance and the fear to do that to our constituents has paralyzed this Legislature. The concern that we might cost our taxpayers an extra \$100 or \$200 a year has paralyzed this Legislature. Yet, probably in all of your districts in the last week or two school tax bills have come out, and those school tax bills are liable to raise the taxes for each and every household in this Commonwealth by considerably more than that amount. So we have an opportunity here tonight to do far more for the taxpayers of Pennsylvania in terms of tax relief than anything else we could do.

I would like to begin by describing the problem. The problem is that Pennsylvania has become the school strike capital of the nation. In the last 20 years we have had 800 strikes in our schools. We have had 25 percent of all of the school strikes in the nation occur in Pennsylvania. Sixty-eight percent of the schools in this state have been subject to school strikes. Nothing more undermines the public's confidence in and its willingness to pay for public education than the bitter teachers strikes that so frequently disrupt Pennsylvania's schools. School strikes damage the welfare of communities, pitting educators against school directors, parents and even students. Taxpayers are enraged by teachers strikes and they react with deepening resolve to resist increased local taxes. Our public school districts are virtual monopolies. Parents have no choices when their schools are closed, and in two-wage earner families, work schedules are disrupted, and for high school seniors, they face the threat of postponing college admission. Clearly, we need a more effective and an orderly way to resolve legitimate contract disputes, one that does not sacrifice our children's fundamental right to an uninterrupted, quality education, one that does not victimize the taxpayer nor deprive our valued educators of the means to bargain for fair and reasonable wages.

The bill before us will provide such an alternative. The bill, very briefly, would require that in a school year where the contract is due to expire, by February 1st of that year, if the school board and the union have not come to an agreement on

a contract, then they must submit to mediation. If that mediation does not produce an agreement, they must by February 20th begin the process of fact-finding. If the fact-finding fails to produce an agreement, then by May 1st the union and the school board must each submit to the president judge of the Court of Common Pleas in which the school district is located its final best offer. That judge would then hold a hearing. Each side would be invited to present evidence to support its proposal. The public would be given a 14-day opportunity to submit written comment to the judge, and then the judge would make a decision. That decision would be binding on the teachers union and the school board, and strikes would be prohibited and education would proceed on schedule in September. I believe, Mr. President, that of all of the proposals that have been presented before this Legislature in the last 20 years, this is the proposal that is politically doable in this Chamber and the other, that is fair to the taxpayers, that is fair to the teachers and that is fair to the parents and students who must use those schools.

Mr. President, I had prepared amendments to offer but I am going to decline to do that at this moment and would like to yield to the gentleman from Schuylkill, Senator Rhoades, for the offering of an amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### RHOADES AMENDMENT

Senator RHOADES, by unanimous consent, offered the following amendment No. 1734:

Amend Sec. 1 (Sec. 1101-A), page 3, by inserting between lines 4 and 5: "State panel" shall mean the State Panel of Arbitration for Education.

Amend Sec. 1 (Sec. 1122-A), page 4, line 30, by striking out "forty (40)" and inserting: thirty (30)

Amend Sec. 1, page 5, by inserting between lines 21 and 22:

Section 1123-A. State Panel of Arbitration for Education.—  
(a) There is hereby established a State panel within the Department of Education.

(b) The Secretary of Education shall appoint members to the State panel. The number of members is at his discretion.

(c) Members shall be knowledgeable in the following school related fields:

- (1) budget;
- (2) finance;
- (3) educational programs; and
- (4) taxation.

Section 1124-A. Arbitrators.—The representative of the employer and employee shall select three arbitrators as follows:

(1) One arbitrator to be selected by the representative of the employees.

(2) One arbitrator to be selected by representative of the employer.

(3) One arbitrator to be selected by both parties from a list of five candidates compiled by the State panel. Each party shall strike a candidate until one is left. A coin toss shall determine who gets the first strike.

Amend Sec. 1 (Sec. 1123-A), page 5, line 22, by striking out "Section 1123-A. Judicial Determination" and inserting: Section 1125-A. Determination by Arbitrators

Amend Sec. 1 (Sec. 1123-A), page 5, lines 28 through 30, by striking out "May 1," in line 28, all of lines 29 and 30 and inserting: April 15, submit to the arbitrators their

Amend Sec. 1 (Sec. 1123-A), page 6, line 21, by striking out "president judge" and inserting: arbitrators

Amend Sec. 1 (Sec. 1123-A), page 6, line 23, by striking out thirty-five (35)" and inserting: sixty (60)

Amend Sec. 1 (Sec. 1123-A), page 6, line 24, by striking out "president judge" and inserting: arbitrators

Amend Sec. 1 (Sec. 1123-A), page 6, line 25, by striking out "he" and inserting: they

Amend Sec. 1 (Sec. 1123-A), page 7, lines 6 through 14, by striking out all of said lines and inserting:

(c) Not later than forty (40) days prior to the budget submission date, the arbitrators shall:

(1) examine each item of dispute;

(2) determine in writing which party's last best contract offer shall be adopted as to that item; and

(3) forward a copy of this written determination to both parties involved in the dispute and to the board.

(d) Upon determination of the arbitrators, the representatives of the employers and employees shall have ten (10) days in which to renegotiate each item of dispute. All agreed to items during this period must be in writing. Items not agreed to will remain as ruled upon by the arbitrators.

Amend Sec. 1 (Sec. 1123-A), page 7, lines 19 through 21, by striking out "president" in line 19, all of lines 20 and 21 and inserting: arbitrators.

Amend Sec. 1 (Sec. 1124-A), page 7, line 28, by striking out "1124-A" and inserting: 1126-A

Amend Sec. 1 (Sec. 1124-A), page 8, line 1, by striking out "1123-A, the president judge" and inserting: 1125-A, the arbitrators

Amend Sec. 1 (Sec. 1124-A), page 8, line 5, by striking out "1123-A, the president judge" and inserting: 1125-A, the arbitrators

Amend Sec. 1 (Sec. 1125-A), page 8, lines 7 through 10, by striking out all of said lines and inserting:

Section 1127-A. Time Frame.—The time periods set forth in this article are mandatory, and shall not be construed to be directory.

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, basically what my amendment will do is establish a state panel of arbitration for education versus the judge or judicial selection. They will so be chosen that the panel would be one selected by the representative of the employees, one selected by the employer and one arbitrator to be selected by both parties from a list with five candidates compiled by the state panel. Each party shall strike a candidate until one is left. Therefore, we would have three.

Following the same format that is in Senate Bill No. 727, except that in the selection, after the process which is mandatory, that is another thing that is in this amendment, that the whole process is mandatory. It is not a "may." It would require that the panel would examine each item of dispute and then determine in writing which party's last best contract offer shall be adopted as to that item and then forward a copy of the written determination to both. I would also add that after the determination has been made by the arbitrators, there will be an additional ten days in which both parties can agree to change the arbitrator's ruling so that all the arbitration panel will do is it will establish it, but there will still be an



attempt or an opportunity for ten days of additional negotiation. That plus the fact that it is mandatory are the only changes they will be making to the bill.

Senator FISHER. Mr. President, I desire to interrogate the gentleman from Schuylkill, Senator Rhoades.

The PRESIDENT. Will the gentleman from Schuylkill, Senator Rhoades, permit himself to be interrogated?

Senator RHOADES. I will, Mr. President.

Senator FISHER. Mr. President, some of the features of the amendment that the gentleman described I am not sure we had a full opportunity to discuss in our caucus. I am wondering if the gentleman would consider withdrawing the amendment at this time to give us an opportunity to more fully consider it?

Senator RHOADES. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendment?

#### BAKER AMENDMENT

Senator BAKER, by unanimous consent, offered the following amendment No. 1979 to the Rhoades amendment:

Amend Amendments, page 1, line 13, by striking out "The number of members is at his discretion." and inserting: There shall be three members of the State panel who shall be subject to confirmation by a majority of the members elected to the Senate.

Amend Amendments, page 1, lines 20 through 29, by striking out all of said lines

Amend Amendments, page 1, line 32, by striking out all of said line and inserting: Section 1124-A. Determination by State Panel

Amend Amendments, page 2, line 3, by striking out "arbitrators" and inserting: State panel

Amend Amendments, page 2, line 6, by striking out all of said line and inserting: State panel

Amend Amendments, page 2, line 12, by striking out all of said line and inserting: State panel

Amend Amendments, page 2, line 15, by striking out all of said line and inserting: it

Amend Amendments, page 2, line 19, by striking out "arbitrators" and inserting: State panel

Amend Amendments, page 2, line 25, by striking out "arbitrators" and inserting: State panel

Amend Amendments, page 2, line 29, by striking out "arbitrators" and inserting: State panel

Amend Amendments, page 2, line 33, by striking out all of said line and inserting: State panel.

Amend Amendments, page 3, line 1, by striking out all of said line and inserting: 1125-A

Amend Amendments, page 3, line 4, by striking out all of said line and inserting: 1124-A, the State panel

Amend Amendments, page 3, line 7, by striking out all of said line and inserting: 1124-A, the State panel

Amend Amendments, page 3, line 10, by striking out "1127-A" and inserting: 1126-A

On the question,

Will the Senate agree to the amendment to the amendment?

#### AMENDMENT WITHDRAWN

Senator BAKER. Mr. President, I think because of the complexity of the issue and the agreement I have to discuss the intent and language of my amendment to the amendment, both with the moving amender and also the sponsor of the bill, I withdraw my amendment to the amendment at this time.

And the question recurring,

Will the Senate agree to the amendment?

#### AMENDMENT WITHDRAWN

Senator RHOADES. Mr. President, I will withdraw my amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, apparently there is a discrepancy in the amendments and because of that, to try to work out some difficulties with them, I would now move that the bill go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 727 will go over in its order.

#### GUEST OF SENATOR F. JOSEPH LOEPER PRESENTED TO SENATE

Senator LOEPER. Mr. President, I would like to just take this opportunity this evening to introduce to the Members of the Senate a lady who is going to be a senior at Penn State University and who is an intern in our office this summer, Miss Kelly Glazier. She has been monitoring our processes for the last several weeks and is a political science major who is in the gallery with us tonight. I was wondering if the Senate would extend to her its usual warm welcome.

The PRESIDENT. Would Kelly please rise so we could welcome you.

(Applause.)

The PRESIDENT. Another budding political career dashed upon the rocks.

#### RECESS

Senator LOEPER. Mr. President, at this time I would now move that the Senate recess to the call of the President pro tempore subject to a six hour recall.

The PRESIDENT. Senator Loeper requests that the Senate stand in recess to the call of the President pro tempore subject to a six hour recall.

Senator MELLOW. Mr. President, we have been able to reach an agreement where we will reconvene our budget committees sometime over the weekend for the purpose of trying to continue to iron out a budget so we can do next week what we should have done this week, and keeping those thoughts in mind of the willingness on the part of all participants to reconvene the budget meetings so we can come up, hopefully, with a meaningful budget, I would concur upon the motion of

the Majority Leader to recess the Senate subject to a six hour call by the President pro tempore.

The PRESIDENT. Senator Loeper suggests that the Senate now recess to the call of the President pro tempore subject to a six hour notification. Without objection, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, July 8, 1991, at 2:25 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JULY 8, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 47

### SENATE

MONDAY, July 8, 1991.

The Senate met at 2:25 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

God, our Father, we thank You for this new day and this beginning of what appears to be a very challenging week legislatively. Bless us with Your wisdom and strength, that we may properly address the important fiscal responsibilities entrusted to our care. To Your greater glory and that of Your people. Amen.

### SPECIAL ORDER OF BUSINESS

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would ask for a legislative leave for today's Session on behalf of Senator Bell and a temporary Capitol leave on behalf of Senator Baker.

The PRESIDENT pro tempore. Senator Loeper requests a legislative leave for today's Session for Senator Bell and a temporary Capitol leave for Senator Baker. The Chair hears no objection. Those leaves will be granted.

Senator STAPLETON. Mr. President, I request a legislative leave for Senator Williams.

The PRESIDENT pro tempore. Senator Stapleton requests a legislative leave for Senator Williams. The Chair hears no objection. The leave will be granted.

#### LEAVES OF ABSENCE

Senator STAPLETON asked and obtained leaves of absence for Senator DAWIDA and Senator LEWIS, for today's Session, for personal reasons.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 3, 1991.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with, and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—45

Afflerbach	Greenleaf	Madigan	Salvatore
Andrezeski	Greenwood	Mellow	Scanlon
Armstrong	Hart	Musto	Schwartz
Baker	Helfrick	O'Pake	Shaffer
Belan	Holl	Pecora	Shumaker
Bell	Hopper	Peterson	Stapleton
Bodack	Jubelirer	Porterfield	Stewart
Bortner	LaValle	Punt	Stout
Brightbill	Lemmond	Reibman	Tilghman
Corman	Loeper	Rhoades	Wenger
Fattah	Lynch	Robbins	Williams
Fisher			

#### NAYS—3

Fumo	Jones	Lincoln
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A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. The Journal is approved.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 89** in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.



**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

July 3, 1991

**HB 794** — Committee on Community and Economic Development.

**HB 872** — Committee on Agriculture and Rural Affairs.

**HB 1242** — Committee on Local Government.

**HB 1549** — Committee on Transportation.

**BILL INTRODUCED AND REFERRED**

The PRESIDENT pro tempore laid before the Senate the following Senate Bill numbered, entitled and referred as follows, which was read by the Clerk:

July 3, 1991

Senators BRIGHTBILL, GREENWOOD, JUBELIRER, SALVATORE, HOPPER, HART, PORTERFIELD, HELFRICK and ANDREZESKI presented to the Chair **SB 1241**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing tax credits for certain corporations.

Which was committed to the Committee on FINANCE, July 3, 1991.

**RESOLUTIONS INTRODUCED AND REFERRED**

The PRESIDENT pro tempore laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

July 3, 1991

**PROVIDING FOR THE APPOINTMENT OF  
A TASK FORCE TO INVESTIGATE THE  
WIDESPREAD NONCOMPLIANCE WITH THE  
LAW RELATING TO WOLF HYBRIDS AND TO  
DEVELOP MEASURES TO STRENGTHEN  
REGULATION OF WOLF HYBRIDS**

Senator HOLL offered the following resolution (**Senate Resolution No. 87**), which was read and referred to the Committee on Game and Fisheries:

In the Senate, July 3, 1991.

**A RESOLUTION**

Providing for the appointment of a task force to investigate the widespread noncompliance with the law relating to wolf hybrids and to develop measures to strengthen regulation of wolf hybrids.

WHEREAS, The wolf hybrid, part dog and part wolf, has become increasingly popular in recent years; and

WHEREAS, It is estimated that there are 300,000 wolf hybrids in the United States and between 4,500 and 8,000 in this Commonwealth; and

WHEREAS, These animals, many of which are kept as pets, are extremely unpredictable and potentially dangerous; and

WHEREAS, These animals pose a significant risk to young children who appear as prey to the wolf hybrids; and

WHEREAS, According to the Humane Society of the United States, wolf hybrids since 1988 have killed an average of two children per year; and

WHEREAS, Under 34 Pa.C.S. (relating to game) a person who desires to purchase, receive or possess a wolf hybrid, is required to first obtain an exotic wildlife possession permit from the Pennsylvania Game Commission; and

WHEREAS, The Pennsylvania Game Commission has issued only 49 exotic wildlife possession permits for wolf hybrids; and

WHEREAS, It is patent that an overwhelming majority of wolf hybrid owners are failing to comply with existing law; therefore be it

RESOLVED, That the President pro tempore of the Senate appoint a task force consisting of five members, three from the majority party and two from the minority party, to investigate the widespread noncompliance with existing law relating to wolf hybrids and to study and suggest measures that should be undertaken to strengthen regulation of wolf hybrids in this Commonwealth; and be it further

RESOLVED, That the task force make a report of its findings and recommendations to the full Senate as soon as is feasible.

**CONGRATULATING BIETIGHEIM, GERMANY,  
ON THE 1000th ANNIVERSARY OF  
ITS CREATION**

Senators SALVATORE, FUMO, BELAN, SHUMAKER, WENGER and HELFRICK offered the following resolution (**Senate Resolution No. 88**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, July 3, 1991.

**A RESOLUTION**

Congratulating Bietigheim, Germany, on the 1000th Anniversary of its creation.

WHEREAS, The town of Bietigheim, Germany, is celebrating its 1000 years of existence; and

WHEREAS, Such events are to be commended in the history of mankind for the significance they impart to the simple determination of people to build a solid and meaningful existence; and

WHEREAS, So much of the culture and heritage that is woven into the fabric that is America was brought to this country by people like those who founded and built communities such as Bietigheim; and

WHEREAS, The German people, despite intervals of turmoil and strife, have been linked strongly to the people of America through so many common bonds; and

WHEREAS, Through these 1000 years the German people have contributed so much to the world in the fields of arts, medicine, religion and science; therefore be it

RESOLVED, That the Senate of Pennsylvania extend its heartfelt congratulations to the people of Bietigheim and to its Burgermeister Rudiger Schafer on the occasion of this 1000th Anniversary.

**REPORTS FROM COMMITTEE**

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 1230 (Pr. No. 1448) (Amended)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the regulation of family day-care centers; conferring powers and duties upon the Department of Public Welfare; making an appropriation; and making repeals.

**SB 1233 (Pr. No. 1417)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for public assistance administration, for public assistance community work, for public assistance eligibility and for public assistance identification and residence.

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR GIBSON E.****ARMSTRONG PRESENTED TO SENATE**

Senator ARMSTRONG. Mr. President, today we have joining us as pages two young men who are identical twins. We have Andrew and Stephen Witmer who are my guest pages here today, and they are sitting up front. They kind of look like bookends. I would like the Senate to give them a warm welcome.

The PRESIDENT pro tempore. Will those guests of Senator Armstrong please rise so the Senate can give you a warm welcome.

(Applause.)

**RECESS**

Senator LOEPER. Mr. President, at this point I would ask for a recess of the Senate for the purpose of a Republican caucus that would begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:30 p.m.

Senator MELLOW. Mr. President, I would make the same request and ask that the Democratic Members of the Senate report immediately to the caucus room at the rear of the Chamber.

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses to begin immediately in their respective caucus rooms, the Senate will stand in recess.

**AFTER RECESS**

**The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Jubelirer, Senator Loeper and Senator Tilghman.

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Fumo, Senator Jones, Senator Mellow and Senator Scanlon.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Jubelirer, Senator Loeper and Senator Tilghman. Senator Stapleton asks temporary Capitol leaves for Senator Fumo, Senator Jones, Senator Scanlon and Senator Mellow. The Chair hears no objection. Those leaves will be granted.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 465 (Pr. No. 1402)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue of juvenile matters, for informal hearings and for disposition of dependent children.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—48**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**BILL OVER IN ORDER**

**HB 521** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILL ON THIRD CONSIDERATION, AMENDED  
AND LAID ON THE TABLE**

**SB 727 (Pr. No. 770)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### MOTION TO REREFER

Senator REIBMAN. Mr. President, I would like to move that Senate Bill No. 727 be referred to the Committee on Education.

The PRESIDENT. If the lady would yield for just a second to permit the Chair to put the question before the Body. Senator Reibman moves that Senate Bill No. 727 be rereferred to the Committee on Education.

On the question,

Will the Senate agree to the motion?

Senator REIBMAN. Mr. President, this bill was never reviewed by the Members of the Committee on Education. This is a very important piece of legislation. The whole subject of Act 195 has been subject to scrutiny practically every three to five years since its enactment in 1968. The reason we have Act 195 on the books is because Pennsylvania, like many other states, had laws which forbid public employees to strike. Governor Shaffer in 1968 established what he called the Hickman Commission. Mr. Hickman was a retired Executive Vice President of the Aluminum Company of America. Other citizen members were the former Deputy Superintendent of Public Instruction, Professor Emeritus of Political Science—

#### POINT OF ORDER

Senator FISHER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, will state it.

Senator FISHER. Mr. President, is a motion to rerefer debatable?

The PRESIDENT. The motion to rerefer is debatable but to a limited degree.

Senator REIBMAN. Mr. President, I am trying to establish the reason for the importance—

The PRESIDENT. If the lady would yield for just a second further so the gentleman can continue his point.

Senator FISHER. Mr. President, I would question whether or not the limited degree to which the motion is debatable is covered by the debate of the lady from Northampton.

The PRESIDENT. The Chair must agree that the gentleman's point is well taken. The debate is limited to what is called the proprietary of the reference, which simply means that the debate must be limited to the reason for referring to the Committee on Education, and the lady may proceed under those circumstances.

Senator REIBMAN. Mr. President, I do not intend to debate the merits of the bill. All I am saying is I want to establish the history that gave rise to Act 195 which I believe is important for the Committee on Education because it now

consists of new Members, and we ought to have the benefit of some of the history of previous studies of the bill itself. I think that logically it belongs in the Committee on Education to review the background, to review the number of strikes that are settled and the number of contracts that are settled without strikes, which is almost 90 percent of this last year, and I think it is also important for the Committee on Education to study what is happening in other states that do not permit strikes and the number of strikes that occur there. I think we ought to also consider some of the bills which the gentleman from Allegheny, Senator Fisher, introduced in 1985 and which I introduced at the same time which called for last best offer, but it seems to me that those bills need to be studied in conjunction with a final vote on Senate Bill No. 727. I think it is premature to vote on this bill at this time on third consideration without giving due study to all of the factors surrounding this very important subject matter, and it should therefore logically be rereferred to the Committee on Education because there are educational issues involved in this, not just labor issues. For that reason I move to rerefer the bill to the Senate Committee on Education for some real in-depth study.

Senator GREENWOOD. Mr. President, I think the people of Pennsylvania understand the code word "study" by now. I think they understand that when this legislature does not want to bring itself to meet the responsibility of confronting an issue head-on, the simplest thing to do is to take some procedural action, like rerefer to another committee for study or table, or some other way to avoid that responsibility to confront what is a major issue to the people of this Commonwealth. As I said last week, Pennsylvania is the strike capital of the country. Twenty-five percent of the strikes—

#### PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I vaguely remember your admonishment at the request of the Majority Whip that the debate was limited. I believe, if you are going to open this debate up in the manner in which the gentleman from Bucks, Senator Greenwood, is starting, I would think you are going to have a very difficult time stopping other people who have a difference of opinion on this particular issue. I think the proper time for debating that would be after the motion has either passed or failed and it is either gone and we do it in the Committee on Education or we do it here.

The PRESIDENT. The Chair appreciates and agrees with the gentleman's point of inquiry and would also agree with his perception that this debate could get very much far afield. The Chair would take the liberty of thanking the lady from Northampton, Senator Reibman, for confining her remarks after our brief point of order to the issue of referral. She maintained that posture and the Chair would appreciate it if the gentleman from Bucks did the same.

## POINT OF ORDER

Senator GREENWOOD. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Bucks, Senator Greenwood, will state it.

Senator GREENWOOD. Mr. President, if I could have some clarification on that, I would ask if it is in order for me to very briefly comment upon the fact that rereferral to another committee at this point in the legislative year where we are, hopefully, about to recess for the summer, knowing full well that the school year begins in September, that it is not relevant to the issue of rereferral, that the consequence of a rereferral is to delay consideration of this issue into the next school year? I think, therefore, it is appropriate for me to briefly comment upon the impacts of that delay.

The PRESIDENT. Senator, if that is a question, the Chair would point out that the gentleman has already made his point and he appreciates that and would suggest that we get to the issue at hand, which is a vote on the matter of rereferral.

Senator REIBMAN. Mr. President, I think I established the reason and the purpose for rereferring it to the Committee on Education. Now the Chairman of the Committee on Education is controlled by the party of the gentleman from Bucks, Senator Greenwood. It is up to the Chairman and the Majority Members of that committee not to table the bill, not to study it ad infinitum but at least to look at this bill from the point of view of education for our children, as well as for the taxpayers. They will have every right to report this bill out as speedily as possible. While it is true we are almost at the end of a Session, we hope, there is no guarantee on that. We do not know whether this bill would finally be enacted by the time the school year starts in September. We do not know. In addition, the effective date of the bill is 60 days after it has passed both Chambers which very well may take us beyond the school year opening. It is quite conceivable to me that the Members of the Committee on Education are very serious about a very important issue and would like to give this a real study. I think that some of the remarks that were made on the floor by the sponsor of the bill last week and starting now really has very little basis in fact, and this is something the Committee on Education needs to look at. I have all kinds of studies and statistics that would negate what was said on the floor last week by the sponsor of this bill. I have studied this bill for a long time, I mean the whole issue of Act 195. I was here in 1970 when it was passed in the Shaffer administration.

The PRESIDENT. With all due respect to the lady from Northampton, it really is incumbent upon the Chair to move the debate forward in the direction of the rereferral. The lady has made her point.

Senator REIBMAN. Mr. President, that is why it should be rereferred.

Senator GREENWOOD. Mr. President, I will try to stay on point. The lady makes the argument that this issue has, in fact, been studied to death, and it is my view that the people of Pennsylvania are willing to accept differences of opinion on this issue. They are willing to accept that some people can

support this bill and some others cannot. The lady who has, by her own statements, studied this issue a lot has the opportunity to offer amendments to this bill to make this bill reflect the conclusions of those studies, but I do not believe the people of Pennsylvania will tolerate any more delay for the purpose of delay.

Senator LINCOLN. Mr. President, I would rise to support the motion to rerefer. It really amazes me that the gentleman from Bucks, Senator Greenwood, would specifically talk about the beginning of a new school year and that was the need for having this bill dealt with right now. It is July 8th and we have not seen out of the Majority caucus which he belongs to a bill that would fund education. We are eight days past the date for having a budget passed for 501 school districts and we are worried about supposed strikes that may never come about and we do not have funding.

## POINT OF ORDER

Senator FISHER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, will state it.

Senator FISHER. Mr. President, I believe the debate of the gentleman from Fayette is beyond the scope of permissible debate on a motion to rerefer.

The PRESIDENT. The Chair would admit it is a bit of a stretch. However, there is some merit in the argument that the legislation, perhaps, could use referral while we await a funding mechanism. It is a bit of a stretch, but the Chair is not prepared to rule that his remarks are out of order at this point. The Chair, however, would appreciate bringing the debate on this limited area to a conclusion so they can vote on it.

Senator LINCOLN. Mr. President, I think a good example of how people can listen and not hear is what Senator Greenwood heard the lady from Northampton, Senator Reibman, say that I did not hear her say. I heard Senator Reibman say that, one, she had been introducing similar legislation to this for a number of Sessions, and that the reason this bill should be rereferred to the appropriate committee, where it should have gone when it was introduced, was because there is a considerable difference in this bill and how it goes about bringing the same result that Senator Reibman's legislation had proposed to do. There is a sincere and questionable constitutionality question surrounding the bill in front of us. I think there ought to be adequate study done by a very bipartisan Committee on Education. I am not sure all the committees in this Body have ever operated in the same manner. My experience with the Committee on Education in both the House and the Senate has been that, generally speaking, they go about deciding an issue in the best interests of the children who are going to be educated. I believe that is what this bill should have, a very bipartisan, experienced, very in-depth examination because if Senator Greenwood believes this bill is going to be ready for the September 1st beginning of most schools in Pennsylvania, then I would believe he is going to have to be very disappointed. He may have this issue around to build up his congressional campaign between now and next September.

## POINT OF ORDER

Senator FISHER. Mr. President, I rise to a point of order.

The PRESIDENT. If the gentleman would yield, the Chair will suggest that your point is unnecessary. I agree with you that the Senator from Fayette was successful in slipping in a minor irrelevancy toward the end of his comments. Nonetheless, we are about the business of hearing from the other speakers on this issue, and let us hope we can confine our remarks to the motion to rerefer.

## POINT OF ORDER

Senator GREENWOOD. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Bucks, Senator Greenwood, will state it.

Senator GREENWOOD. Mr. President, in the Chair's recent comment, may I infer from that that the gentleman from Fayette, Senator Lincoln, may not refer to my political motives and that should mean I should not refer to his PSEA contributions?

The PRESIDENT. The gentleman's comments are out of order and neither germane nor appreciated, I am sure.

Senator LINCOLN. Mr. President, I wonder how the gentleman knows what my PSEA contributions are unless he has scrutinized my reports of my campaign committee, and I would suspect if he would look he would probably find a hell of a lot more than me who have PSEA contributions, and he may have one or two somewhere hidden in that background that probably will be part of Pete Kostmayer's campaign when he runs against him.

The PRESIDENT. If all of the Members of the Senate would yield, the Chair would point out that we are in for a very tumultuous few days as we begin to consider the budget and other very important items. It would be very helpful if all of the Members of the Senate would respect each other's prerogatives and would at least attempt to abide by the Rules, thereby allowing the Chair to exercise his ability to be a truly nice guy. If not, the Chair is going to be much more aggressive about gaveling down speakers who are out of order.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the lady from Northampton, Senator Reibman.

The PRESIDENT. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?

Senator REIBMAN. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, the Senator indicated that she has introduced legislation in the past dealing with Act 195. Is that correct?

Senator REIBMAN. Mr. President, yes. I have on several occasions introduced several pieces of legislation dealing with last best offer. The gentleman from Allegheny, Senator Fisher, also introduced similar legislation back in 1984 when we had some study done on it, and we had similar ideas in the legislation. None of these bills ever came out of the Republican controlled committee. I am saying now that you control the committee this time. I think we have a chairman who is interested in trying to resolve a very thorny problem and if

this were recommitted to the Committee on Education where it should have been referred in the beginning, I believe we can come up with something that I think most people would be able to support.

Senator BRIGHTBILL. Mr. President, would the lady indicate to what committee her bills were referred?

Senator REIBMAN. Mr. President, it was the Committee on Education at that time.

Senator BRIGHTBILL. Mr. President, how many years ago was that?

Senator REIBMAN. Mr. President, I guess it was about four or five years ago.

Senator BRIGHTBILL. Mr. President, my experience has been that Act 195 bills have all gone to the Committee on Labor and Industry, at least in the last six or seven years.

Senator REIBMAN. Mr. President, I do not think so.

Senator BRIGHTBILL. Mr. President, would the lady indicate whether or not she would support last best offer?

Senator REIBMAN. Mr. President, I am a sponsor of last best offer, under certain conditions. I do not agree with some of the conditions that are in this bill.

Senator BRIGHTBILL. Mr. President, would the lady indicate, if this bill went over, whether she would make herself in position to offer her last best offer amendments to this bill?

The PRESIDENT. The Chair would anticipate a point of order and remind the gentleman that even in colloquy on the floor it is important to adhere to dealing with the subject at hand. It is not appropriate for the gentleman to extract commitments from another Member of the Senate during an interrogation.

Senator REIBMAN. Mr. President, I would like to correct my statement and agree with Senator Brightbill that these bills were referred to the Committee on Labor and Industry but they never came out of the committee and actually they should have gone to the Committee on Education, but I had no control over to where those previous bills in 1985 were referred.

Senator BRIGHTBILL. Mr. President, I would apologize to the Chair and the lady from Northampton. I am not attempting to extract a promise. The Chair made a ruling without asking for the point of view of this Senator. My point of view is that this is a motion to commit to the Committee on Education. The appropriate committee in the past has been the Committee on Labor and Industry. Frankly, a motion to commit has the effect of taking this bill off the agenda of this Senate, and what I am attempting to do is to not take this bill off the agenda and, therefore, it is impossible to present any debate which does not remove this from the agenda without having some kind of discourse with the lady from Northampton about how we could approach this problem and deal with a problem she apparently admits exists, which is that our students are held hostage because of school strikes.

Senator REIBMAN. Mr. President, in the first place, Senate Bill No. 727 amends the School Code, and that is where the Committee on Education has jurisdiction, over



School Code legislation. It is not only just a matter of labor relations. It is also a matter of education issues, and I think that is why it should be rereferred, not committed, rereferred to the Committee on Education so they can take a look at all of the issues surrounding this very important piece of legislation. I cannot make any commitment just as—well, I guess I am not going to refer to the judicial candidates.

The PRESIDENT. Senator Reibman has made a motion to rerefer Senate Bill No. 727 to the Committee on Education. It seems to the Chair that is a fairly straightforward motion.

#### POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I believe the lady's motion was made during interrogation by me and that I had the floor. I would ask whether that motion at that point was in order when she was merely standing for interrogation?

The PRESIDENT. The gentleman is incorrect. Evidently the gentleman was not on the floor when the lady made her motion in the first instance.

Senator BRIGHTBILL. Mr. President, no, the motion was initially just made by her.

The PRESIDENT. The gentleman is incorrect. The lady made her motion some 27 minutes ago when we first began the discussion on Senate Bill No. 727, and the gentleman from Lebanon is welcome to make whatever point of order he wants to make at this point.

Senator BRIGHTBILL. Mr. President, she just made some kind of a motion, or is she repeating her motion?

The PRESIDENT. The gentle lady was repeating her motion.

Senator REIBMAN. Mr. President, I was correcting what the gentleman from Lebanon, Senator Brightbill, said. He said that I said that I made a motion to recommit the bill. I made a motion to rerefer the bill. I was correcting Senator Brightbill.

The PRESIDENT. The Chair appreciates that, but the Chair would appreciate it if we could get to the issue at hand.

Senator BRIGHTBILL. Mr. President, as far as the Chair's wishing we could get to the issue at hand, I would take exception. I have spent many, many hours sitting in this Chamber with issues that I perhaps deemed to be of lesser importance than this particular issue.

#### POINT OF ORDER

Senator LINCOLN. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I do not think it is important how long the gentleman spent in here. We are talking about an issue that has debate guidelines, and I really am starting to object very seriously to going outside those guidelines. I think we have to get firm or we are going to be

here all night arguing over something we are not ever going to vote on.

The PRESIDENT. The Chair thanks the gentleman for his point of order and agrees completely with it. The issue is a sizable one, but we are not dealing with the issues contained in Senate Bill No. 727. We are dealing with whether to rerefer it to the Committee on Education. It is a simple motion.

Senator FISHER. Mr. President, on the motion to rerefer—

#### POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I had not yielded. I had the floor and the Chair recognized another gentleman before I had completed my debate.

The PRESIDENT. The Chair appreciates it and stands corrected.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the lady from Northampton, Senator Reibman.

The PRESIDENT. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?

Senator REIBMAN. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, would the lady from Northampton consider withdrawing her motion and making that a motion to go over the bill so we can study these issues and bring the bill back later on during the next ten legislative days?

Senator REIBMAN. Mr. President, I do not accept that as reasonable, really. I believe this is an issue that ought to be looked at very closely by the Members of the Committee on Education. I do not believe the individual Members on the floor. While we are all very serious, we are all caught up in the budget negotiations and that is more on our minds now, and individually that is the issue most of us are dealing with. I think this is an issue that rightfully belongs in the Committee on Education and that is where it ought to be looked at. I trust the Committee on Education to look at this. I have more faith in the committee than many of you do, perhaps, on the floor. I would like to see it rereferred to the Committee on Education so it can be looked at the way it ought to be looked at.

Senator BRIGHTBILL. Mr. President, I would ask for a "no" vote on the rereferral because the issue is here before us. I have been here for eight years. We have not had this issue on the floor before and I would ask for a negative vote.

Senator FISHER. Mr. President, on the motion to rerefer, I likewise would ask for a negative vote. The past history and tradition of this Chamber has been that bills dealing with Act 195 have been referred to the Committee on Labor and Industry, just as Senate Bill No. 727 was referred to that committee. Senate Bill No. 727 deals with collective bargaining. It deals with new language which, in effect, would amend the current provisions of Act 195. I think we have heard other reasons that have already been given, but I would request a negative vote on the motion to rerefer so we could get on with voting the amendment and the bill.

Senator AFFLERBACH. Mr. President, I find myself a bit confused by the position that the Majority is taking in not being willing to rerefer the bill at this time. Perhaps they could help me to understand that if certain Members would stand for a brief interrogation.

Mr. President, I desire to interrogate the gentleman from Bucks, Senator Greenwood.

The PRESIDENT. Will the gentleman from Bucks, Senator Greenwood, permit himself to be interrogated?

Senator GREENWOOD. I will, Mr. President.

Senator AFFLERBACH. Mr. President, the marked Calendar that I have for the day indicates if this bill is not rereferred to the Committee on Education, several Senators intend to offer amendments, among them the gentleman from Bucks, Senator Greenwood. Is that correct?

Senator GREENWOOD. Mr. President, the gentleman does not need me to tell him what the Calendar says, but the Calendar does say there are four amendments to be offered. I can maybe assist the gentleman by indicating that as of our caucus this afternoon, I and the gentleman from Lebanon, Senator Brightbill, and I believe the gentleman from Chester, Senator Baker, have all decided not to offer our amendments. So the only amendment to be offered, should this motion fail, would be the amendment offered by the gentleman from Schuylkill, Senator Rhoades.

Senator AFFLERBACH. Mr. President, in effect then, the marked Calendar is incorrect in that three of the four Senators listed for amendment will not be offering their amendments. Do I understand the gentleman correctly that the only amendment to be offered would be that of Senator Rhoades?

Senator GREENWOOD. Mr. President, that is my understanding.

Senator AFFLERBACH. Mr. President, I have completed the interrogation. However, I do remain still a bit confused. It seems to me that if I recall correctly, this past Wednesday evening when we brought this bill before the Body at approximately 10:00 p.m. or 10:30 in the evening, at that time several gentlemen intended to offer amendments. After some discussion and the withdrawal of those amendments, the Majority Leader stated that the amendments were withdrawn and the bill would go over in order and, in fact, he requested that because the amendments were somewhat conflicting and, in fact, the Majority wished to have time to sort out those amendments.

Mr. President, I desire to interrogate the gentleman from Schuylkill, Senator Rhoades.

The PRESIDENT. Will the gentleman from Schuylkill, Senator Rhoades, permit himself to be interrogated?

Senator RHOADES. I will, Mr. President.

Senator AFFLERBACH. Mr. President, Senator Greenwood has just indicated that the only amendment to be offered—

#### POINT OF ORDER

Senator FISHER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, will state it.

Senator FISHER. Mr. President, is this line of interrogation in order, once again on the motion to rerefer? The gentleman from Lehigh, Senator Afflerbach, is questioning the motives of the various Members as to what they may or may not offer if this bill stays on the Calendar.

The PRESIDENT. The Chair would rule that it is in order because the decision as to whether or not to vote to refer or not may very well hinge on what types of amendments are in store. It seems to make sense to me.

Senator AFFLERBACH. Mr. President, the Chair's perspicacity once again wins the day. In fact, it does hinge on whether or not amendments are to be offered.

As I was beginning to indicate, Senator Greenwood has just indicated that the only amendment to be offered, should this bill not be rereferred to the Committee on Education, would be an amendment by Senator Rhoades. Is that the gentleman's understanding? Does the gentleman intend to offer an amendment to the bill if it is not rereferred to the Committee on Education?

Senator RHOADES. Mr. President, I certainly do.

Senator AFFLERBACH. Mr. President, I have before me amendments that have been circulated by the various gentlemen. The amendment which is under the sponsorship of Senator Rhoades is amendment A1734. Is that the amendment the gentleman would intend to offer if the bill comes before us for consideration?

Senator RHOADES. Mr. President, that is correct.

Senator AFFLERBACH. Mr. President, I thank the gentleman.

I remain somewhat confused by the Majority's action because this is the identical amendment which Senator Rhoades had, in fact, offered on Wednesday evening past and then withdrew on the basis that it was conflicting with the other amendments. Apparently the other gentlemen have decided to withdraw their amendments, as Senator Greenwood has indicated to us, and, therefore, one would have to assume they have somehow resolved the conflict without changing the language of the amendment. That in itself is sufficient reason for me to support the motion of the lady from Northampton, Senator Reibman, that this bill be rereferred to the Committee on Education. I certainly was not privy to any of the discussions which have somehow resulted in this agreement among the four gentlemen wishing to offer amendments. I would like to hear the arguments on the basis upon which they came to the conclusion that the amendments are no longer conflicting and how they came to the conclusion that one and only one amendment should be offered before this Body upon which to decide so sensitive an issue. Since they apparently are unwilling to do that on the floor of the Senate, I would again support Senator Reibman's motion that the bill be rereferred to the Committee on Education where that dialogue can take place in public and open forum.

Senator BRIGHTBILL. Mr. President, I listened to the debate of the gentleman from Lehigh, and it reminded me of



my class in logic that I had when I was a sophomore in college. My teacher was a gentleman named Colonel Cootee, and he taught me logical fallacies. One of the logical fallacies he taught me was post hoc ergo propter hoc, which is Latin for, after that therefore because of that. He said as a teacher that is a logical fallacy. In other words, if something occurs and then something else occurs, you cannot assume that one followed because of the other. Since we are teaching sophomoric logic here, I think those logical principles should be carried home by the gentleman from Lehigh County today—post hoc ergo propter hoc.

Senator AFFLERBACH. Mr. President, I thank the gentleman from Lebanon for his sophomoric response.

Senator BAKER. Mr. President, I did not intend to speak at this point and as the Senator from Lehigh County has referred to, I see that I am on the marked Calendar as having an amendment. This stems from an amendment to an amendment which I did offer and withdrew the other night because of the amendment which was anticipated to be made at that time by the gentleman from Schuylkill, Senator Rhoades, and it is up to Senator Rhoades whether he chooses to go forward with that, and I take it from his comments that he does. But since the question was raised, the reason I withdrew the motion the other night and do not intend to offer the amendment to the amendment at this time is because the mover of the bill decided to withdraw his amendments. My amendment to the amendment was designed in response to the amendments which the sponsor of the bill was going to offer himself. Since he has made the decision not to offer either of the amendments he was prepared to offer, that was the basis for my decision, if that is of interest to the gentleman from Lehigh, Senator Afflerbach.

Senator FATTAH. Mr. President, I rise to speak on behalf of the motion of the lady from Northampton, Senator Reibman, because I think it is important that we look at this not only as a bill to regulate labor conflicts, but as something that the sponsor of the bill himself has suggested, that the central question here is one of education and whether or not it is in the interest of school children to have Act 195 continue as it is or whether it should be modified in what it affects in the 501 school districts in the state. This bill, as it is set forth at this point, will have a dramatic effect on 501 school districts all over the Commonwealth of Pennsylvania. It seems to me that the Committee on Education would be an appropriate place for us to discuss the impact of this legislation and to look at other amendments that may be necessary. However, in addition to that, let me also add that it would seem to me that the gentleman from Schuylkill, Senator Rhoades, who is going to offer an amendment to this bill, is obviously interested in the bill moving forward, and as the chair of that committee and in his leadership fashion is quite capable of making sure this bill comes back before the Senate for action. I think that would address the concern of the gentleman from Bucks, Senator Greenwood, that the bill would be buried in some respect.

I think we should be careful relative to the precedent set here, that we are going to deal with Public School Code matters through other committees of the General Assembly. If that be the case, I think we need to be aware that may follow in other lines also and we should, I think, at least allow the Committee on Education of the Senate to look at this matter and to see whether it can be refined so we can have a situation where we improve upon our past practices and really look to enhance Act 195 so it can act in an appropriate way in terms of guiding labor issues in our school districts.

Senator BAKER. Mr. President, in response to the comments that were just made, I think it is ironic that the justification for sending this to the Committee on Education would be a negotiating contract and labor provision of last best offer. If there is something that makes this piece of legislation stand out and makes it, in fact, appealing, it is the last best offer aspect of it. As the last speaker has just said, that is a labor matter, that is not an education matter.

Senator LINCOLN. Mr. President, I do not believe I could have thanked anyone more than I would thank the gentleman from Chester, Senator Baker, for setting this up for my remarks. The debate is centered around whether this bill should have been referred to the Committee on Labor and Industry or to the Committee on Education, and there have been several references made to past legislation that was referred to the Committee on Labor and Industry. The lady from Northampton, Senator Reibman, the maker of the motion, was chastised somewhat earlier for this particular part of her argument. I would go back to the Session of 1985, the bills in question in the interrogation between the gentleman from Lebanon, Senator Brightbill, and Senator Reibman. The reason the bills were appropriately referred to the Committee on Labor and Industry in the 1985 Session is Senate Bill No. 390 of the Session of 1985 deals with an act of July 23rd known as the Public Employees Relations Act as amended by, and so forth and so on; a bill also in that package of bills that Senator Reibman introduced, Senate Bill No. 393 of the same Session of 1985, reads, "Amend,...known as the Public Employees Relations Act is amended by adding a section to read...." That, my friends, is the reason it went to the Committee on Labor and Industry. Senate Bill No. 727 went to the Committee on Labor and Industry but should have gone to the Committee on Education because it reads, "Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended...." and the reason why this bill was sent to the Committee on Labor and Industry and the reason why it has been reported out is because it is not an Act 195 bill. Eleven years the Majority of this Senate has been controlled by the Republican Party. Eleven years I have heard them whine about Act 195, and they have never had the courage to report an Act 195 bill out of committee. In fact, that Act is some 20 years old and neither party in either House has ever put a bill on the Calendar dealing with Act 195. Now if you want to deal with Act 195, put out a bill that I can offer amendments to Act 195 to improve it. It is a good law and I want to make it

a little bit better. I do not want to destroy it, and you cannot do that in the roundabout manner in which you are trying to do by dealing with amendments to the School Code and make them effective as if they were amendments to Act 195. Have the courage to put Act 195 out. These bills, Senate Bill No. 390 and Senate Bill No. 393, were never reported out because they did deal with Act 195. This is an education issue. It is the School Code. It belongs in the Committee on Education and let them have it to deal with it, and I guarantee you they will do an excellent job of putting this bill into the kind of condition that it would be good for education and not bad.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Baker and Senator Tilghman. Their temporary Capitol leaves will be cancelled.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator REIBMAN and were as follows, viz:

#### YEAS—22

Afflerbach	Fumo	Musto	Schwartz
Andrezski	Jones	O'Pake	Stapleton
Belan	LaValle	Porterfield	Stewart
Bodack	Lincoln	Reibman	Stout
Bortner	Lynch	Scanlon	Williams
Fattah	Mellow		

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

Senator RHOADES, by unanimous consent, offered the following amendment No. A1734:

Amend Sec. 1 (Sec. 1101-A), page 3, by inserting between lines 4 and 5:

"State panel" shall mean the State Panel of Arbitration for Education.

Amend Sec. 1 (Sec. 1122-A), page 4, line 30, by striking out "forty (40)" and inserting: thirty (30)  
Amend Sec. 1, page 5, by inserting between lines 21 and 22:

Section 1123-A. State Panel of Arbitration for Education.—(a) There is hereby established a State panel within the Department of Education.

(b) The Secretary of Education shall appoint members to the State panel. The number of members is at his discretion.

(c) Members shall be knowledgeable in the following school related fields:

- (1) budget;
- (2) finance;
- (3) educational programs; and
- (4) taxation.

Section 1124-A. Arbitrators.—The representative of the employer and employe shall select three arbitrators as follows:

(1) One arbitrator to be selected by the representative of the employes.

(2) One arbitrator to be selected by representative of the employer.

(3) One arbitrator to be selected by both parties from a list of five candidates compiled by the State panel. Each party shall strike a candidate until one is left. A coin toss shall determine who gets the first strike.

Amend Sec. 1 (Sec. 1123-A), page 5, line 22, by striking out "Section 1123-A. Judicial Determination" and inserting:

#### Section 1125-A. Determination by Arbitrators

Amend Sec. 1 (Sec. 1123-A), page 5, lines 28 through 30, by striking out "May 1," in line 28, all of lines 29 and 30 and inserting: April 15, submit to the arbitrators their

Amend Sec. 1 (Sec. 1123-A), page 6, line 21, by striking out "president judge" and inserting: arbitrators

Amend Sec. 1 (Sec. 1123-A), page 6, line 23, by striking out "thirty-five (35)" and inserting: sixty (60)

Amend Sec. 1 (Sec. 1123-A), page 6, line 24, by striking out "president judge" and inserting: arbitrators

Amend Sec. 1 (Sec. 1123-A), page 6, line 25, by striking out "he" and inserting: they

Amend Sec. 1 (Sec. 1123-A), page 7, lines 6 through 14, by striking out all of said lines and inserting:

(c) Not later than forty (40) days prior to the budget submission date, the arbitrators shall:

(1) examine each item of dispute;  
(2) determine in writing which party's last best contract offer shall be adopted as to that item; and

(3) forward a copy of this written determination to both parties involved in the dispute and to the board.

(d) Upon determination of the arbitrators, the representatives of the employers and employes shall have ten (10) days in which to renegotiate each item of dispute. All agreed to items during this period must be in writing. Items not agreed to will remain as ruled upon by the arbitrators.

Amend Sec. 1 (Sec. 1123-A), page 7, lines 19 through 21, by striking out "president" in line 19, all of lines 20 and 21 and inserting: arbitrators.

Amend Sec. 1 (Sec. 1124-A), page 7, line 28, by striking out "1124-A" and inserting: 1126-A

Amend Sec. 1 (Sec. 1124-A), page 8, line 1, by striking out "1123-A, the president judge" and inserting: 1125-A, the arbitrators

Amend Sec. 1 (Sec. 1124-A), page 8, line 5, by striking out "1123-A, the president judge" and inserting: 1125-A, the arbitrators

Amend Sec. 1 (Sec. 1125-A), page 8, lines 7 through 10, by striking out all of said lines and inserting:

Section 1127-A. Time Frame.—The time periods set forth in this article are mandatory, and shall not be construed to be directory.

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, the amendment has not changed since last week so it is basically the same thing as what I said last week. What the amendment does is establish a state panel of arbitration for education whereby it would be under the Department of Education. The Secretary of Education would appoint members to the state panel. In turn then, whenever we reach the point of going through all the dead-

lines, and they have not been approved, we get to the last best offer. On the list the union would pick one, the school board would pick one and then five names would be provided. You toss a coin and they would cross off until the third is picked, or the fifth one is open. That person becomes the third member on the panel of arbitrators. They then, in turn, will have presented to them the last best offer by both the union and the school board, and they, item by item, will select which they feel to be the item that should be part of the contract. In turn, there will be ten additional days after the arbitrators have decided, an opportunity for the employers and the employees to renegotiate each and every item of dispute. But I would note that all items agreed to during this period must be in writing and that items not agreed to will remain as ruled upon by the arbitrators. That, in essence, plus the fact too that this makes the time frame mandatory. This is all "shall." That is not "may," but you must follow it through for the 150 days out from the standpoint of meeting mediation—fact finding, last best offer, renegotiating. Hopefully it will all be settled by June 1st.

Senator GREENWOOD. Mr. President, I rise to oppose the Rhoades amendment. As the gentleman from Schuylkill, Senator Rhoades, adequately described, there are two major differences between this amendment and the bill as it stands before us. The first has to do with who it is who does the arbitrating. The bill has the president judge of the Court of Common Pleas in which the school district is located serving as the final best offer arbitrator. The amendment would have a panel of state employees coming from the Department of Education. The reasons I have selected the president judge are many. The strongest argument against binding arbitration in a labor dispute is that traditionally arbitrators come from outside of the district. They come from Harrisburg. They render a decision that has long and lasting and profound impacts upon a community, and then they go back without ever needing to feel the consequences of their action. The president judge lives in the community. The president judge knows the history of the community. The president judge has a great deal of historical information about the ability of that community to pay for education and has a lot of information about the adequacy of the education being provided. The president judge is used to holding hearings and weighing the evidence, and only the evidence, in rendering a decision. And finally, the president judge, because he or she stands for at least a retentional election every ten years, has an instinctive need to be responsive to the community. But because that president judge runs only every ten years, I believe that the president judge will not feel compelled to make purely political decisions. For those reasons I oppose that part of the amendment.

The second part of the amendment has to do with the difference between final and total package arbitration versus line by line arbitration. The fundamental strength of final best offer binding arbitration is that it brings each side in from positions that have more to do with posturing and leveraging in negotiation than their positions have to do with reality and

the truth and the facts. Line by line bargaining escapes the necessity of coming to terms with reality. In the line by line arrangement, the president judge would be able to give one line to the teachers and then one line to the school board and one line to the teachers and so on. The problem with that is that the parties will again trade off those lines. The teachers may decide they are going to lose on class size and lose on work week but that they can win on salary. I think it gives again an incentive for both sides to come to the president judge, to come into final offer binding arbitration with unrealistic positions. For those two reasons I would ask for a "no" vote on the amendment.

Senator LINCOLN. Mr. President, I believe that for all the reasons that the gentleman from Bucks, Senator Greenwood, used to argue against the amendment, I would argue for it. I think the gentleman from Schuylkill, Senator Rhoades, even though being denied as the Chairman of the Committee on Education the ability to deal with something dealing with education of our children, has offered a substantially improving amendment. I believe that in spite of being opposed to Senate Bill No. 727, that I am not certain I would vote for it. After this amendment is over I want to take a look at just what final impact it will have on the bill itself, plus I have some very strong personal feelings against what we are trying to do anyway. But I would think that the amendment offered by the gentleman from Schuylkill, Senator Rhoades, takes a very bad piece of legislation and makes it halfway decent. For that reason I would very strongly urge a positive vote on the amendment.

Senator CORMAN. Mr. President, I rise in opposition to this particular amendment. I think the bill in its current form is in the right fashion. I think that last best offer as a package puts a lot more responsibility on each side to be responsible for each and every part of the proposal that is being considered, and that it ought to be considered in an entire package, not on a line item by item proposal.

Secondly, I think the same as the gentleman from Bucks, Senator Greenwood, that the judge in the county is the appropriate person to make that kind of decision. Some have said, but in our particular county the judge's wife happens to be a school teacher. Well, many times judges find that for whatever reason they cannot sit on a particular trial. I would think in this particular case, if that kind of a conflict would be evident, that the judge would set himself or herself aside and another judge would be appointed from a county of the surrounding area that would have the same economy as the county that the president judge would be representing. I think we would get far better decisions from the arrangement that is currently in the bill than the arrangement offered by the gentleman from Schuylkill, Senator Rhoades. I would ask for a negative vote on this particular amendment.

Senator FATTAH. Mr. President, I rise to speak in favor of the amendment of the gentleman from Schuylkill, Senator Rhoades, to this bill. Let me just remind my colleague, the gentleman from Centre, Senator Corman, who just spoke, that in my county sometimes the judge's husband might be a

school teacher, but we all live in a changing environment. I think when we talk about judges versus the panel, as offered by Senator Rhoades' amendment, of experts that would sit and hear a number of these cases and, hopefully, would gain some expertise in terms of handling these matters, versus president judges in these various counties, is a much more preferred option. I do not think that either of these two options that are before us now are the perfect way to go. I do not think there is any quick solution to this problem or this dilemma, but given the alternatives at the moment, I would indicate that I am going to vote in favor of Senator Rhoades' amendment because I think it is a reasonable approach to proceeding forward, and I think it does retain the necessity for both parties to be responsible in terms of providing in their last best offer reasonable approaches because some part, if not all of those, will be a part of the final arbitration that panel awards in this matter under Senator Rhoades' amendment. So I would urge my colleagues on both sides of the aisle, that if we are going to proceed down this road that we do it under the guidance and leadership of Senator Rhoades' amendment because I think it is the way to go at this moment.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator RHOADES and were as follows, viz:

## YEAS—25

Afflerbach	Holl	O'Pake	Salvatore
Belan	Jones	Pecora	Scanlon
Bodack	Lincoln	Porterfield	Stapleton
Bortner	Lynch	Punt	Stewart
Fattah	Mellow	Reibman	Stout
Fumo	Musto	Rhoades	Williams
Greenleaf			

## NAYS—22

Andrezski	Greenwood	Lemmond	Schwartz
Armstrong	Hart	Loeper	Shaffer
Baker	Helfrick	Madigan	Shumaker
Brightbill	Hopper	Peterson	Tilghman
Corman	Jubelirer	Robbins	Wenger
Fisher	LaValle		

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator LINCOLN. Mr. President, I rise to move that Senate Bill No. 727 be recommitted to the Committee on Appropriations for a fiscal note. I have a fiscal note done by the Senate Democratic Committee on Appropriations that shows that prior to the amendment of the gentleman from Schuylkill, Senator Rhoades, there was an approximate need for \$320,000 to fund the bill.

The PRESIDENT. If the gentleman would yield for just a minute, it would be appropriate for us to put the motion before the Body which is to recommit this bill, as amended, to the Committee on Appropriations.

Senator BRIGHTBILL. Mr. President, should the motion be recommit or rerefer?

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, used the term recommit. We will go with that.

Senator LINCOLN. Mr. President, I was under the impression from an earlier ruling that it was just a matter of semantics anyway.

The PRESIDENT. The gentleman is correct.

On the question,

Will the Senate agree to the motion?

Senator LINCOLN. Mr. President, the bill as before us, prior to the amendment offered and passed by the gentleman from Schuylkill, Senator Rhoades, according to the staff of the Committee on Appropriations of the Senate Democrats was looking at approximately \$320,000. The same very capable individuals who drew up this unofficial fiscal note for me have informed me that the Rhoades amendment carries with it approximately a doubling of that cost, and I believe that today the gentleman from Westmoreland, Senator Porterfield, handed me a couple of very important fiscal notes of bills on the Calendar, and I cannot believe we would let this piece of legislation not go because there is no question there is a fiscal impact from what we are asking school districts in the Commonwealth to take on. So I would move that we would recommit to the Committee on Appropriations for a fiscal note.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Corman.

The PRESIDENT. Senator Fisher asks for a temporary Capitol leave for Senator Corman. The Chair hears no objection. That leave will be granted.

Senator LINCOLN. Mr. President, I would request a temporary Capitol leave for Senator Lynch.

The PRESIDENT. Senator Lincoln asks temporary Capitol leave for Senator Lynch. That meets with no objection, and that leave will be granted as well.

And the question recurring,

Will the Senate agree to the motion?

Senator FISHER. Mr. President, I would move that Senate Bill No. 727 be laid upon the table.

The PRESIDENT. The Chair has entertained a motion from the gentleman from Allegheny, Senator Fisher, that the bill be laid upon the table. This is a motion that takes precedence over the motion to recommit and—hear this—is nondebatable.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator FISHER and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz

Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams

## NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Senate Bill No. 727 will be laid on the table, as amended.

## BILL LAID ON THE TABLE

**SB 1053 (Pr. No. 1253)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly.

Upon motion of Senator FISHER, and agreed to, the bill was laid on the table.

## BILL OVER IN ORDER

**SB 1171** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1224 (Pr. No. 1399)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," permitting the drilling of water wells on State lands under certain conditions.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

## LEGISLATIVE LEAVE

Senator FISHER. Mr. President, I would request temporary Capitol leave for Senator Tilghman.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Tilghman. The Chair hears no objection. That leave will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart

Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER

**HB 175** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILLS OVER IN ORDER

**HB 222, SB 401, HB 401, SB 429, HB 686, 840, SB 948 and HB 1020** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION  
AND RECOMMITTED

**HB 1055 (Pr. No. 1198)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," increasing the debt authorization.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator FISHER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 1109 and 1200** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## EXECUTIVE NOMINATIONS

## EXECUTIVE SESSION

Motion was made by Senator SALVATORE,  
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

## NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

## SECRETARY OF BANKING

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sarah W. Hargrove, Old City Hall, Apartment 124, 423 Walnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Banking, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE NAVIGATION COMMISSION  
FOR THE DELAWARE RIVER AND ITS  
NAVIGABLE TRIBUTARIES

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Captain Joseph W. Guilday, 21 Furness Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—48

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE NAVIGATION COMMISSION  
FOR THE DELAWARE RIVER AND ITS  
NAVIGABLE TRIBUTARIES

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dante Mattioni, Esquire, 2036 Shunk Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified, vice Stanley M. Bednarek, Philadelphia, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

PERMISSION TO ADDRESS SENATE

Senator LINCOLN asked and obtained unanimous consent to address the Senate.

Senator LINCOLN. Mr. President, I ask that Senator Fumo not be recorded on this roll call. The Clerk will proceed under those circumstances.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—21

Afflerbach	Jones	Musto	Schwartz
Andrezeski	LaValle	O'Pake	Stapleton
Belan	Lincoln	Porterfield	Stewart
Bodack	Lynch	Reibman	Stout
Bortner	Mellow	Scanlon	Williams
Fattah			

NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

RECESS

Senator FISHER. Mr. President, I ask for a short recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to convene in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**UNFINISHED BUSINESS****REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Camillo Micolucci, 987 Rocklyn Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Sciorillo, 3301 "G" Street, Philadelphia 19134, Philadelphia County, Second Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cosimo J. Sciortino, 1140 Mount Rose Avenue, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Syed R. Ali-Zaidi, R. D. #2, Marianne Estates, Shippensburg 16254, Clarion County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF CLARION UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph S. Harvey, 104 Greenwood Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Edgar L. Lawton, Wellsboro, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE HEALTH CARE  
POLICY BOARD**

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph T. Rauscher, 307 Lodge Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 25, 1994 and until his successor is appointed and qualified, vice Dwayne Cooper, Ohioville, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE**

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Luchansky, 3301 North Front Street, Whitehall 18052, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Marion M. Parish, Montoursville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS

April 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary P. Portis (Public Member), 1015 Manhattan Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF SELINGSGROVE CENTER

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Danny J. Martin, P. O. Box 221, Richfield 17086, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Ralph A. Gual, Jr., Mifflintown, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lou Bizzarro, 5657 Zuck Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Masi, Erie, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Glenn E. Mellott, 320 Crestline Drive, Willow Street 17584, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Pavlak (Public Member), 45 Constitution Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William D. Williams, Box 215, R. D. 6, Somerset 15501, Somerset County, Thirty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL

May 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard C. Noble, 9 Hearthstone Drive, Crestwood, Reading 19606, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

May 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis Rossi, 865 Grant Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Paul S. Kelly, Larksville, resigned.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Donald Creola by Senator Andrezeski.

Congratulations of the Senate were extended to Jim Sager, Kurt Gaebel and to Todd M. Miklos by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Staib by Senator Corman.

Congratulations of the Senate were extended to Anna Konrad by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Campbell, Mr. and Mrs. Harold Cornell, Mr. and Mrs. Lehman Hitchens and to Mr. and Mrs. William S. Johnson by Senator Jubelirer.

Congratulations of the Senate were extended to Donald J. Patterson, Scott E. Kovach and to Students of the Community Action Education Center by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Charles H. Cessna and to Walter A. Karg by Senator Stapleton.

#### BILLS ON FIRST CONSIDERATION

Senator AFFLERBACH. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 1230 and 1233.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

#### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

July 3, 1991

Senators GREENLEAF, HOPPER, WENGER, MELLOW and RHOADES presented to the Chair **SB 1244**, entitled:

An Act establishing intermediate sentencing programs for eligible criminal offenders; providing for an intermediate punishment officer; further providing for duties of judges and district attorneys; and making an appropriation.

Which was committed to the Committee on JUDICIARY, July 3, 1991.

Senators GREENLEAF, HOPPER, WENGER, MELLOW and RHOADES presented to the Chair **SB 1245**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for intermediate punishment.

Which was committed to the Committee on JUDICIARY, July 3, 1991.

Senators RHOADES, JUBELIRER, HART, PUNT, PORTERFIELD, HELFRICK and SHUMAKER presented to the Chair **SB 1246**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increases to annuitants.

Which was committed to the Committee on FINANCE, July 3, 1991.

Senators O'PAKE, JONES, STOUT, SHUMAKER, LYNCH, GREENWOOD, SCHWARTZ, AFFLERBACH and HELFRICK presented to the Chair **SB 1247**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting persons from riding in the open bed of a pickup truck.

Which was committed to the Committee on TRANSPORTATION, July 3, 1991.

Senators REIBMAN, MELLOW, O'PAKE, HELFRICK, MUSTO, PORTERFIELD and ANDREZESKI presented to the Chair **SB 1248**, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," further providing for the size of the tract of land that may be split-off.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, July 3, 1991.

Senators REIBMAN, MELLOW, O'PAKE, HELFRICK, MUSTO, SCHWARTZ, PORTERFIELD, SALVATORE, LYNCH, BELAN, RHOADES and ANDREZESKI presented to the Chair **SB 1249**, entitled:

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), entitled "Municipal Police Pension Law," further providing for pension benefits.

Which was committed to the Committee on LOCAL GOVERNMENT, July 3, 1991.

Senators AFFLERBACH, FISHER, PORTERFIELD, MELLOW, PECORA, HELFRICK, STEWART, HOPPER,

SALVATORE, SCANLON and STAPLETON presented to the Chair **SB 1250**, entitled:

An Act providing for and regulating the licensing, registration and practice of court reporting; creating and imposing powers and duties on the State Board of Certified Court Reporting Examiners; and prescribing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 3, 1991.

Senators JUBELIRER, SHUMAKER, HART, SHAFFER, HOPPER, BAKER, ROBBINS, REIBMAN, PORTERFIELD, WENGER, AFFLERBACH, SCHWARTZ, RHOADES, BRIGHTBILL, MADIGAN, HELFRICK, ARMSTRONG, SALVATORE, LEMMOND, HOLL, FISHER, LOEPER, PECORA and ANDREZESKI presented to the Chair **SB 1251**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for affidavits of candidates.

Which was committed to the Committee on STATE GOVERNMENT, July 3, 1991.

Senator SALVATORE presented to the Chair **SB 1252**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," further providing for unlawful discriminatory practices; and providing for preemployment testing.

Which was committed to the Committee on LABOR AND INDUSTRY, July 3, 1991.

Senators SCHWARTZ, JONES, FATTAH and SCANLON presented to the Chair **SB 1253**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding assault weapons to firearms and other dangerous articles.

Which was committed to the Committee on JUDICIARY, July 3, 1991.

Senators HELFRICK, LOEPER, CORMAN, STAPLETON, MUSTO, LAVALLE, REIBMAN, ARMSTRONG, FISHER, SCHWARTZ, HART, STEWART, BRIGHTBILL, RHOADES and WENGER presented to the Chair **SB 1254**, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, restricting the use of "911".

Which was committed to the Committee on JUDICIARY, July 3, 1991.

Senators STEWART, SCHWARTZ, AFFLERBACH, LYNCH, O'PAKE, BELAN and ANDREZESKI presented to the Chair **SB 1255**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for voter registration in certain State offices.

Which was committed to the Committee on STATE GOVERNMENT, July 3, 1991.

## PETITIONS AND REMONSTRANCES

Senator STAPLETON. Mr. President, I welcome the opportunity to make some brief remarks about an issue that is unfortunately not before us today and it should be. I am referring to House Bill No. 1075, a bill that would add state funded colleges and universities to the Right-to-Know Law. This bill passed the House of Representatives on June 5, 1991 and has been in the Senate Committee on Education since June 10th.

According to Senator Loeper, our Majority Leader and the one who controls this Body's agenda, it will remain in that committee until sometime in the fall. I disagree with this decision and I urge him to reconsider it.

In doing so, I would first review the merits of this legislation. The bill would open the books of those colleges and universities receiving substantial state assistance. This would include the four state-related universities—that is Penn State and the Universities of Pittsburgh, Temple and Lincoln along with the State System of Higher Education, the community colleges and, finally, the 11 state-aided colleges and universities.

Under this act the schools would join Commonwealth agencies in being open for examination and inspection by the citizens of this Commonwealth.

Now perhaps you are wondering why the people should have this right. To begin with, the Commonwealth has a tremendous investment in these institutions. Although we wish we could do even more, the amount of public money that has been appropriated and spent by our big schools is still very impressive. Beginning in 1981 to 1990, a ten year span, about \$6.7 billion has been allocated to the State System, Pitt, Penn State, Lincoln and Temple.

If we add in the aid that went to the community colleges, the University of Pennsylvania, Drexel and other state-aided schools, this total increases to \$8.2 billion. Let me run that number by you again. That is \$8.2 billion in public tax funds. This is equal to more than \$680 for every man, woman and child in this Commonwealth.

The University of Pittsburgh, which is the subject of so much controversy, has been awarded direct grants in excess of \$1 billion in the last ten years. This contribution should buy the public some rights, I believe, and to date we have rarely asked for an accounting of this money. But when we have asked for information we have been ignored and, on occasion, even misled.

Again, Mr. President, although the University of Pittsburgh is a recent and sore example, this problem arises with other state-related schools and 11 state-aided institutions. For years an organization of students at Penn State, for example, has lobbied for open budgeting at that school with no success.

A few years back the Committee on Appropriations on this side of the aisle took up this cause and wrote to all state, state-related and state-aided institutions asking for information on salaries, perks, and so on, for the presidents and other high ranking officials. Except for the State System of Higher Edu-

cation, this request was ignored or answers were incomplete or summary information did not shed light on the issues. Since then, of course, the Presidents of Temple, Pitt and Penn State have revealed much of this information under pressure, but we still do not know everything we would like to know. Many of us on this side of the aisle, and I am sure on that side of the aisle, would love to know the salary of Joe Paterno, our great coach at Penn State, but that is a big secret, and it has been. For many years we have asked these questions in the Committee on Appropriations and we do not get any answers.

Only the State System of Higher Education and the network of 13 community colleges have been absolutely open in their bookkeeping. Yet the Right-to-Know bill would also extend to these schools just for good measure. I stand proud of the behavior of the State System over the years in its willingness to withstand public scrutiny without resistance. And I am proud of my 15-year association as a trustee at Indiana University and a member of the State System of Higher Education.

One of the reasons used by Senator Loeper in delaying a vote on the Right-to-Know bill is because the Auditor General has started an audit of Pitt and is planning to investigate Temple and Lincoln. Senator Loeper would wait for the results of the Pitt audit before moving on the bill.

I can make several arguments against this approach, Mr. President. First of all, the Office of the Auditor General has only limited authority in what it can undertake. The Auditor General has not scheduled Penn State, for example, because of Penn State's special legal status, even though it receives the most money of all the state-related schools. But the Right-to-Know bill would include Penn State, and it goes well beyond the limited question of audits.

Secondly, the Auditor General's Office is carrying a large backlog. An article in last year's Pittsburgh Press reported that Hafer was carrying a backlog of 7,500 uncompleted audits. This, by the way, is a fourfold increase since she took office in 1988. In considering the work that is not done, how can that office be expected to do a thorough job every time there are questionable expenditures at any of our public institutions?

Finally, on this point, an audit by the Auditor General hardly replaces the public right to know that the disclosure bill would permit. After all, the Auditor General would still serve as a wall between the institutions and the citizens.

Another argument raised by the Majority Leader is that the Senate is too busy with the state budget to take up the bill. Considering that budget talks have been taking place over the last number of days and that we are some eight days past the budget deadline, I think we have plenty of time to work on this bill. We did have time, for example, to work on and pass such matters as traffic signs in Susquehanna County, bridge names in Montgomery County and the construction of fish lifts at the Conowingo Dam. In fact, we had time to consider many other minor and major pieces of legislation during the time that the Senate has had the Right-to-Know bill. In fact, I have mentioned we have had many other minor and major pieces of legislation. Actually it was 196.

I have had a number of letters and telephone calls from constituents who are understandably upset over the University of Pittsburgh's generosity to its retiring president. Many are demanding that publicly funded institutions account for how and where they spend tax dollars.

I know I am joined by many other voices in urging prompt consideration of this bill. Certainly the prime sponsor, Representative Cowell, has been vocal in his public appeal. Other House and Senate Members, including Senator Fisher have spoken out publicly on the need for this bill and their desire to pass the bill before the summer recess.

The mass media also adds its weight to this issue. Cries for action have been printed in the Pittsburgh Press, the Harrisburg Patriot, the Valley News Dispatch, the Scranton Times, the Centre Daily Times, and many others.

Mr. President, in conclusion, I again urge the Majority Leader to reconsider his decision and bring this important issue to the floor of the Senate immediately.

Senator FISHER. Mr. President, as a follow-up to the remarks made by Senator Stapleton, I just want to inform the gentleman and the Members of the Senate that I, too, agree with the position that he has espoused, and we have had conversations with the Majority Leader, myself and others, and also with Senator Rhoades, and hopefully—but unfortunately it looks like we are going to continue to be in here for more days than we originally anticipated back in the end of June—House Bill No. 1075 is one of those issues that the Senate would have time to consider. That is one of the reasons why we did not want to give Senator Rhoades any additional burden by having the Act 195 bill recommitted to his committee earlier. So I think sometime before we finish up the budget it is likely that House Bill No. 1075 may be before us or the Right-to-Know bill may be before us for consideration and debate as it applies to the state-aided and other institutions across the Commonwealth.

## ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, JULY 9, 1991

9:45 A.M.	APPROPRIATIONS (to consider Senate Bills No. 899, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138 and House Bills No. 185, 547, 1055, 1105, 1106, 1319, 1320, 1322, 1323, 1344, 1536, 1607 and 1644) Postponed to the call of the Chair	Room 461
		4th Floor North Wing
11:00 A.M.	TRANSPORTATION (Public Hearing - to consider the Mr. James J. Dodaro to the Pennsylvania Turnpike	Room 8E-A
		Hearing Room East Wing

Commission)

Off the	RULES AND EXECUTIVE	Rules Committee
Floor	NOMINATIONS (to consider certain executive nominations)	Conference Room

WEDNESDAY, JULY 10, 1991

9:45 A.M.	APPROPRIATIONS (to consider Senate Bills No. 899, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1197, 1233 and House Bills No. 185, 547, 1055, 1105, 1106, 1319, 1320, 1322, 1323, 1344, 1536, 1607 and 1644)	Room 461 4th Floor North Wing
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### RECESS

Senator FISHER. Mr. President, I would move that the Senate do now stand in recess to the call of the President pro tempore, with the expectation that we will be in a voting Session to convene tomorrow at 10:00 a.m.

The PRESIDENT. Senator Fisher requests that the Senate do now recess to the call of the President pro tempore. There being no objection, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, July 9, 1991, at 10:20 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JULY 9, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 48

### SENATE

TUESDAY, July 9, 1991.

The Senate met at 10:20 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty and ever-living God, guide and direct our Senators in Pennsylvania, that by just and prudent laws they will promote the well-being of all our people.

In these difficult times of trying to enact a budget for the Commonwealth, do not allow our trust and hope to fail. Direct us and teach us to always begin, continue and end all our work under Your divine guidance. Amen.

### SPECIAL ORDER OF BUSINESS

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a legislative leave for today's Session on behalf of Senator Bell and temporary Capitol leaves on behalf of Senator Baker and Senator Hopper.

The PRESIDENT pro tempore. Senator Loeper requests a legislative leave for today's Session for Senator Bell and temporary Capitol leaves for Senator Hopper and Senator Baker.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bortner and Senator Stapleton and legislative leaves for Senator Dawida and Senator Williams.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Bortner and Senator Stapleton and legislative leaves for Senator Dawida and Senator Williams. Without objection, those leaves will be granted.

#### LEAVE OF ABSENCE

Senator MELLOW asked and obtained leave of absence for Senator LEWIS, for today's Session, for personal reasons.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 8, 1991.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with, and that the Journal be approved.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher			

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. The Journal is approved.

### GENERAL COMMUNICATION

#### PUBLIC EMPLOYEE RETIREMENT STUDY COMMISSION

#### STATUS REPORT ON LOCAL GOVERNMENT PENSION PLANS

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC EMPLOYEE RETIREMENT  
STUDY COMMISSION  
Harrisburg 17120

June 28, 1991

The Honorable Mark R. Corrigan  
Secretary of the Senate  
Commonwealth of Pennsylvania  
462 Main Capitol  
Harrisburg, PA 17102

Dear Mr. Corrigan:

Accompanying this letter is the Commission's third report on the status of the Commonwealth's local government pension plans since the enactment of the Municipal Pension Plan Funding Standard and Recovery Act, Act 205 of 1984. The report shows that the actuarial funding requirement implemented for municipal pension plans has significantly slowed the growth of unfunded pension liabilities in the Commonwealth's local governments. The report calculates those liabilities at \$3.4 billion, but shows continued growth. The creation of new municipal pension plans and liberalization of pension benefits contributed to the continued growth of unfunded liabilities.

In addition to analyzing the aggregate funding status of municipal pension plans, the status report identifies 107 instances where municipalities failed to comply with the actuarial funding standard mandated by Act 205. Failure to comply with Act 205 actuarial funding requirements is becoming less frequent.

**Additional Reform Needed**

Viewed in the aggregate, Pennsylvania's local government retirement systems represent one of the largest public employee pension plans in the nation. The Commonwealth's local government retirement systems have more active members and more unfunded liabilities than the State Employees' Retirement System, yet the current legislation governing the local government retirement systems can best be characterized as technically deficient and outmoded. Pennsylvania's local government retirement code is comprised of 50 disjointed statutes enacted over the last 60 years.

One of the largest public employee retirement systems in the nation cannot function efficiently and effectively without adequate policy guidelines. The Commonwealth must recognize the significance of its local government retirement systems and continue the legislative reform process initiated with the actuarial funding guidelines established by Act 205. Through this and subsequent reports, the Commission hopes to facilitate the ongoing reform process by increasing the general awareness of local government retirement issues.

**Current Focus For Commission Activity**

The Commission is actively engaged in the development of a special report on the current structure of local government retirement systems in Pennsylvania. This special report will focus the attention on Pennsylvania's fundamental local government retirement issue—whether the current structure of local government retirement systems should be maintained. If the present structure is to be maintained, the process to effect a comprehensive review and revision of all local government pension statutes must be initiated. If the present structure is to be replaced, the process to design and implement the replacement structure of local government retirement systems must begin. The Commission expects to issue its special report on the structure of local government retirement systems before the end of this year.

**Conclusion**

On behalf of the Commission, I hope you find this report informative. It serves to provide basic information on Pennsyl-

vania's local government retirement systems and to convey the Commission's plan to systematically address the many local government retirement issues that require your attention. Through a series of special reports, the Commission is endeavoring to address individual issues by providing background information and suggested resolution. Through your attention and subsequent deliberations, the comprehensive policy guidelines needed for the Commonwealth's local government retirement systems can be established.

Sincerely,

DALE D. STONE  
Chairman

The PRESIDENT pro tempore. This report will be filed in the Library.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Bortner and his temporary Capitol leave will be cancelled. The Chair also notes the presence on the floor of Senator Baker as well. His temporary Capitol leave will be cancelled.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with an expectation of returning to the floor at approximately 11:00 a.m. to 11:15 a.m.

Senator MELLOW. Mr. President, I would ask for the Democratic Members to report immediately to our caucus room.

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses to begin immediately in their respective caucus rooms, the Senate will stand in recess.

**AFTER RECESS**

**The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.



## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**HB 521** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL OVER IN ORDER TEMPORARILY

**SB 1171 (Pr. No. 1355)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P. L. 352, No. 81), entitled "Health Care Practitioners Medicare Fee Control Act," providing exceptions to the prohibition of balance billing by health care practitioners.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator RHOADES, on behalf of himself and Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A1938:

Amend Title, page 1, line 4, by striking out "exceptions" and inserting: an exception

Amend Sec. 1 (Sec. 4), page 1, line 17, by striking out "EXCEPTIONS" and inserting: Exception

Amend Sec. 1 (Sec. 4), page 1, line 19; page 2, lines 1 through 22, by striking out the colon in line 19, page 1, all of lines 1 through 21 and "(2) TO THE PROVISION OF" in line 22, page 2 and inserting: to

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, what the amendment does, in essence, is maintains current law regarding Medicare payments but also corrects an oversight that was developed when Act 81 was worked on, which basically would allow ambulance services, because they were not discussed during the development of this act, to do the billing at the proper level to meet their costs. The reason I put this in is despite the fact that they were not considered, the Department of Aging, the Department of Health and the Department of State have indicated that they view ambulance services as covered by Act 81. This, in turn, would make an exception.

And the question recurring,

Will the Senate agree to the amendment?

Senator FISHER. Mr. President, I move that Senate Bill No. 1171 go over in its order temporarily.

The PRESIDENT. Without objection, Senate Bill No. 1171 will go over in its order temporarily.

### SECOND CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**HB 175 (Pr. No. 2246)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 222, SB 401 and HB 401** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL REREFERRED

**SB 429 (Pr. No. 1427)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for siting limitation on commercial hazardous waste incinerators near prisons, schools and other facilities housing concentrations of people; and requiring an emergency response plan.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER AND RECOMMITTED

**HB 686 (Pr. No. 751)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting persons who accept credit cards for the transaction of business from requiring certain additional information from the credit cardholder; providing for enforcement of the act; and imposing civil penalties.

Without objection, the bill was passed over in its order at the request of Senator FISHER.

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on Banking and Insurance.

#### BILLS OVER IN ORDER

**HB 840, SB 948, HB 1020, SB 1109 and 1200** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILLS REREFERRED

**SB 1230 (Pr. No. 1448)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the regulation of family day-care centers; conferring powers and duties upon the Department of Public Welfare; making an appropriation; and making repeals.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1233 (Pr. No. 1417)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for public assistance administration, for public assistance community work, for public assistance eligibility and for public assistance identification and residence.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

### HOUSE CONCURRENT RESOLUTION NO. 105, CALLED UP

Senator FISHER, without objection, called up from page 3 of the Calendar, **House Concurrent Resolution No. 105**, entitled:

A Concurrent Resolution memorializing the Congress of the United States to restore \$600 million preexisting funding for the Clean Coal Technology Program in support of the use of coal in an environmentally compatible manner.

On the question,

Will the Senate concur in the resolution?

### SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 105

Senator FISHER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 105.

The motion was agreed to and the resolution was concurred in.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### SB 1171 CALLED UP

**SB 1171 (Pr. No. 1355)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator FISHER.

### BILL ON THIRD CONSIDERATION AMENDED AND LAID ON THE TABLE

**SB 1171 (Pr. No. 1355)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P. L. 352, No. 81), entitled "Health Care Practitioners Medicare Fee Control Act," providing exceptions to the prohibition of balance billing by health care practitioners.

The PRESIDENT. We are on the order of business of the consideration of the Calendar, Senate Bill No. 1171. The gentleman from Schuylkill, Senator Rhoades, has offered an amendment. The question is, will the Senate agree to the amendment? The Chair understands that the gentleman from Venango, Senator Peterson, has some remarks to make on the subject.

Senator PETERSON. Mr. President, Senate Bill No. 1171, without the Rhoades amendment, is here to take one small step in solving a problem that is going to only increase in the Commonwealth of Pennsylvania if we do not take a long-term look at the availability and access to health care to all Pennsylvanians.

The amendment that has been proposed by the gentleman from Schuylkill, Senator Rhoades, would remove from the bill the exemption for family physicians and internists. You may ask, why should we not do that? We will only leave emergency services as an exclusion from the MOM bill. There are a lot of reasons why the MOM bill including family physicians

and internists is not good long-term public health care policy for the Commonwealth of Pennsylvania. We have several serious forces that are really going to make health care unavailable to many parts of this Commonwealth. At the present time in this country, two-thirds of our physicians are high-tech specialists, one-third are family caregivers or primary care physicians, which include internists and family physicians, OB/GYN and pediatricians. Today we are just dealing with family physicians and internists who really in all essence should be providing us with the bulk of our health care at a far less costly fashion than we receive our health care from specialists. Specialists should be there—cardiovascular surgeons, ophthalmologists, the radiologists, those who really make the big bucks in medicine—when we need them. But what is most necessary in good general health care to the poor and to the elderly of this country is access and availability of the family physicians and internists who are the ones who really deal with us on a daily basis. The reason for the original bill that was passed to lock link their charges or minimize their charges to Medicare rates was on the concept that medical costs and doctors' costs were threatening people's nest eggs, people's livelihoods, people's funds that were needed for just the basics of life. I do not think it is the cost of an office visit or the cost of a doctor, family physician or internist coming to our home or coming to our nursing home that is really the threat. The threat is the expensive surgical procedures, the expensive ones that run into the hundreds and thousands of dollars. The average visit is very few bucks.

What is happening today? Our young people as they choose to go into medicine are for many reasons choosing all kinds of residencies rather than family practice and internal medicine. The MOM bill is just one more reason not to go into family medicine. We locked into place a payment system called fair that I think is not fair. A family physician can be on the east end of town and make \$14 for an office visit. A family physician on the west end of town can make \$24 for an office visit. That is the Medicare system. How do they figure that? It is some complicated formula of how much he charged when he started out, how often he raised his charges, and all of those issues that are very complicated and complex, that determines what he gets paid by Medicare. It is nice. It feels good to say to our senior citizens that we are not going to let any doctor charge you more than Medicare rates, and I know that is going to be a big political issue and it is a political issue. That is really what it is. It is not the office visits. It is not the doctor coming to your home that is going to break up family finances. It is the high-tech procedures, the costly procedures that are done by our high-tech specialists, and we are not touching that. Family physicians should never have been included in this bill if you want more family physicians and if you want more internists and you want more primary care physicians, which we need drastically in many of our communities. I want to tell you, a hospital that does not have an adequate number of family physicians or internists is a hospital that is going to go out of business. They are your major admitters. They are the ones who provide health care among all our small communities across this Commonwealth.

This bill that we passed was one more nail in the coffin. I spoke recently to the Society of Internists at a conference they were having in Pittsburgh and I was talking about the rural problem. Rural hospitals—and I just talked to the Hospital Association a few minutes ago—across this Commonwealth are just almost unable to recruit family physicians and internists. They seldom can get one. Most of them are paying for expensive searches. They are using headhunters just like our Governor is for a Secretary of Health. They are having to hire companies to look for them all over this country and try to recruit them for our small rural hospitals. When our hospitals are not successful, sooner or later those hospitals are going to close because it is the family physician or the internist, who gives the primary care to all of us, who are the ones that a hospital's success rises or falls with. I believe it is important that we exempt them. The rate of income of family physicians and internists in no way parallels the figures we often hear of the exorbitant incomes that doctors make. The family physicians and internists are on call 24 hours a day. They work seven days a week. It is a tough business. It is not easy. It is the high-tech specialists who are really the problem in our health care system, who make millions of dollars annually. It is not the family physician. It is not the internist. We have some other policies that add that I might just share. We spend a fair amount of money each year training doctors in this Commonwealth. We have seven very fine schools, but we spend that money to train cardiovascular surgeons and ophthalmologists and radiologists who make the big bucks. We ought to be directing that to train primary care physicians and internists, and we should not have a deterrent on young people who are going into the business. They look at a poor urban area or a rural area and they see a Medicare rate of 40 percent to 50 percent, and that is very common, and they see a Medicaid rate as high as 31 percent in one part of my district. You then have 70 percent to 80 percent of your medical care being paid for by Medicare and by Medicaid. I want to ask you as Senators today, would you start a practice if you were coming out of medical school in a community where up to 80 percent of the bills are going to be paid by Medicare and Medicaid, with government paperwork, government delays? Our Medicaid payment system is an absolute disgrace, not only the rates but the efforts you go through to get paid. We need to take this off the back of the kind of care we need. We need family physicians. In fact, at this conference I spoke at, speaking about the rural problem, there was an internist there who works at a hospital in the Lehigh Valley, an affluent area, one of the more successful parts of the Commonwealth. He is on a search committee for internists and family physicians and he said they were having absolutely no success, and that is one of the more affluent areas in Pennsylvania. I do not care how many doctors we train. I do not care how many doctors we have. If we continue all of the goofy practices that we have, the Band-Aids we put on without looking at the big picture of health care, we are going to have parts of Pennsylvania that do not have primary care physicians to care for the families that we should be caring about. It is not the budget

buster. It is the people we should be encouraging to come and practice, and if we are going to do that we need to exempt them from this act. I oppose the Rhoades amendment.

Senator AFFLERBACH. Mr. President, we just heard the previous speaker issue a very passionate plea for the problems of hospital staffing and I am afraid he has somehow connoted that his bill will solve those problems. Well, it will not. Hospital staffing problems exist across the board. Hospitals have as much difficulty attracting nurses and physical therapists and occupational therapists and so on down the line as they do attracting general practitioners and internists. His bill does not speak at all to the staffing problems of hospitals. We have heard him rail against the Medicare system, which he has just described as disgraceful, but the fact of the matter is that this bill does not address the Medicare system. It does nothing to improve the Medicare system, it does nothing to change the Medicare system, nor can it do anything to change the Medicare system. The thrust of this bill is simply to revisit for a second time in 13 months precisely the issue which the gentleman brought to the floor of the Senate one year ago in June of 1990. At that time the gentleman from Venango, Senator Peterson, as Chairman of the Committee on Public Health and Welfare, used House Bill No. 700 to serve as a vehicle in which he placed an amendment very similar to the content of Senate Bill No. 1171 today. At that time on June 27th, the gentleman from Schuylkill, Senator Rhoades, offered an amendment on the floor of this Chamber very similar to the amendment we are now discussing and that was to ensure that no physician practitioner in the Commonwealth will be exempt from the Medicare standard, no physician in the Commonwealth will be able to charge over and above the Medicare set fee for a procedure. But Senator Peterson would obviate that. He would suggest that we should allow those individuals known as general practitioners or internists to charge whatever they may wish to charge, regardless of what the Medicare standard may be. I would suggest that just as we did a year ago, we should adopt the Rhoades amendment today. This will allow the bill to proceed with an exemption for ambulance corps, which was an altogether different entity and which were never intended to be covered under the MOM legislation to begin with. It will remove Senator Peterson's attempt to once again exempt from the Medicare fee scale a vast number of physicians in this Commonwealth. But unlike the past year, this bill has been brought to the floor of the Senate by a vote of 5-2-2 in the committee, five to report it out, two opposed and two abstentions. Less than a majority of the committee intended this bill to come to the floor, and yet we are faced with it again today. I would like to ask what has changed during these past 13 months that makes this bill palatable today?

Mr. President, I desire to interrogate the gentleman from Venango, Senator Peterson.

The PRESIDENT. Will the gentleman from Venango, Senator Peterson, permit himself to be interrogated?

Senator PETERSON. I will, Mr. President.

Senator AFFLERBACH. Mr. President, in June of 1990 physicians who were serving in the federally designated physician shortage areas, that is to say rural and inner city areas, were already permitted to charge a fee under Medicare ten percent higher than other physicians providing similar services. Has that changed? Are these physicians no longer permitted to charge that ten percent surcharge?

Senator PETERSON. Mr. President, would the gentleman repeat that question? I am not sure I quite understood it.

Senator AFFLERBACH. Mr. President, yes. One year ago when we considered this legislation we had established at that time that physicians serving in federally designated physician shortage areas, which is to say rural areas and inner city areas, were permitted to charge a fee under Medicare ten percent higher than other physicians providing similar services. Has that changed or are these physicians no longer permitted to charge that ten percent surcharge?

Senator PETERSON. Mr. President, I am not sure what areas come under that. I do not remember if we debated that the last time.

Senator AFFLERBACH. Mr. President, one year ago a specialist in this Commonwealth could provide primary health care. Has that changed? Are they no longer permitted to provide primary health care?

Senator PETERSON. Mr. President, no. They can provide primary health care.

Senator AFFLERBACH. Mr. President, one year ago a patient could choose to go to either a general practitioner or to a specialist for that primary health care. Has that changed? Does the patient no longer have that choice?

Senator PETERSON. Mr. President, no. When they go to a specialist, they usually pay more.

Senator AFFLERBACH. Mr. President, in fact, when the patient chooses to go to a specialist or a primary health care provider known as a general practitioner or internist, they now do not have to ask whether or not that individual, that physician, may, in fact, overbill or balance bill or overcharge, or whatever you want to call it. Is that not correct?

Senator PETERSON. Mr. President, I take some exceptions to the terms used. I do not think overcharge has anything to do with this measure. That is assuming that all rates are fair. If you really look fairly at the Medicare rates, Mr. President, I think you find that they are not fair. You go to one neighborhood and they are much less than another. They are not overall fair rates, and to say that a doctor who is getting a \$14 fee for Medicare who would like to charge \$22 for his normal office visit is overcharging would be the same overcharge as someone who is getting \$21 and would want to charge \$1.00 more. The Medicare system is not a system that is, overall, fair. You are assuming that it is. I am assuming that it is not.

Senator AFFLERBACH. Mr. President, I am not assuming anything other than the gentleman's own language in the bill which speaks to balanced billing. Now whether we call balanced billing the ability to charge a fee over and above the Medicare set fees or whether we call it an overcharge is virtu-

ally irrelevant. The fact remains that today a patient can walk into any physician's office in this Commonwealth, whether it is a specialist or a general practitioner or an internist, and know that physician may not charge over and above the Medicare set fee for that procedure. Is that not correct?

Senator PETERSON. Mr. President, that is correct.

Senator AFFLERBACH. Mr. President, is it also not correct that under this bill, if the Rhoades amendment is not approved, we will now force consumers to go to their particular physician of choice and ask whether or not that physician can balance bill, whether or not that physician may charge more than the overcharge measure. Is that not correct?

Senator PETERSON. Mr. President, if an individual would go to a family doctor or internist, they would be allowed to charge their normal fee for an office visit. This has nothing to do with any procedures, any surgical procedures or other procedures they might do in that office. It only deals with the person who visits that family physician and has that office visit where they are reviewed, their blood pressure is taken and they are consulted with. No other procedures are covered under my exemption of the bill that is before us. Only the fee for the consultation, the minimum fee that a doctor charges to come to a nursing home and visit your mother or come to the home and visit my mother or for that person to go to their office, their normal office fee is what they are allowed to charge. That is all. Let me tell you one of the ramifications of the direction you are going. In most of the rural areas that I serve, they do not have choices of going to specialists. They do not have those high-tech specialists. You may in an urban area, a suburban area, but in the areas I represent we live or die by our family physicians and by our internists. We do not have on every street corner high-tech specialists who people would be choosing to go to.

Senator AFFLERBACH. Mr. President, the gentleman has led to my next question which deals with, in fact, the Physicians Payment and Review Commission, which is the commission charged with reviewing the rates and recommending reimbursement by Medicare. Is the gentleman aware of the fact that this commission has recognized the very problem which he has just listed for us and has, in fact, recommended rates that shall be increased for general practitioners and internists to begin in January of 1991?

Senator PETERSON. Mr. President, yes, we have discussed this with HCCCC. We have discussed it with a number of federal officials. When this is finally implemented, it is the consensus of most of those in the health care field at the national level that there will be some significant cuts in the high-tech specialists, but there will be very modest or very few increases at all for primary care. The reason is there are not the bucks to do it. They are looking to save money in Medicare. There are cuts proposed in Medicare. How do you raise rates when you are going to be cutting them out of money that is available to the system? In reality the people who are running the federal system have told me that, if any at all, there will be very few increases for anyone. The majority of adjustments are going to be cuts at the high-tech level, which I

do not argue with, but there will not be major increases to equalize. The system that is used to decide whether a doctor makes \$14 for an office visit or \$24 for an office visit will not change. On the first question you asked me, I am told that the bill we passed last year prevented rural doctors from charging the ten percent. That has been eliminated in Pennsylvania through the bill we passed last year.

Senator AFFLERBACH. Mr. President, I have completed the interrogation and would like to speak on the amendment.

Mr. President, as I have indicated earlier, what we are seeing here today is simply a revisiting of precisely the same legislation we had before us in June of 1990. I think the gentleman has indicated in the interrogation that very little has changed during that period of time. If there has been some determination made that the physician serving in the federally designated physician shortage areas may no longer charge the ten percent differential, then he is the only one to know about that because that information has not been provided to anyone else, to the best of my knowledge. Nevertheless, we are faced with again the very same situation of are we going to begin exempting practitioners from the Medicare limits or are we not? If, for example, an individual had a problem with their eye, they have a choice of going to a general practitioner who may treat primary eye infections or they may go through an ophthalmologist, the more expensive of the two physicians. If they go to the primary practitioner, under Senator Peterson's bill he may charge them whatever he pleases to charge them over and above the Medicare set fee. If, however, they go to the ophthalmologist, because that is a specialist, they can receive exactly the same treatment. They will not be charged over and above the Medicare set fee. They know that their 20 percent contribution will be precisely what Medicare says it should be and no more than that, and, again, we are encouraging people to use the most expensive form of health care, that is to say the specialist rather than the general practitioner, where they are taking a shot in the dark every time they go in as to how much they are going to have to pay for their service.

I think the Senator may be well-meaning in his intention of trying to provide greater service to rural residents, but I think once again when we look across the entire Commonwealth we find a situation that will have exactly the opposite effect because those people who can charge whatever they wish to charge will certainly move to the more affluent areas where they can charge even more than they do now in the less affluent areas.

For all of these reasons, plus the fact that we create considerable confusion among our constituents by exempting some doctors and not other doctors, in addition to the fact that the federal government is increasing the Medicare reimbursement for general practitioners, internists and family practitioners in January of 1992, less than six months from now, and because of the uncertainty as to how much that will be, I think it is, at best, premature for us to consider exemptions of this nature, and I fully support the Rhoades amendment to do away with those exemptions and to keep the MOM legislation intact as this Assembly passed it last year by an overwhelming vote.

Senator ARMSTRONG. Mr. President, I urge my colleagues to not consider this amendment. I just got off the phone with a friend of mine who is a general practitioner. He has a small practice in a rural area, a small borough in Lancaster County. He has given me some information about the MOM bill and what impact it is having on him, and I thought I would just relate some of it to my colleagues. He charges \$29 for an office visit currently, and under the Medicare provision, due to some complicated formula, he says, which he does not even understand, the rate is pegged at \$23. This used to be called the MAC fee, but now it is called the limiting fee. He is allowed to collect \$19, that is what he would be reimbursed. Everyone else pays \$29. Someone on Medicare pays \$19. If he does not accept assignment, they will pay \$19. Then the patient is reimbursed through Medicare 80 percent of that or they get \$15.20 back. So out of their pockets it has cost them about \$3.80 for that office visit. If they accept the Medicare charges of a \$29 office visit, the patient would pay \$4.00 out of his pocket. Then the doctor would put in the paperwork and get reimbursed in about six to eight weeks \$16, so they would make a total of \$20, \$19 if they do not accept, \$20 if they do accept it, plus all that time and interest. He said the very frustrating part of it is that both ways, even if a patient is being reimbursed by Medicare, they have to do all the paperwork for the patient, which is another cost, he said, he has to bear, where before, he said, the patient who is receiving all of the money actually filled out all of the forms. He said the very frustrating part of this is that if you do not check the right box or you just do not do it 100 percent right, it comes back to you. He said it is just time after time these forms come back to him. They do not get their money and it is delayed, and I do not know what happens with the budget if they do not get paid these six to eight weeks, maybe it will be ten or twelve weeks.

The gentleman from Lehigh, Senator Afflerbach was saying about overcharge. You know, I think our system is such that in our free enterprise system you do not go to people who overcharge you, you go to people who charge you a reasonable fee for a reasonable service. I do not think \$29 for an office visit is being overcharged.

Before the MOM bill, he said he was charging his patients \$26 for an office visit. He said now, because of everything involved with the MOM bill, his charges have now gone up to \$29, so everyone is paying more money who is not on Medicare. You and I who go to a doctor are paying, in this case, more than ten percent above what you were paying just a year ago. He said one of the other problems is that when you go to sell your practice, as you grow older, usually your patients grow older with you, and you have a large group of senior citizens who you are being a doctor to, and as a result you go to sell your practice and there are no buyers for it because a new doctor does not want to get involved in a practice with senior citizens because it just does not pay. He was advised by his accountant not to accept more than two percent more of Medicare patients. He now accepts one-third of his practice as Medicare, 33 percent. His accountant told him if he went two



more percent, above 35 percent, he could be facing bankruptcy and he advised him not to accept any more patients above the 35 percent area.

I asked him if he was having trouble getting a new doctor or if he wanted a new doctor. He said, yes, he would like to have another doctor come into his practice with him. He said he cannot find one. He said nobody wants to get into family practice anymore. He said after college when they pay medical school, they pay \$80,000 to \$100,000, most of that is loans, plus their college, which may be \$40,000 or \$50,000. They are trying to pay off those loans. They know they cannot make the money being a family practitioner so they get into more specialized fields. I guess the part that really bugs me is that you can be 65 years of age, or older, and drive up to a doctor, a family practitioner, in your Rolls-Royce and be worth millions and millions of dollars, and you are treated like you are a pauper, that you do not have the funds, and you cannot afford the \$29 so you pay the \$3.80. All it is is pushing the cost onto those of us who do pay the bill. It would be the equivalent of people who are 65 years of age, or older, paying 80 percent less for electricity than people under 65 years of age. It is just not fair.

In the short term, this may make political sense in the next election when you go to all your senior citizens and tell them how great you are, that you are helping them out, but in the long term it is going to be a disaster for the medical field and it is going to be a disaster for the senior citizens, and I urge my colleagues to vote against this amendment.

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Mellow, Senator Musto and Senator Porterfield, and I request a legislative leave for the remainder of today for Senator Lynch.

Senator FISHER. Mr. President, I would also request temporary Capitol leaves for Senator Jubelirer, Senator Loeper, Senator Tilghman and Senator Punt.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator Mellow, Senator Musto and Senator Porterfield and a legislative leave for Senator Lynch. Senator Fisher requests temporary Capitol leaves for Senator Jubelirer, Senator Loeper, Senator Tilghman and Senator Punt. The Chair hears no objection to those leave requests. Those leaves will be granted.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stapleton. His temporary Capitol leave will be cancelled; and Senator Hopper, whose temporary Capitol leave will be cancelled.

And the question recurring,  
Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, the debate that I heard in the last half an hour or so is almost like *deja vu*. It is the same debate that took place in June of last year when we were debating the final passage of House Bill No. 700, and I do not

see any reason for this particular bill, Senate Bill No. 1171, being on the Calendar other than the sponsor of the bill itself was one of six people to vote against House Bill No. 700, which was the Medical Overcharge Measure or MOM bill. I do not think the arguments today are any more substantial in favor of exempting 55 percent of the people who we covered with this bill last year, or a number thereabout. I believe the real seriousness of what we are doing here today, beyond the amendment which I support, is that this bill has been run at a time when there is a tremendous amount of confusion going on in state government and we are seeing an awful lot of coverage taking place dealing with the budget problems we are having here in Pennsylvania. I am not certain that very many senior citizens are aware that something they worked many years on and spent a lot of time and a lot of political lobbying with their own Legislators, that they were able to accomplish the Medical Overcharge Measure bill and finally have it become law, that during a time when everything else is taking place in this building, we are sliding through a bill that is going to exempt many of the doctors who were included in the original act. I do not know whether this is being done at this time for that reason or for what. I really have a problem with the way this whole issue is being handled and at the time it is being handled. I also think that going home after voting either against the Rhoades amendment and then for the bill or voting against the amendment and against the bill, or voting for both, I think at some point in time the senior citizens in this Commonwealth are going to catch up to this bill and they are going to be very irate with people who voted for House Bill No. 700 last June and turned around this year and voted to exempt over 50 percent of the people who were covered in House Bill No. 700. I believe we are doing a disservice to Legislators and Senators particularly who are going to be asked to vote on this today without having proper input from a lobbying group that just does not hang around your door all the time. The Medical Society lobbyist is around all the time. They are here all the time. They have a staff of how many countless thousands, maybe. But the people who are being adversely affected and who the impact is going to be the greatest on are generally represented by a lobbying group that we are. We go back home and talk to our senior citizens at our centers and we talk to them on the streets and we do all the other things that get us reelected, and one of them is the large senior citizen contingency among our constituents. I do not think they even know that Senate Bill No. 1171 is being considered. I do not think they have any idea that their very hard-won fight is being jeopardized considerably by this bill. I would be very concerned if I represented a county like Allegheny that just in the last ten days has been determined to have a greater number of senior citizens than Dade County, Florida, which means they are now the number one county in this country with senior citizens living there. I would ask first that we vote for the Rhoades amendment, but the bill is absolutely meaningless as far as the sponsor is concerned if that amendment passes. If the amendment fails, then I will rise again to speak against the bill, but I think it is really a very

awkward and somewhat questionable practice we are participating in here today in having this bill called up for final passage and I really, really object to that. We spent months and months and months dealing with House Bill No. 700, and I would ask that we use the good sense and the logic that 44 out of 50 of us did on June 26, 1990, and deal with this amendment in whatever way you want, but in the final analysis, if the bill is in the same form it is after the amendment process, I would urge a "no" vote, and I will speak on that at some point if necessary.

Senator PETERSON. Mr. President, just quickly to recap a couple of issues here, there were a lot of statements made recently here and I think it is fair for the Members to know who has asked and who has come to me for need of this bill. This bill was not requested by the Pennsylvania Medical Society. I think it puts them in a difficult position. It splits their members all up. They probably have more members who are not family physicians than they have who are family physicians. The Academy of Family Physicians, who we work very closely with, realizes where we are headed in this Commonwealth and in this country, having a medical system with no family caregivers, all expensive high-tech specialists, and the bill we passed last year has just added to that. It has just given students one more reason not to go into family medicine. I do not know how many here have had to deal with government paperwork. Unfortunately, not enough of you, or we would make a lot of different decisions than we do. Anybody who depends on government pay, whether it is Medicare, whether it is Medicaid, I am going to tell you that you are talking with a difficult system, and when you state blankety that nothing has changed, that is not true either. The problem that hospitals have had, and that is the other group that is very interested in this, the rural hospitals that I represent, they are not having a problem attracting physicians, they are just not getting them. I have talked to doctors and hospital administrators from suburban areas and they are struggling to attract family physicians. If we continue to just respond to the notion that this first original bill has responded to, under no circumstances do we want to pay above the federal Medicare fee, well, we will pay the consequences. Some talk that nobody knew about this bill. We have met with AARP on this bill many times. They knew when we introduced it. We shared it with them. We were not going behind their backs. They know about this bill. There are those in AARP who probably believe it is not bad public policy to pass this bill. There are those who probably oppose it. But as you look at the health care problems and health care access, and there is no issue that is more important, you can say you are for your senior citizens. You can shoot at me in the next election, and that is fine, and I know who will be shooting those bullets, but when you come right down to good public policy in this Commonwealth there is no crueler hoax to play on the people than to develop a policy that feels good for the day but will mean that we have no general family practitioners in our communities tomorrow. You may say that will not happen. You look at the statistics that are out there. Family physicians are soon going

to be a lost breed. Why? For a lot of reasons. The bill that we passed last year is just one of them. The kind of workload they have, the kind of practice they have to put in, in comparison to the regular hours and the high fees of the high-tech specialists, it is time that we take a tough vote once in a while. I am not saying this is an easy vote, but I am seriously convinced, thoroughly convinced, that if we continue to move forward on the "feel good" policy that we have been, we are going to create greater problems for our senior citizens than they have had in the past, and, yes, in many of our communities health care will not be available. I think that is absolutely a fact. It is bad public policy not to do something about this measure. It is bad public policy not to make it that young people want to go into family medicine. I urge people from both sides of the aisle to look at this issue clearly, not politically, as a medical issue, and if you do, I think many of you will oppose the Rhoades amendment and support the bill.

Senator GREENLEAF. Mr. President, I rise in favor of the amendment. I think it is unfair to place this additional burden on our senior citizens of this state and to allow the medical practitioners to charge a greater amount than is allowed under the balanced billing provisions. These individuals, these senior citizens, are the most susceptible to those types of billing practices and are not the ones who are able to protect themselves, and I think this legislation provides that type of protection. I think the family practitioner, that problem has been going on for decades. It is not new and it is not something that just happened, and this legislation is not going to substantially impact on that problem, so I would urge a "yes" vote on the amendment.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Williams. His legislative leave will be cancelled. Also, Senator Tilghman is on the floor with us. His temporary Capitol leave will be cancelled.

And the question recurring,  
Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator JONES. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The lady will be so recorded.

The yeas and nays were required by Senator RHOADES and were as follows, viz:

#### YEAS—27

Afflerbach	Greenleaf	Lynch	Rhoades
Belan	Hart	Mellow	Salvatore
Bodack	Holl	Musto	Scanlon
Bortner	Hopper	O'Pake	Schwartz
Dawida	Jones	Pecora	Stout
Fattah	LaValle	Porterfield	Williams
Fumo	Lincoln	Reibman	

#### NAYS—20

Andrezeski	Fisher	Loeper	Shaffer
Armstrong	Greenwood	Madigan	Shumaker
Baker	Helfrick	Peterson	Stapleton
Brightbill	Jubelirer	Punt	Tilghman
Corman	Lemmond	Robbins	Wenger



A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

Senator FISHER. Mr. President, I move that Senate Bill 1171, as amended, be laid on the table.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1171, as amended, will be laid on the table.

## COMMUNICATION FROM THE GOVERNOR

### RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

#### MEMBER OF THE STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 30, 1991, for the appointment of Mary P. Portis (Public Member), 1015 Manhattan Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Camillo Micolucci, 987 Rocklyn Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Sciorillo, 3301 "G" Street, Philadelphia 19134, Philadelphia County, Second Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Cosimo J. Sciortino, 1140 Mount Rose Avenue, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Syed R. Ali-Zaidi, R. D. #2, Marianne Estates, Shippensburg 16254, Clarion County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph S. Harvey, 104 Greenwood Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Edgar L. Lawton, Wellsboro, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE HEALTH CARE  
POLICY BOARD

May 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph T. Rauscher, 307 Lodge Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 25, 1994 and until his successor is appointed and qualified, vice Dwayne Cooper, Ohioville, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF SELINSGROVE CENTER

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Danny J. Martin, P. O. Box 221, Richfield 17086, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Selinsgrove Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Ralph A. Gual, Jr., Mifflintown, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lou Bizzarro, 5657 Zuck Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Masi, Erie, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Glenn E. Mellott, 320 Crestline Drive, Willow Street 17584, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Pavlak (Public Member), 45 Constitution Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William D. Williams, Box 215, R. D. 6, Somerset 15501, Somerset County, Thirty-second Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lincoln	Rhoades
Andrezski	Fumo	Loeper	Robbins
Armstrong	Greenleaf	Lynch	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Hopper	Pecora	Stapleton

Brightbill	Jones	Peterson	Stout
Corman	Jubelirer	Porterfield	Tilghman
Dawida	LaValle	Punt	Wenger
Fattah	Lemmond	Reibman	Williams

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Luchansky, 3301 North Front Street, Whitehall 18052, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Marion M. Parish, Montoursville, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

Senator AFFLERBACH. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator AFFLERBACH. Mr. President, could the gentleman from Philadelphia share with the Members of the Body why he has asked for a negative vote on this particular nominee?

Senator SALVATORE. Mr. President, I do not think I have to respond to that. It is my prerogative that I asked for a negative vote and that is the way I am going to vote.

Senator AFFLERBACH. Mr. President, I thank the gentleman.

Mr. President, we now have twice in two weeks the gentleman from Philadelphia asking for a negative vote on nominees made by the Governor and no further explanation has been given than simply that it is his prerogative. Once again we see the people of the Commonwealth disenfranchised from people who are willing to serve with no explanation whatsoever from the Majority. Perhaps one of these days we will have some positive prerogatives from that side of the aisle. I would ask for a vote of confirmation of this gentleman.

And the question recurring,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred:)

Senator HOLL. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—22

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida	Lynch		

NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### SECRETARY OF EDUCATION

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Donald M. Carroll, Jr., 440 Wood Crest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Education, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

Senator HART. Mr. President, when the current Education Secretary appeared before the Senate Committee on Education, he said, quite correctly, that there are three areas we must consider in deciding whether to confirm him for another term. How the department has carried out its mission under the Secretary's leadership is number one. Number two was his personal qualifications to lead the department and number three was his performance in office to date.

These are important areas for us to consider, but to this list I would add another vital consideration: Has the Casey Administration and its current Education Secretary made significant improvements in the quality of education in the Commonwealth? Have test scores and other measures of educational progress improved under the Secretary's watch, and has

the department put forth a vision for education that turns Pennsylvania away from the status quo?

Clearly, in all these areas the Pennsylvania Department of Education has come up short, and by judging Secretary Carroll's performance on the terms he has asked us to implement, there is only one conclusion that can be reached. That is that he should not be confirmed for a second term as Pennsylvania's Secretary of Education.

If we examine the objective statistics available, whether in the number of students who go on to college, SAT scores, or many others, we see that they present a pretty sad report card for Pennsylvania. And if a child received such poor marks, you can bet that teachers would be looking to give that child some remedial help, and fast.

In my district, businesses hiring high school graduates have complained that today's young people lack basic communication and math skills that they need to begin high school. Yet these young people have been awarded high school diplomas.

Is there a sense of urgency in the department, though, about the state of learning in this Commonwealth? No.

Is there a focused drive to push the kind of reforms that teachers, parents, students and taxpayers have been calling for? No.

All we hear about are that they are "working on" something or that something else is "under consideration." Or we hear from the Secretary that the problems are the fault of the school districts or the intermediate units or the taxpayers or, as he once said, the media.

Yet, when we look at the mission statement that the Secretary urged the Senate to consider, we find that setting an agenda that will spark educational improvement in the state is item number one.

Let me quote from the mission statement: "In carrying out its mission, the Department of Education will develop and administer educational policies to improve the quality of education in Pennsylvania."

How is the Education Department meeting that goal? Well, the Secretary released a 102 page education plan that offers little in the way of innovation or insight for building a stronger education system.

In a nutshell, the few specific ideas contained in this so-called plan offer little that could bring about educational change. On the other hand, most of the recommendations are so broad that they offer no direction and no leadership.

For example: Included in the listing of Department recommended state legislation in the education plan are proposals to create a fairer system for funding basic education and to develop a fairer system for funding special education. This demonstrates an acute grasp of the obvious. But where are the specifics?

The department did not include a proposed bill analysis for either of these vital issues among the analyses contained in the plan, showing that the Secretary is adept at making broad promises, but far less accomplished at delivering on those promises.

For example, in light of the Secretary's dislike for the current crop of standardized tests, he promised to come up with "a more detailed report for the public in the 1990-91 school year."

Well, the 1991-92 school year is approaching fast, and students throughout Pennsylvania are now enjoying their summer vacations from that 1990-91 school year, but we have not yet seen anything from the Secretary.

Or consider the area of budgeting. In March, the Secretary said: "I have complete confidence in these numbers. I think it is straightforward budgeting." But a few weeks later he was quoted as saying that the funding in the Governor's proposed budget is an educated guess, a very poor way of budgeting. The Secretary is contradicting himself.

What are school districts and taxpayers supposed to believe? The same is true for special education.

Early in his tenure, he said that the department's proposed changes to special education regulations would ensure that "every child in need of special education will receive it. We will accept nothing less." That is a nice sentiment, but as special ed parents will tell you, there is no substance to back up this sentiment. There also was inconsistency over the proposal to close the Scotland School for Veterans' Children. While cavalierly admitting that proposing to close the school for disadvantaged children of veterans while the American troops were fighting a war in the Persian Gulf was abysmal timing, the Secretary also put forth false information about the school to the Senate Committee on Appropriations and in opinion pieces circulated to newspapers around the state.

Although there was a low-key attempt by the department officials to correct the errors in that testimony, there has been no broad public acknowledgement by the Secretary of the false impression the department created about the Scotland School.

However, when attempts are made to measure the progress of education in the Commonwealth, the Secretary discounts these measures as meaningless.

The Secretary has said learning such things as dates and names and facts are far less important than developing the ability to think critically. Yet if students consider the basics of who, when and where as unimportant, how can we expect them to learn why and how events occur? Through his actions the current secretary has denied the people of Pennsylvania the chance to compare their students' academic performance with that of children in other states. And that is something Pennsylvanians are eager to do, especially in light of the fact that three of four school districts are raising taxes, at least in part, because of the Casey-Carroll retreat on state educational funding. The Secretary's proposed changes in the ESBE formula have caused local districts to be uncertain about the amount of aid they will receive. And while he makes claims that all districts will see funding increases in the next fiscal year, some school districts are reporting that their figures indicate a drop in state aid as a result of the Carroll funding proposal.

But it is more than just ill-conceived policy decisions; it is basic mismanagement. Just a few weeks ago, school districts had their accounts credited with large state payments and were shocked to find that the payment—\$50 million statewide—had been “cancelled.” The result? School districts were, in effect, bouncing checks that were used to pay bills. Problems also continue in special education. The proposal to channel state funds directly to school districts—bypassing intermediate units—has a number of school districts worrying that they may as usual, be left with the bill for special education programs and services. This effort seems to be aimed more to keep a lid on the amount the Secretary has to spend on special education than on striving to serve handicapped children in Pennsylvania.

So as we cast our vote today on this important cabinet position, we must consider what we truly expect from Pennsylvania's Secretary of Education. We need a leader with a vision for excellence in education. We need a leader who is willing to do the hard work of making that vision a reality. We need a strong advocate for students, parents, educators and local school districts. We need a secretary who is sensitive to the burdens of local taxpayers. We need a secretary who is honest with the people of Pennsylvania about the strengths and weaknesses of education in the Commonwealth, not someone who consistently blames the victims of a failed education policy. We need a secretary who, with a sense of urgency, will not only begin to repair Pennsylvania's education system, but will work to get the job done. But above all, we need a secretary who can give Pennsylvania taxpayers the kind of quality education system that they are already paying the price for. Sadly, the current Secretary has not even met his own test for confirmation, nor has he met the test that the people of Pennsylvania expect from the Education Secretary.

For these reasons, Mr. President, we should reject this nominee and urge the Governor to look for an Education Secretary who will exert leadership and vision, not one who is content to preside over the very dismal status quo.

Senator LINCOLN. Mr. President, if I had walked into this debate just at the end of it, I would have sworn that the lady from Allegheny was talking about Don Carroll, because all the things she alludes to that we need in a Secretary of Education, Don Carroll has. Every one of the attributes that she was critical of him, he has. He has a record of accomplishment in education over a great number of years. He has been a leader. He has been a local through the secretary's position, has gone through the ranks. It is absolutely incredible to me that the facts that have been given to us just in the last few minutes in the litany of whatever the reasons were, I think it is amazing. I wonder if the lady from Allegheny means that next year she is not going to support George Bush for reelection because all of the things that she complained about can be attributed to the Bush legacy with Reagan on what they have done and failed to do in education issues. You talk about a lot of talk and a little action, just take a look at what we have gotten from the federal government in the last eleven and a half years or what we have not gotten. We have a lot of garbage. We have a lot of plans.

## POINT OF ORDER

Senator FISHER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, will state it.

Senator FISHER. Mr. President, I do not believe a debate about the Bush Administration or Reagan Administration is in order on the nomination of Donald Carroll.

Senator LINCOLN. Mr. President, that is outrageous to object. For once in my life I am doing nothing but relating to the issue.

The PRESIDENT. The gentleman is talking about education and the gentleman makes an extended but reasonable point about federal funding that the Chair would allow. The Chair will allow Senator Lincoln to continue.

Senator LINCOLN. Mr. President, I cannot believe that anyone could get up and be that critical of a gentleman who has only been secretary for approximately a year. The ills of the world have been heaped on Don Carroll's head by the lady from Allegheny, Senator Hart, and I think it is unfair. I think it is a really unfair characterization of a man who has spent his life in education. If you want to start talking and you want to debate this issue for several hours, I am prepared to do that, to go back to Bob Scanlon who was one of our wonderful Secretaries of Education. The rollover in special education brought us to the point through the whole eight years of the Thornburgh Administration where we are today on not doing any certification of budgets. Do you want to talk about that? Fine. I think it is a shame to characterize Don Carroll as not having the qualifications for this job. I think he does, and I think we should vote right now to confirm him.

Senator FATTAH. Mr. President, I am going to be very brief and only suggest that Don Carroll's work in the field of education is well-known and has been long-standing. He has accomplished a great deal, and the Committee on Education in the Senate forwarded his name to the full Body. The Senator who spoke against this was in the minority then and I would hope she would be in the minority today because he has been a truly extraordinary public servant when it comes to education and he deserves all of our support.

Senator BAKER. Mr. President, when Don Carroll was nominated the first time by Governor Casey to become Education Secretary, I think many of us received a great deal of favorable comment from educators in our districts. He was portrayed as a colleague and someone who understood the challenges and problems and opportunities of education, and someone who would be an ardent advocate for education needs at the grass-roots level.

Unfortunately, the experience during Don Carroll's time as Secretary has not lived up to that promise, and he no longer has that support within his own field.

There is a profound disappointment over the lack of leadership, the inconsistency of performance and the apparent inability to help move forward an education improvement agenda.

There is a growing gulf between education need and what the State Department of Education is delivering under Governor Casey and Secretary Carroll.



At a time when education cooperation is imperative, Secretary Carroll regularly castigates school districts and defends shortsighted state policies.

At a time when the Governor's budget proposal drops the state share of education support to an historic low, Secretary Carroll is claiming it is the best education budget in 20 years. At a point where we need in Pennsylvania educational performance statistics, the statistics we have reveal weaknesses and a lack of bold and innovative leadership.

What we need now is an aggressive agenda of education reform, educational accountability, cooperation with local school districts and more choice for consumers of education. Secretary Carroll offers little more than random and defensive thoughts.

At a time when we should be confronting the enormous challenges that I have just mentioned, Secretary Carroll's department is building its reputation for increasingly picayune regulatory efforts.

At a time when Pennsylvanians want an accurate assessment of how our students measure up, Secretary Carroll seeks to hide our students and evade national comparisons.

At a time when we need to set high standards, he says we ought to be pleased because Pennsylvania students rank 15th in the nation on eighth grade math tests.

In essence, Don Carroll has gone to war with his own constituents, the teachers and administrators on the front lines of our state's education efforts. Recently I received a copy of a memorandum from the Chester County Intermediate Unit which was sent to all school district superintendents in our county. The memo was written to refute the repeated propaganda from Secretary Carroll regarding the Governor's special education funding proposal for fiscal year 1991-92. The memo contained an in-depth analysis of the actual special education revenues and expenditures for the schools in my district.

One side of the page showed the large "savings" that the Secretary claimed would allegedly occur upon the implementation of the Casey proposal. The other side of the page, however, showed the facts, the actual costs of providing these special education services that a few short weeks before had been submitted to the Secretary's own staff. Needless to say, these inconsistencies are more than simply bothersome.

Let me cite a few examples of these factual errors. The Downingtown Area School District would incur \$1.4 million more in additional special education costs; Phoenixville Area School District, \$916,000; the West Chester Area School District, a \$991,000 deficit under this funding plan. This is not "savings," and we wonder why Pennsylvania has seen meteoric increases in school taxes over the past few years while the Governor claims there have been "no tax increases" by conveniently overlooking what he has done to local districts.

Pennsylvanians are tired of uninspired leadership hindering reform. We need to support our teachers and our educators at the local level. I do not doubt Don Carroll's commitment to education. This is not a test of his own good wishes, of his own good intentions. He has been loyal to his Governor, but

we can seriously question, as the lady has outlined at length, whether the state of education in this Commonwealth has improved under his tenure. The public expects to see and is paying plenty to fund leadership to get results and they are not there.

#### ANNOUNCEMENT BY CHAIR

The PRESIDENT. The Chair wishes to announce that there will be a meeting of the Committee on Transportation held off the floor immediately. Would the Members of the Committee on Transportation please meet in the Rules room at the rear of the Senate Chamber.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator BORTNER. Mr. President, I did not come to the floor today with a prepared text to give some remarks in support of Secretary Carroll's nomination to continue as Secretary of Education. Frankly, I did not think that was necessary. But as I have listened to some of the remarks that have been made in opposition to his nomination, I felt compelled to respond.

I have served in the House Education Committee and I serve in the Committee on Education in the Senate, so while my familiarity with him has been somewhat brief, I nevertheless have been impressed not only with his professional credentials but with the way he has not only dealt with me as a Legislator interested in education but also with his concern and commitment to serving kids. I think it is very unfair to blame every problem that we have in education, either in Pennsylvania or nationally—and most of the criticisms that have been cited are national problems. They are not problems unique to Pennsylvania. They are the same problems that the President talks about, the same problems that the new Secretary of Education in Washington talks about—to try to heap them on a man who has been in office—I do not even have all the dates—I think approximately a year, I think is terribly unfair. We do have problems out there in education. I believe that the Secretary, along with other Legislators and administrators in the field of education, is making a real effort to solve them. In York County we began a program with the York County High School which takes dropouts. That was a local initiative, but it was supported and encouraged by the Department of Education and also was provided with funding. There are new and innovative ideas going on out there, and the Secretary, I believe, is doing his best to promote them. I listened to him being blamed for supporting the status quo and then listened to criticism for just about every initiative for change that has been suggested through the department, including a change in the way that we fund special education, something that I think most people realize has to be addressed.

I guess my biggest concern, though, is the numerous suggestions I heard questioning his integrity in the sense that he put out false information or gave false information to Legislators. I have always found him and his key department heads very receptive, not only to meet with me but to answer my ques-

tions. In fact, I suspect that one of the problems he may be having is the fact he is so straightforward and candid, and whether it was at budget hearings or at his own confirmation hearing before the Committee on Education, where, by the way, he was supported by every Member of the Committee on Education voting, save one, he did give those candid answers and spoke very directly on what he sees as the problems in education. I think he has been a breath of fresh air to the department. I think his background and his credentials certainly qualify him to be a Secretary of Education. I think if he is given some time and the opportunity, he can be a very strong leader for education in Pennsylvania, and I would urge all the Members of the Senate to support him and give him that opportunity.

Senator ARMSTRONG. Mr. President, I feel it is unfair to blame Secretary Carroll for all our educational problems. We are talking about 25 percent of the children now being born in Pennsylvania, I understand, to unwed mothers. Fifty percent of the kids in my own district come from single parent families. We have complete destruction of the family unit, and we want Secretary Carroll to come along and fix it. The problems are monumental, and if he could do that, he should run for President of the United States. Don Carroll is a class act and I urge our support for him.

Senator RHOADES. Mr. President, it is interesting as I listened to the debate, when we are students, we always know better than the teacher. When we are teachers, we always know better than the principal, and when we are principals, we always know better than the superintendent. When we are superintendents, we know better than the board. Of course, the board and everybody else knows better than the Secretary of Education. I think these are the things that we always attribute to putting the blame and pointing the finger someplace else. I am not in love with Don Carroll. I do not always agree with him, but I do not think anybody else does either. I think he is doing what he believes is the best, but that is where the debate comes in, and the uniqueness of the whole thing is that we just put a package in last week, a reform, which was agreed to between the heads of the Committees on Education in both the House and the Senate and we discussed them with the Secretary and his staff, but realize it takes that communication between our four caucuses and our four Chairs and the Secretary of Education which must reflect back to the administration and also the state board before we are able to move on anything. Part of the responsibility will be ours. I look forward to Don Carroll communicating with us in a very open, upright manner. I trust the decisions he could make. I may not agree with him, but I am going to say this too. The man has been in the trenches so he knows where it is. He knows how the system works, and for those of you who have not been there, as I say so often, get a brown bag, put your lunch in it, go to a school. Do not tell them who you are. Work there for two or three weeks. Then come back and tell me what it is all about and what you have to get done.

I will support the nomination of Don Carroll. I have confidence in him. He is going to get the job done because we are going to make him do it.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Loeper and Senator Mellow. Their temporary Capitol leaves will be cancelled.

And the question recurring,  
Will the Senate advise and consent to the nomination?

Senator ANDREZESKI. Mr. President, I stand here to support the nomination of Don Carroll as Secretary of Education. We have had previous speakers come up and point out the shortcomings or what should be or what should be done or what could be done. But the fact of the matter is, Mr. President, that in Pennsylvania and in America in our public school system we have some very serious problems that cannot, I repeat, cannot be cured by a decision, a dictate, a program that comes from the top. In a public school system or in a school system across Pennsylvania in which 43 percent of the children go home to one parent, 80 percent of those children go home to an empty house, we face a changing society that a legislative program, a legislative appropriation will find hard to change from the top.

Mr. President, when we have a society in which we have children having children and a society in which children are unable to have access to what we would consider the norms we would like them to have at home, we cannot turn and tell teachers or tell superintendents or tell Secretaries of Education, you be the father and you be the mother and you do it all. It is easy to stand and pass judgment on somebody who is at the top, but this same person is somebody who has worked in the trenches, in the schools. I have confidence in Secretary Carroll that he is making progress, he will make progress, and I have confidence in the General Assembly that we will do the right things to give him the tools, not just the financial tools but also the program tools for the teachers and the classroom to have to produce the results we want. But to stand here in condemnation of somebody who has been in the trenches, who has been in the wars, in my opinion is patently wrong. It is my hope that Secretary Carroll will continue to do the fine job he has been doing and I look forward to voting positively on his nomination.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Robbins, Senator Madigan and Senator Wenger.

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Jones, Senator Stapleton and Senator Williams.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Robbins, Senator Madigan and Senator Wenger. Senator Lincoln requests temporary Capitol leaves for Senator Jones, Senator Stapleton and Senator Williams. The Chair hears no objection. Those leaves will be granted.

And the question recurring,



Will the Senate advise and consent to the nomination?

Senator AFFLERBACH. Mr. President, I have one comment on the confirmation of Secretary Don Carroll and that simply is this: Within the past week or two I received in a routine fashion across my desk, as did all other Members of this Chamber, a memorandum from the Secretary which started with the following words in the very first sentence of the first paragraph: I have created confusion with a number of documents that have been placed in circulation by the Department. I wish to straighten that out. Those are not his exact words because I do not have the document in front of me, but I think that points to the character of the man more than anything else that has been said on the floor of this Senate today. We have before us the nomination of a man for Secretary of Education who is not an elitist, who has not crawled into the ivory tower, who has not blinded himself from the needs of the people, who respects his staff, who respects this Chamber and who, above all else, is not afraid to come out and say in writing, I have created confusion and I wish to set the record straight. I think that is precisely the kind of cabinet official we need. In the 20 years and some odd months I have been here, I cannot remember another cabinet official routinely sending a memorandum of that nature to the Members of this Body. I urge the confirmation of a man who does, Secretary Don Carroll.

Senator RHOADES. Mr. President, I rise for the last time. I think what I want to say and what I want to address is, hopefully, the administration is listening to this dialogue because in this they will see that we all have disagreements and comments and concerns that should be addressed. I think in this vote today, the message should be that we are shooting the message, not the messenger. The messenger can get the job done. I think the message has to be changed.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—33

Afflerbach	Fumo	Madigan	Rhoades
Andrezski	Greenwood	Mellow	Scanlon
Armstrong	Hopper	Musto	Schwartz
Belan	Jones	O'Pake	Shumaker
Bodack	LaValle	Pecora	Stapleton
Bortner	Lemmond	Peterson	Stewart
Corman	Lincoln	Porterfield	Stout
Dawida	Lynch	Reibman	Williams
Fattah			

#### NAYS—15

Baker	Greenleaf	Loeper	Shaffer
Bell	Hart	Punt	Tilghman
Brightbill	Holl	Robbins	Wenger
Fisher	Jubelirer	Salvatore	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator SALVATORE, by unanimous consent, called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

#### MEMBER OF THE STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 30, 1991, for the appointment of Mary P. Portis (Public Member), 1015 Manhattan Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin in the Rules room at the rear of the Chamber, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

### JUDGE, COURT OF COMMON PLEAS, LUZERNE COUNTY

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hugh F. Mundy, Esquire, 74 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Bernard J. Podcasy, mandatory retirement.

ROBERT P. CASEY.

### JUDGE, COURT OF COMMON PLEAS, LUZERNE COUNTY

July 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Correale F. Stevens, Esquire, Office of District Attorney, Luzerne County Courthouse, Wilkes-Barre 18711, Luzerne County, Fourteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement.

ROBERT P. CASEY.

### MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James J. Dodaro, 119 Victoria Drive, White Oak 15131, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, whichever is shorter.

ROBERT P. CASEY.

### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Harold F. Hoover, Mr. and Mrs. Nelson Shue, Mr. and Mrs. Roy W. Lowrie, Mr. and Mrs. James A. Hindman, Chester and Velma Lutz, Jeffrey D. Tate and to Saint Peter's Catholic Church of Elizabethtown by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Ed Habbersett, Mr. and Mrs. John Gallagher, Sr. and to Mr. and Mrs. George Kulp by Senator Bell.

Congratulations of the Senate were extended to Patricia Flinchbaugh by Senator Bortner.

Congratulations of the Senate were extended to Christopher Stockley by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. George Silverman, Mr. and Mrs. Robert G. Engleman, Mr. and Mrs. Andrew S. Mattern, Mr. and Mrs. Charles Fry, Clara Dennen, Nellie Zimmerman, Hazel Denoskey and to Minerva Dora Kohn by Senator Helfrick.

Congratulations of the Senate were extended to Doris Newton by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. William R. Brown, Mr. and Mrs. Emory Shore, Mr. and Mrs. Stanley J. Kimball, Mr. and Mrs. C. Elmer Dilling, Mr. and Mrs. Jacob Defibaugh, Reverend and Mrs. Robert G. Detwiler, Mr. and Mrs. Eugene Stephens and to Mr. and Mrs. Fred Sams by Senator Jubelirer.

Congratulations of the Senate were extended to Reverend Joseph J. Adonizio by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Benner Carrozza by Senator Loeper.

Congratulations of the Senate were extended to Brian C. Ligi by Senator Mellow.

Congratulations of the Senate were extended to Dan Shepeck by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene French, Mr. and Mrs. William A. Lunz and to Jay A. Amsler by Senator Stapleton.

## PETITIONS AND REMONSTRANCES

Senator PETERSON. Mr. President, I rise today to share some information with the Senate that I think is important, and before I do that I would like to just share a few thoughts.

It is a very historic time in this country and in this world where we see the breakup of the Soviet Union, where we see the free people all over Eastern Europe breaking away from central control, central government, a government that knows all, makes all decisions and disseminates what information people should have, governments that do not want good debate, do not want issues debated, do not want all the facts on the table. I have watched in the last couple of years and have been distressed as I see our state government changing to where more decisions are made in central government. In my view, the first one I noticed was in the Department of Com-

merce. Decisions that used to be pretty well made, priorities that were basically set out in the countryside at the regional offices are now done at central government, Department of Commerce. Shortly thereafter, the Department of Community Affairs regional offices used to prioritize the projects, and in most cases their priorities won. Now their priorities do not mean much because central government in DCA dictates who wins in the grant process and who loses. We saw it in the Department of Health. We see it in the Department of Welfare. We see it in education policy and maybe that is the reason for many of the problems that the current Secretary of Education has had.

Who really set policy in the last year as we have had these budget problems and financial problems across the Commonwealth? When we closed Health Department offices in rural counties, was there any input from the regional offices? Absolutely not. When we made cuts in state hospital budgets and other health care and welfare offices, was there any input from the regions and how they could make the cuts? Absolutely not. Who is driving all the policy? Well, it is my view that it is the Budget Office. The Budget Office has absorbed the Office of Policy and Planning. What we have watched be built in state government is a Budget Office that sets policy almost on an hour-by-hour basis. I do not think that is the way government should be run. I think people who understand programs, whether it is health, whether it is education, whether it is economic development, should be setting policy. Now the bean counters in the Budget Office, they are very important. Those are tough jobs. I do not want to minimize them. I have a lot of respect for the people who do that, but they should not become the decision makers. They should not be setting public policy. They should only be realistically telling people who have to make priorities what it costs to do what people want to do. I think today we hit an all-time low, and that kind of problem has been part of Pennsylvania government in recent times. Too many of the decisions have been made by the Budget Office with little or no input from the department heads, and that is fact.

Today I have a report from an employee of the Department of Public Welfare who said that they have been told if a Republican Legislator's office calls for information in the Department of Public Welfare, they are to take the message and give it to their supervisor who, in turn, will give it to Harry Sewell, the Deputy Secretary of Welfare, and who, in turn, will forward it to Steve Roskopf, who is the Deputy Secretary for the Budget in the Governor's Office, who will decide if the information is to be given to such Legislator's office. Folks, that is bad government. We have a lot of issues to debate. I think a department that stalls or refuses to give data on a timely basis is a government that is not serving people well. They may not agree with the bills proposed. They may not agree with the objectives of certain Legislators as they propose legislation, but if you have good government the facts should be put on the table and the issues should be decided by good public debate. The policy that is happening in the Department of Welfare is one more bit of proof that in

Pennsylvania we have a central government that knows more than the region and the people who serve the people. I think that is bad government, and I think the people of Pennsylvania deserve better. I hope these policies will be changed. I know in an electoral process the people will change them in time, but that is quite a ways down the road.

I urge this administration to review their public policy and to rescind policies that deprive Members of information. Yes, I have had a hard time getting information from departments too. It takes forever, if you get it at all, and I think that is a sad day for the citizens of Pennsylvania.

Senator LINCOLN. Mr. President, I feel a very strong feeling of responsibility and obligation to respond to the previous speaker's remarks, but I really do not understand what he said. I have no idea what he is talking about. If he is talking about there being problems in state government, well, I think we ought to do a little history then. One, he has been part of the Majority Party here in the Senate for 11 years and has had a great deal to do with the policies of this state government by virtue of the tremendous amount of importance that is put on having the majority in one Body or the other. When one Body has that majority and they are the opposite party of a governor, they do as they should and they have a great deal to say about how things are done. Basically, that is done through the budget process. If he is dissatisfied then I think he ought to look internally in his caucus rather than thrashing about blaming the whole world for whatever the problems are in state government. I also think he ought to reflect on the previous governor who for eight years managed state government in just about the manner that the gentleman from Venango, Senator Peterson, described. We had cabinet-level positions, people who were serving as cabinet members during the Thornburgh Administration who were forbidden to put a press release out without clearing it with the front office. We had legislative liaisons through the cabinet-level position who were forbidden to return phone calls to Legislators on an individual basis without clearing that action with the front office. This administration, much to my chagrin at times, should be more like that. I think there is such a looseness about this administration at times that we lose the advantage of having a Democrat in the Governor's Office, as far as I am concerned as an individual Democrat Leader in the Senate. Centralization is something that is all in the beholder's mind. We have a district office in Pittsburgh. We have district offices in Philadelphia. We have district offices in Scranton and Erie and all the other places that do all of the kinds of work they were set up to do. They take applications for permits from DER. They take applications for whatever the grant program may be through community affairs and they do the processing as they are supposed to do. That is not a policy-making position. The policy-making position is here, in the Governor's Office, in the individual Cabinet Members' offices, in the Budget Office. Yes, but I can tell you one thing, Mike Herschok is one of the most capable persons I have ever dealt with in my life. Policy he does not set. Bob Casey sets policy. I can tell you that Bob Wilburn was a lot more difficult to deal

with than Mike Hershock is, and anyone who does not remember the days of Bob Wilburn as Budget Secretary, well, I wish I had the kind of memory that I could forget certain things too. He was much more restrictive and played a great deal more in the policy-making role than anybody who I have ever served with.

The final argument that I will try to make—I probably could go forever but I am going to restrict this to one more issue that I am going to discuss—is that the grant programs are determined by what we do here in the Legislature. We fund them. We make criteria for eligibility. Over the years I have heard all kinds of complaints from both sides of the aisle as to how that criteria is applied, whether it be a Democrat or Republican administration or a Democrat or a Republican Secretary of Community Affairs, Commerce, or wherever it is. In fact, the gentleman from Schuylkill, Senator Rhoades, played a great part in changing the criteria for determining some of those grant awards, along with the late Representative Manderino. A number of years ago we were restricted to the level that a population size could be on certain municipal levels. We do that here. If we have a complaint with that problem and if I were a Member of the Majority Party and had been for 11 years, I would almost be ashamed to stand at a microphone, even in Petitions and Remonstrances, and complain about certain activities. Eight years of that particular reign, six years of that particular 11 years, were with a Republican Governor, with a Republican Majority in the Senate. If you cannot get input through those types of circumstances and you have a complaint 11 years into a process, then maybe, maybe you ought to come and sit down and talk to me and I might be able to tell you how you play this game and how you have the kind of input you need with your own governor. I cannot believe somebody in the Majority Party could come here and put forth this argument. That is why it was very difficult for me to even begin to think about how I was going to answer this, whatever it is—criticism or statement, or whatever. If I were a Majority Member for 11 years, and I have been in the Minority for 11 years, believe me, there would be no way I could stand and be critical of six of those years with my own administration, five now with a Governor who has depended upon the 26 to 27 Members who have occupied the seats on the other side of this room for a budget for every piece of legislation. Nothing moves out of a committee here in the Senate without the Majority Party's approval. I have not seen them falling all over themselves over the last five years in bringing forth legislation that solves the problems without a negotiated process, whether it be a budget, the MOM bill, hazardous waste, PENNVEST. Everything was done in a struggle. So I cannot imagine what the complaints are that the gentleman put on the record here today. I have no intention of attempting to answer anything further. If he gets back at the microphone and speaks for an hour, I will not say another word because I do not believe there is anything I could add that would try to clarify this any further.

Senator PETERSON. Mr. President, I just want to respond to a couple of remarks. He talked about this administration

allowing its cabinet officials to put out press releases. Well, lots of people put out press releases but that is not public policy setting. It is my view that cabinet officials in this administration have very little to say about priorities. I went through the appropriations process here. I asked what they requested. I saw the priorities of the Welfare Department, Health Department and all the other departments. When the Budget Office gets done with those priorities they are not very similar. Recently I talked to a former cabinet official who served in this administration. In a public statement I said I have to think his time was most difficult here because I know what some of his goals and objectives were and his views and values and he certainly was thwarted by the Budget Office. After a time he came up to me and he thanked me for those comments. He said they were very frustrating times because he did not make public policy. He did not have much to do with the decisions. They all came out of the Budget Office. There should be a balance of power. The bureau which used to be the Secretary of Policy and Planning has been done away with. What happened to it? It was absorbed into the Budget Office. Those are two distinct parts of government that ought to be at each others' throats all the time. The people who believe in policy and know the issues ought to be debating the direction we ought to be going. The budget people ought to be saying, here is what it is going to cost. But when you give all the power to the Budget Office, I think you are making a fundamental mistake. I want to question one sentence made by the previous speaker that he wants me to sit down with him and learn to play the game. To the Senator, I respect him and I like him, I am not here to play a game. I am not going to play a game. I am here to represent the 25th District first and I am here to fight for public policy that I think is good for the Commonwealth right along with that. That is not playing a game. That is the problem we have here. There is too damn much game playing. It is time we get down and debate issues and stop playing games. Just as an example, we have had pressure not to pass a wetlands bill from this administration because they want to do it through regulations. We have never passed a bill in this Commonwealth to deal with wetlands. I am for protecting wetlands but we have never passed a bill. We have never debated an issue. We have never put a dollar in the budget with wetlands beside it, and yet, we have 30-some people working in a department using regulations that were never approved by this General Assembly or IRRRC running a wetlands program, I think, illegally. That is the kind of central government we have. They do not want to debate the issue publicly. Today, when we read that when a Republican Legislator asks for information it has to go clear up through the Deputy Secretary and over to the Budget Office before they decide whether we should have data and information, that is a disgrace that government, when you are asking for facts and figures and statistics to set policy—that is just information that ought to be automatically available to any Member so they can prudently debate issues—has to go through a chain of command like that. That is a central government that has forgotten about the people.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate with the intention that the Members would be available on a six hour call to the President pro tempore but with the thought that we would reconvene probably at 10:00 o'clock tomorrow morning, unless some events should happen that dictates sooner.

The PRESIDENT. Senator Loeper requests the Senate do now recess to the call of the President pro tempore with the understanding that we should be returning at approximately 10:00 o'clock tomorrow. At the request of the Majority Leader, without objection the Chair would note, the Senate will now stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**ANNOUNCEMENT BY THE SECRETARY**

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

WEDNESDAY, JULY 10, 1991

9:45 A.M.	APPROPRIATIONS (to	Room 461
	consider Senate Bills No.	4th Floor
	899, 1131, 1132, 1133, 1134,	North Wing
	1135, 1136, 1137, 1138, 1197,	
	1233 and House Bills No. 185,	
	547, 1055, 1105, 1106, 1319,	
	1320, 1322, 1323, 1344,	
	1536, 1607 and 1644)	

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, July 10, 1991, at 10:28 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JULY 10, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 49

### SENATE

WEDNESDAY, July 10, 1991.

The Senate met at 10:28 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, the power of Your Spirit unites and guides us, giving purpose and meaning to our human endeavors. We pray that it would be sent to this Chamber this day, that our work may be blessed and bear fruit for the common good of all. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 9, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE PENNSYLVANIA FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore T. Metzger, Jr. (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank Ferrari (Democrat), 411 West Third Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Stephen P. Renock, Watsonstown, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian Hendricks (Democrat), 116 North Poplar Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Roland Miller, Kulpmont, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Henri Karpiak (Democrat), 111 Avenue E, Riverside 17868, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Annabelle F. Litchard (Democrat), 801 Water Street, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified, vice Dianne M. Callahan, Shamokin, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Mack (Democrat), 54 South Franklin Street, Shamokin 17872 Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Dennis Lentini, Kulpmont, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael S. Repella (Republican), R. D. 1, Box 259, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 199, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**JUDGE, COURT OF COMMON PLEAS  
CRAWFORD COUNTY**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 24, 1991 for the appointment of Anthony Joseph Vardaro, Esquire, 654 Park Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, as Judge of the Court of Common Pleas of Crawford County, to serve until the first Monday of January, 1992, vice The Honorable P. Richard Thomas, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,  
DAUPHIN COUNTY**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 7, 1991 for the appointment of Jeannine Turgeon, 115 Hillside Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January, 1992, vice The Honorable Lee F. Swope, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 27, 1991 for the appointment of John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene E. Sillaman, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 27, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anne Marie McFeely, Kennett Square, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

RECALL COMMUNICATION  
LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 1991 for the reappointment of Richard C. Noble, 9 Hearthstone Drive, Crestwood, Reading 19606, Berks County, Eleventh Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 303, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a legislative leave for today's Session on behalf of Senator Bell.

Senator STAPLETON. Mr. President, I request legislative leaves for Senator Dawida, Senator Lewis and Senator Lynch and a temporary Capitol leave for Senator Bodack.

The PRESIDENT. Senator Loeper requests legislative leave for Senator Bell. Senator Stapleton requests legislative leaves for Senator Dawida, Senator Lewis and Senator Lynch and a temporary Capitol leave for Senator Bodack. The Chair hears no objection. Those leaves will be granted.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA  
TURNPIKE COMMISSION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James J. Dodaro, 119 Victoria Drive, White Oak 15131, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, whichever is shorter.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### JUDGE, COURT OF COMMON PLEAS, LUZERNE COUNTY

April 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hugh F. Mundy, Esquire, 74 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Bernard J. Podcasy, mandatory retirement.

ROBERT P. CASEY.

#### JUDGE, COURT OF COMMON PLEAS, LUZERNE COUNTY

July 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Correale F. Stevens, Esquire, Office of District Attorney, Luzerne County Courthouse, Wilkes-Barre 18711, Luzerne County, Fourteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1992, vice The Honorable Robert J. Hourigan, mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

#### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I would ask for temporary Capitol leaves for Senator Fumo and Senator Schwartz.

The PRESIDENT. Senator Stapleton asks for temporary Capitol leaves for Senator Fumo and Senator Schwartz. The Chair hears no objection. The leaves will be granted.

#### LEAVE OF ABSENCE

Senator STAPLETON asked and obtained leave of absence for Senator SCANLON, for today's Session, for personal reasons.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Bodack. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

#### NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo and Senator Schwartz. Their temporary Capitol leaves will be cancelled.

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR ROBERT J. MELLOW  
PRESENTED TO SENATE**

Senator MELLOW. Mr. President, I would like to introduce a young woman who is serving as a page for us in the Senate today. Her name is Jessica Sapalio. Jessica is a guest page. She is a 12-year-old student at Susquehanna Township Middle School where she participates in the chorus and in the school newspaper. She also plays the piano and violin and is a softball player, so not only is she an excellent academic student, she is a musician and she is also an athlete. I think equally as important, her mother, Patricia Pacifico, is one of the attorneys in my office, and I would wish that the Senate would go ahead and would give a warm welcome to Jessica as she works today as a page in the Pennsylvania Senate.

The PRESIDENT. Will Jessica please rise so we can thank you for your good work as a page and welcome you to the Senate.

(Applause.)

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION AMENDED**

**HB 175 (Pr. No. 2246)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER, by unanimous consent, offered the following amendment No. A2041:

Amend Sec. 3, page 3, line 24, by striking out "Secretary" and inserting: Department

Amend Sec. 3, page 4, line 1, by striking out "Secretary" and inserting: Department

Amend Sec. 3, page 4, line 12, by striking out "and" and inserting: or

Amend Sec. 6, page 5, line 25, by striking out "\$10,000" and inserting: \$5,000

Amend Sec. 6, page 5, lines 26 and 27, by striking out "Such penalty may be assessed whether" in line 26 and all of line 27

Amend Sec. 6, page 6, line 17, by striking out "\$10,000" and inserting: \$5,000

Amend Sec. 6, page 6, lines 18 and 19, by striking out "The penalty may be assessed" in line 18 and all of line 19

Amend Sec. 7, page 7, line 15, by striking out "Commonwealth Court or the"

Amend Sec. 7, page 7, line 15, by striking out "county" and inserting: judicial district

Amend Sec. 10, page 9, line 26, by striking out "immediately" and inserting: in 30 days

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator WENGER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 521 (Pr. No. 1291)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the "Third Class County Assessment Board Law," prohibiting spot reassessment; providing for changes in valuation in certain cases; and further providing for appeals by persons who have suffered catastrophic losses to their property.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SPECIAL ORDER OF BUSINESS****GUEST OF SENATOR FRANK A.  
SALVATORE PRESENTED TO SENATE**

Senator SALVATORE. Mr. President, I also have a guest in the gallery today, Vickie Briggs, and I would hope the Senate would extend its warm welcome to her today.

The PRESIDENT. Would the guest of Senator Salvatore please rise so we could welcome you to the Senate of Pennsylvania.

(Applause.)

## CONSIDERATION OF CALENDAR RESUMED

### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**HB 222, SB 401, HB 401, 840, SB 948, HB 1020 and SB 1109** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL OVER IN ORDER AND RECOMMITTED

**SB 1200 (Pr. No. 1348** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing counties of the third, fourth, fifth, sixth, seventh and eighth classes to meet their obligations under programs mandated by Federal or State law and to support recognized tourist promotion agencies and other tourism related programs by imposing a tax on room rentals.

Without objection, the bill was passed over in its order at the request of Senator LOEPER.

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on Intergovernmental Affairs.

## SENATE RESOLUTIONS

### MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT CROATIAN DEMOCRACY

Senators BODACK, BELAN, STOUT, SCANLON, HART, O'PAKE, LINCOLN, BAKER, JONES, SCHWARTZ, AFFLERBACH, REIBMAN, LaVALLE, MELLOW, FUMO, SHUMAKER, HELFRICK, PECORA, STAPLETON, FATTAH, ROBBINS, RHOADES, SHAFFER and WILLIAMS offered the following resolution (**Senate Resolution No. 90**), which was read as follows:

#### A RESOLUTION

Memorializing the President and Congress of the United States to support Croatian democracy.

WHEREAS, Croatia and its sister Republics, Slovenia, and Bosnia and Herzegovina, have elected noncommunist governments in their first multiparty free elections to be held in over a half century; and

WHEREAS, Croatia now finds its freely elected government, citizens, territory, economic and natural resources, and indeed very existence, under attack by the Yugoslav military; and

WHEREAS, The protection and nurturing of freedom and democracy in Eastern Europe, which has for so long known only oppression and subjugation, is in the best interest of the entire free world; therefore be it

RESOLVED, That the Senate of Pennsylvania fully support the new democratically chosen government in the Republic of Croatia; and be it further

RESOLVED, That the Senate hereby condemn all belligerent attacks on Croatia and its sister Republics by the Yugoslav military and government, whether such attacks be political, economic, military, or by any other means; and be it further

RESOLVED, That the Senate deem the Croatian nation vital to the interests not only of Europe but also of the United States and, therefore, to the fundamental principles of peace, equality, freedom, and the pursuit of happiness which would maintain long-term stability in this vital region; and be it further

RESOLVED, That the Senate call upon the United States government to use all its political, economic and moral authority to exert influence on the Yugoslav military and government to cease and desist from its hostile activities against the government and people of Croatia and to allow the root of democracy to take firm hold in this fertile soil so that freedom can be nurtured throughout the Balkans; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

Senator BODACK asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 90, ADOPTED

Senator BODACK. Mr. President, I move that the Senate do adopt Senate Resolution No. 90.

On the question,

Will the Senate agree to the motion?

Senator BODACK. Mr. President, Croatia and Slovenia declared their independence less than a month ago. Now with the help of their European neighbors, the democratically elected governments of these two beautiful regions are negotiating their freedom with the Yugoslavian government.

Slovenia and Croatia have proceeded on a democratic course. This, hopefully, peaceful path of self-determination has taken great courage on their parts.

Now Croatia and Slovenia are asking for our help. Dr. Franjo Tudjman, President of Croatia, has concluded that he knows the journey is not easy, but he prays that Western powers will recognize their commitment to peace, freedom and to the free market economy and asks for the moral and political support of the people and the government of the United States.

We should not fail these fledgling democracies. We in the Senate of Pennsylvania need to encourage our President and the United States Congress to give all due recognition to Slovenia and Croatia. To that end, I, along with a number of my fellow Senators, introduce these resolutions today.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

### MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT SLOVENIAN DEMOCRACY

Senators BODACK, BELAN, STOUT, SCANLON, HART, O'PAKE, LINCOLN, BAKER, JONES, SCHWARTZ, AFFLERBACH, REIBMAN, LaVALLE, MELLOW, FUMO, SHUMAKER, HELFRICK, PECORA,

STAPLETON, FATTAH, ROBBINS, RHOADES, SHAFFER and WILLIAMS offered the following resolution (*Senate Resolution No. 89*), which was read, considered and adopted:

In the Senate, July 10, 1991.

#### A RESOLUTION

Memorializing the President and Congress of the United States to support Slovenian democracy.

WHEREAS, Slovenia and its sister Republics, Croatia, Bosnia and Herzegovina, have elected noncommunist governments in their first multiparty free elections to be held in over a half century; and

WHEREAS, Slovenia now finds its freely elected government, citizens, territory, economic and natural resources, and indeed very existence, under attack by the Yugoslav military; and

WHEREAS, The protection and nurturing of freedom and democracy in eastern Europe, which has for so long known only oppression and subjugation, is in the best interest of the entire free world; therefore be it

RESOLVED, That the Senate of Pennsylvania fully support the new democratically chosen government in the Republic of Slovenia; and be it further

RESOLVED, That the Senate hereby condemn all belligerent attacks on Slovenia and its sister Republics by the Yugoslav military and government, whether such attacks be political, economic, military or by any other means; and be it further

RESOLVED, That the Senate deem the Slovenian nation vital to the interests not only of Europe but also of the United States and, therefore, to the fundamental principles of peace, equality, freedom, and the pursuit of happiness which would maintain long-term stability in this vital region; and be it further

RESOLVED, That the Senate call upon the United States government to use all its political, economic, and moral authority to exert influence on the Yugoslav military and government to cease and desist from its hostile activities against the government and people of Slovenia and to allow the root of democracy to take firm hold in this fertile soil so that freedom can be nurtured throughout the Balkans; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Paul Vasil by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Harold B. Hill, Mr. and Mrs. Frank McGinnis, Mr. and Mrs. Mervin F. Good, Mr. and Mrs. Anton R. Bauer, Mr. and Mrs. Harry Gerlach, Mr. and Mrs. William T. Byrd, Mr. and Mrs. Ivan H. Shreiner, Mr. and Mrs. Carl Fickes, Mr. and Mrs. Mark Seibert, Mr. and Mrs. Harry Hutton, Mr. and Mrs. Marvin F. Hess, Mr. and Mrs. Raymond L. Maxenberger, Mr. and Mrs. George Fitzgerald, Mr. and Mrs. Mervin Herr, Mr. and Mrs. Taylor B. Meredith, Mr. and Mrs. Clarence Lyons, Reverend and Mrs. Carl Rasmussen and to Mr. and Mrs. Jacob W. Charles by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Alvin Lloyd Graebner and to Mr. and Mrs. Harold C. Yost, Sr. by Senator Corman.

Congratulations of the Senate were extended to the Honorable Thomas A. Michlovic by Senator Dawida.

Congratulations of the Senate were extended to Central Columbia High School Baseball Team of Bloomsburg by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Michael J. Rogalla by Senator Jubelirer.

Congratulations of the Senate were extended to Dr. George Hudock, Jr. by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Boyd Laymon Sponaugle by Senator Loeper.

Congratulations of the Senate were extended to Captain Robert J. Butler by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Ernest Reif by Senator Tilghman.

#### ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

##### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETING

THURSDAY, JULY 11, 1991

9:45 A.M.	APPROPRIATIONS	Room 461
	(to consider Senate Bills	4th Floor
	No. 899, 1131, 1132, 1133,	North Wing
	1134, 1135, 1136, 1137,	
	1138, 1197, 1233 and	
	House Bills No. 185, 547,	
	1055, 1105, 1106, 1319,	
	1320, 1322, 1323, 1344,	
	1536, 1607 and 1644)	

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate, first for a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber to be followed immediately by a Republican caucus in the first floor Majority caucus room. It would be the Majority's intention at this time, after the meeting of the Committee on Rules and Executive Nominations, to recess the Senate on a six-hour call subject to recall by the President pro tempore.

Senator MELLOW. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LOEPER. Mr. President, just a clarification on the request for recess. It would be the Majority's intention at this point, like today, if not subjected to a call earlier, to be here at 10:00 o'clock tomorrow morning.



The PRESIDENT. Senator Loeper asks that we now proceed to recess subject to the call of the President pro tempore, on a six-hour call of notification, with the tacit understanding that we will be here tomorrow at 10:00 o'clock.

Senator MELLOW. Mr. President, I would just like to notify the Democratic Members of the Senate that we will, immediately following the conclusion of the meeting of the Committee on Rules and Executive Nominations, have a brief caucus in our caucus room at the rear of the Chamber.

The PRESIDENT. The Chair would remind all the Members of the Senate that there will be a meeting of the Committee on Rules and Executive Nominations exactly upon the recess, followed immediately by a Democratic caucus. For all of those purposes, the Senate will now stand in recess.

#### **AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### **ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Thursday, July 11, 1991, at 10:37 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

THURSDAY, JULY 11, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 50

### SENATE

THURSDAY, July 11, 1991.

The Senate met at 10:37 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

This morning we pray for ourselves, O Lord, but only that we may become better instruments of Your eternal design. Direct us, strengthen us, enlighten us and weld us into a team that will work together to achieve our common purpose. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 10, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CHEYNEY UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Florence Scott Lewis, Ph.D., 252 West Johnson Street, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Melvin C. Howell, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CHEYNEY UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Doctor Joseph D. Patterson, Sr., 6713 Walnut Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James A. Hughes, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack Rubinlicht, D.P.M., 1241 Mettler Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael R. Marino, D.P.M., Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF TORRANCE STATE HOSPITAL

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sally W. Souchock, 181 Clymer Road, Indiana, 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Audrey B. Faloon, Indiana, resigned.

ROBERT P. CASEY.

**COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION**

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Augusta A. Clark, Esquire, 1313 Lafayette Place, Philadelphia 19122, Philadelphia County, Second Senatorial District, for appointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1991, and until her successor is appointed and qualified, vice Edward H. Rosen, Narberth, whose term expired.

ROBERT P. CASEY.

**CORRECTION TO NOMINATION BY THE  
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated July 9, 1991 for the reappointment of Michael S. Repella (Republican), R. D. #1, Box 259, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, as a member of the Northumberland County Board of Assistance, to serve until December 31, 199, and until his successor is appointed and qualified, should be corrected to read:

Michael S. Repella (Republican), R. D. #1, Box 259, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 161**.

**HOUSE BILL FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

July 10, 1991

**HB 30** — Committee on Urban Affairs and Housing.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

July 10, 1991

Senators STEWART, LYNCH, O'PAKE, BELAN and ANDREZESKI presented to the Chair **SB 1256**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for a procedure for certain electors.

Which was committed to the Committee on STATE GOVERNMENT, July 10, 1991.

Senators STEWART, AFFLERBACH, BELL, LYNCH, O'PAKE, JONES and ANDREZESKI presented to the Chair **SB 1257**, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045, No. 397), entitled, as amended, "The Support Law," providing that no lien shall be imposed against the real property of persons receiving assistance.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 10, 1991.

Senator GREENLEAF presented to the Chair **SB 1258**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for workmen's compensation insurance rating level.

Which was committed to the Committee on BANKING AND INSURANCE, July 10, 1991.

**APPOINTMENTS BY  
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. B. J. Smith as a public member of the State Transportation Advisory Committee.

Mr. Morley A. Cohn as a member of the Pharmaceutical Assistance Review Board.

Mr. Leonard A. Boreski as a member of the Health Care Cost Containment Council.

**BILL SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**HB 161.****REPORTS FROM COMMITTEE**

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**SB 1197 (Pr. No. 1388) (Rereported)**

An Act relating to high-risk pregnancy and high-risk infant follow-up programs and services for pregnant and postpartum substance-abusing women and their newborns; defining Department of Public Welfare and county children and youth social service agency responsibilities; and making an appropriation.

**HB 1344 (Pr. No. 2096) (Rereported)**

An Act relating to agriculture and rural youth; creating an Agriculture and Rural Youth Organization Grant Program; imposing duties on the Department of Agriculture; and making an appropriation.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request legislative leaves for the day for Senator Bell, Senator Greenwood, Senator Helfrick and Senator Shaffer, a temporary legislative leave for Senator Madigan and temporary Capitol leaves for Senator Tilghman and Senator Hopper.

Senator STAPLETON. Mr. President, I request legislative leaves for the following Senators: Senator Dawida, Senator Lewis, Senator Lynch and Senator Williams and a temporary Capitol leave for Senator Stewart.

The PRESIDENT. Senator Fisher requests legislative leaves for Senator Bell, Senator Greenwood, Senator Helfrick and Senator Shaffer, a temporary legislative leave for Senator Madigan and temporary Capitol leaves for Senator Tilghman and Senator Hopper. Senator Stapleton requests legislative leaves for Senator Williams, Senator Dawida, Senator Lewis and Senator Lynch and a temporary Capitol leave for Senator Stewart. The Chair hears no objection. These leaves will be granted.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 175 (Pr. No. 2276)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**LEAVE OF ABSENCE**

Senator STAPLETON asked and obtained leave of absence for Senator SCANLON, for today's Session, for personal reasons.

**CONSIDERATION OF CALENDAR RESUMED****SECOND CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**HB 222, SB 401, HB 401, 840, SB 948, HB 1020 and SB 1109** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore T. Metzger, Jr. (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified.

ROBERT P. CASEY.

SECRETARY OF LABOR AND INDUSTRY

May 16, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Harris L. Wofford, Jr., Bryn Mawr, whose term expired.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lewis. His legislative leave will be cancelled.

## COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

### MEMBER OF THE STATE BOARD OF EDUCATION

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 1991 for the appointment of Bernard E. Anderson, Ph.D., 906 Croton Road, Wayne 19087, Chester County, Nineteenth Senatorial District, as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified, vice Dr. Paul R. Vochko, Ambridge, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

July 2, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 28, 1991 for the appointment of Edward Refice, 202 Mary Street, Apartment 23, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Landscape Architects, to serve until November 29, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul H. Lauer, Shavertown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### MEMBER OF THE BOARD OF TRUSTEES OF MAYVIEW STATE HOSPITAL

July 2, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 28, 1991 for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of

Mayview State Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Frank L. Fontana, M.D., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 27, 1991 for the appointment of John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene E. Sillaman, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 27, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anne Marie McFeely, Kennett Square, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
DAUPHIN COUNTY

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 9, 1991 for the appointment of Jeannine Turgeon, 115 Hillside Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January, 1992, vice The Honorable Lee F. Swope, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
CRAWFORD COUNTY

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 24, 1991 for the appointment of Anthony Joseph Vardaro, Esquire, 654 Park Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, as Judge of the Court of Common Pleas of Crawford County, to serve until the first Monday of January, 1992, vice The Honorable P. Richard Thomas, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 1991 for the reappointment of Richard C. Noble, 9 Hearthstone Drive, Crestwood, Reading 19606, Berk County, Eleventh Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James S. Biery, Jr. (District 6), 3718 Vista Terrace, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice Leonard Green, Carlisle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified, vice David D. Coe, State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore T. Metzger, Jr. (District 4), 1613 Luzerne Street, Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1998 and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

QUESTION DIVIDED

Senator MELLOW. Mr. President, for the nomination of James S. Biery, I must request not necessarily a separate roll call, but I must request that one Member of my caucus who is on legislative leave be voted in the negative.

The PRESIDENT. The Chair would advise the gentleman that will necessitate a separate roll call and, therefore, the Chair would entertain the question.

On the question,

Will the Senate advise and consent to the nomination of Mr. James S. Biery, Jr., as a member of the Pennsylvania Fish Commission?

The yeas and nays were required by Senator MELLOW and were as follows, viz:

YEAS—46

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Schwartz
Baker	Hart	Madigan	Shaffer
Belan	Helfrick	Mellow	Shumaker
Bell	Holl	Musto	Stapleton
Bodack	Hopper	O'Pake	Stewart
Bortner	Jones	Pecora	Stout
Brightbill	Jubelirer	Peterson	Tilghman
Corman	LaValle	Porterfield	Wenger
Fattah	Lemmond	Punt	Williams
Fisher	Lewis		

NAYS—3

Dawida Reibman Robbins

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

On the question,

Will the Senate agree to the remainder of the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

SECRETARY OF LABOR AND INDUSTRY

May 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas P. Foley, 26 Benezet Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Harris L. Wofford, Jr., Bryn Mawr, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### UNFINISHED BUSINESS

##### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Robert J. Barber and to Mr. and Mrs. Samuel W. Faus by Senator Armstrong.

Congratulations of the Senate were extended to Helen Caric Poti by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. William Bishop by Senator Bell.

Congratulations of the Senate were extended to Robert Liberator by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Horner, Mr. and Mrs. Vernon Morris, Mr. and Mrs. John Crist, Mr. and Mrs. George Shenberger, Mr. and Mrs. Ralph Guise, Mr. and Mrs. Amos Sipe, Mr. and Mrs. Gerald Snyder, Mr. and Mrs. Monroe D. Utz, Mr. and Mrs. Celester Zarfoss, Mr. and Mrs. Francis Harteis, Mr. and Mrs. Leroy Dubbs, Mr. and Mrs. Ray E. Gladfelter, Mr. and

Mrs. George Fleagle, Jr., Joel T. Frye and to Mr. and Mrs. Norman Frey by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Charles E. Kishbaugh by Senator Lemmond.

Congratulations of the Senate were extended to Ralph Edwin Faidley and to Mr. and Mrs. John Strickler by Senator Lincoln.

Congratulations of the Senate were extended to Mary Jennings Keegan by Senator Mellow.

Congratulations of the Senate were extended to Charles Kocur by Senator Porterfield.

Congratulations of the Senate were extended to Robert Evans Dent by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. George Shoup by Senators Rhoades and Holl.

Congratulations of the Senate were extended to Thomas C. Junk by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Vaughn Owens, Mr. and Mrs. Adam Chovanes and to Heinz Oehrle by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel Nockey, Mr. and Mrs. Fred J. Stellavato, Mr. and Mrs. Ed Markoski, Sr., Mr. and Mrs. Carl Kavolak, Mr. and Mrs. Cyril Hajduk, Mr. and Mrs. J. Walter Orndoff, Mr. and Mrs. Russell Berry, Mr. and Mrs. James Fusarelli, Mr. and Mrs. Jerry Thornton and to Mr. and Mrs. Frank J. Mayhut by Senator Stout.

#### ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

##### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETING

FRIDAY, JULY 12, 1991

9:45 A.M.	APPROPRIATIONS (to	Room 461
	consider Senate Bills No.	4th Floor
	899, 1131, 1132, 1133,	North Wing
	1134, 1135, 1136, 1137,	
	1138, 1233 and House Bills	
	No. 185, 547, 1055, 1105,	
	1106, 1319, 1320, 1322,	
	1323, 1536, 1607 and 1644)	

#### RECESS

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate subject to the call of the President pro tempore.

The PRESIDENT. Senator Loeper has requested a recess of the Senate subject to the call of the President pro tempore. There being no objection to the request, the Senate, indeed, will stand in recess.



**AFTER RECESS**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Stewart and his temporary Capitol leave will be cancelled.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, July 15, 1991, at 2:10 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JULY 15, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 51

### SENATE

MONDAY, July 15, 1991.

The Senate met at 2:10 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, we come to You with gratitude for another day to live and to serve You and our fellow citizens. Help the Members of this Body to seek right and adequate solutions to the many problems confronting them. Give them courage to make the unpopular yet necessary decisions based upon conviction and conscience. Amen.

### SPECIAL ORDER OF BUSINESS

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a temporary legislative leave for today's Session on behalf of Senator Baker, a legislative leave for today's Session on behalf of Senator Bell and a temporary Capitol leave on behalf of Senator Lemmond.

The PRESIDENT pro tempore. Senator Loeper has requested the following leaves: a temporary legislative leave for Senator Baker, legislative leave for Senator Bell and a temporary Capitol leave for Senator Lemmond. The Chair hears no objection. The leaves will be granted.

Senator REIBMAN. Mr. President, I request legislative leave for Senator Dawida and temporary Capitol leaves for Senator Fumo, Senator Jones and Senator Stapleton.

The PRESIDENT pro tempore. Senator Reibman has requested the following leaves: legislative leave for Senator Dawida and temporary Capitol leaves for Senator Fumo, Senator Jones and Senator Stapleton. The Chair hears no objection. Those leaves will be granted.

#### LEAVE OF ABSENCE

Senator REIBMAN asked and obtained leave of absence for Senator PORTERFIELD, for today's Session, for personal reasons.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 11, 1991.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with, and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—47

Afflerbach	Greenleaf	Loeper	Salvatore
Andrezski	Greenwood	Lynch	Scanlon
Armstrong	Hart	Madigan	Schwartz
Baker	Helfrick	Mellow	Shaffer
Belan	Holl	Musto	Shumaker
Bell	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fumo	Lincoln	Robbins	

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. The Journal is approved.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR FRANK A. SALVATORE PRESENTED TO SENATE

Senator SALVATORE. Mr. President, I have in the balcony today two of my cousins with two of their friends and they are from Italy. They are Stephana Liberati, Maria Ellena Liberati, Cynthia Giabraini and Louga Cadilli. Also, I have an intern who has been working in our office, Jennifer Seaman, from Philadelphia. I would like the Senate to extend its warm welcome as usual.

The PRESIDENT pro tempore. Would those guests of Senator Salvatore please rise so the Senate may give you a very warm welcome.

(Applause.)

### **GUEST OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE**

Senator O'PAKE. Mr. President, not from Italy, but from Antietam High School in Berks County we have a guest page. Jody Smith has graduated this year second in his class. He will be entering the University of Pennsylvania in the fall. He is a very industrious and promising young scholar and student, and I would like the Chair to welcome our guest page Jody Smith.

The PRESIDENT pro tempore. If Senator O'Pake's guest would rise we would be delighted to welcome you too.

(Applause.)

The PRESIDENT pro tempore. The Senate welcomes all our guests here today.

### **COMMUNICATIONS FROM THE GOVERNOR**

#### **APPROVAL OF SENATE BILL**

The PRESIDENT pro tempore laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

**SB 820.**

#### **NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### **MEMBER OF THE STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary P. Portis (Public Member), 1015 Manhattan Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

#### **RECALL COMMUNICATIONS REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency,

the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### **MEMBER OF THE MILK MARKETING BOARD**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 15, 1991 for the appointment of Samuel W. Morris, Box 360, R. D. 2, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, as a member of the Milk Marketing Board, to serve until May 1, 1997 and until his successor is appointed and qualified, vice Leon Wilkinson, Landenberg, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### **MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 31, 1991 for the reappointment of John R. Baublitz (Public Member), 1011 Cranberry Street, Erie 16502, Erie County, Forty-ninth Senatorial District, as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### **MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 31, 1991 for the reappointment of Felice D. Perlmuter, Ph.D., 634 West Cliveden Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Board of Social Work Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### **DISTRICT JUSTICE**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 17, 1991 for the appointment of Joseph Boyle,

2377 Romig Road, Gilbertsville 19525, Montgomery County, Eleventh Senatorial District, as District Justice in and for the County of Montgomery, Magisterial District 38-2-03, to serve until the first Monday of January, 1992, vice Nancy Moore, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

## HOUSE MESSAGES

### HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

July 15, 1991

**HB 1107** — Committee on Game and Fisheries.

### HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

July 15, 1991

**House Concurrent Resolution No. 157** — Committee on Rules and Executive Nominations.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

July 15, 1991

Senator HOLL presented to the Chair **SB 1259**, entitled:

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads;....," extending the provisions of the act to include members of volunteer firemen support service organizations.

Which was committed to the Committee on LABOR AND INDUSTRY, July 15, 1991.

Senator HOLL presented to the Chair **SB 1260**, entitled:

An Act amending the act of September 9, 1965 (P. L. 497, No. 251), entitled "An act requiring physicians, hospitals and other institutions to administer or cause to be administered tests for phenylketonuria and other metabolic diseases upon infants in certain cases," further providing for tests upon infants.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 15, 1991.

Senator GREENLEAF presented to the Chair **SB 1261**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further providing for the definition of "employee."

Which was committed to the Committee on LABOR AND INDUSTRY, July 15, 1991.

Senator SALVATORE presented to the Chair **SB 1262**, entitled:

An Act making an appropriation to the Please Touch Museum in Philadelphia.

Which was committed to the Committee on APPROPRIATIONS, July 15, 1991.

Senators BELAN, STOUT, PORTERFIELD, HELFRICK, PECORA, AFFLERBACH, SCHWARTZ, BODACK, GREENWOOD, FATTAH and REIBMAN presented to the Chair **SB 1263**, entitled:

An Act amending the act of September 9, 1965 (P. L. 497, No. 251), entitled "An Act requiring physicians, hospitals and other institutions to administer or cause to be administered tests for phenylketonuria and other metabolic diseases upon infants in certain cases," further providing for tests to be administered to infants; making an appropriation; and making an editorial change.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 15, 1991.

Senators PORTERFIELD, PUNT, STEWART, LAVALLE, BELAN, ROBBINS, STOUT, AFFLERBACH, BODACK, WILLIAMS, BORTNER, REIBMAN, O'PAKE, MELLOW, FUMO, JONES, SCHWARTZ and MUSTO presented to the Chair **SB 1264**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for leaves of absence for certain government employees.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, July 15, 1991.

Senators SALVATORE and HART presented to the Chair **SB 1265**, entitled:

An Act specifically authorizing collective bargaining between school administrators in school districts of the first class and their public employers; providing for arbitration in order to settle disputes, and requiring compliance with collective bargaining agreements and findings of arbitrators.

Which was committed to the Committee on LABOR AND INDUSTRY, July 15, 1991.

Senators FISHER, HART, SCHWARTZ, RHOADES, MUSTO, BELAN, STEWART, AFFLERBACH, REIBMAN and ANDREZESKI presented to the Chair **SB 1266**, entitled:

An Act regulating the practice and licensure of dietetics and nutrition; creating the State Board of Dietitian-Nutritionist Licensure and providing for its powers and duties; prescribing penalties; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 15, 1991.

Senators GREENLEAF, HART, HOPPER, PORTERFIELD, BELL, FISHER, SALVATORE and ANDREZESKI presented to the Chair **SB 1267**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for certain evidence to be admitted at sentencing hearings after verdicts in first degree murder cases.

Which was committed to the Committee on JUDICIARY, July 15, 1991.

### BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

**HB 521.**

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Jones and her temporary Capitol leave will be cancelled.

### REPORTS FROM COMMITTEE

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

**SB 279 (Pr. No. 288)**

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring stock fire insurance companies to provide coverage for sinkhole damage.

**SB 1007 (Pr. No. 1456) (Amended)**

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," eliminating the requirement that two-thirds of a savings bank's directors be residents of this Commonwealth.

### CALENDAR

#### SECOND CONSIDERATION CALENDAR

##### BILL LAID ON THE TABLE

**HB 222 (Pr. No. 2222)** — The Senate proceeded to consideration of the bill, entitled:

An Act excluding the sale of recyclable material from political subdivision personal property sale restrictions.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

##### BILL OVER IN ORDER

**SB 401** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILLS LAID ON THE TABLE

**HB 401 (Pr. No. 2095)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," further providing for the vote on the review of the marketing program and for the collection of producer charges by sales agents.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**HB 840 (Pr. No. 1589)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for funeral processions.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 948 (Pr. No. 1019)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for charges for emission inspection.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

### BILLS OVER IN ORDER

**HB 1020, SB 1109, 1197 and HB 1344** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has requested a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the rear of the Senate Chamber.

Senator REIBMAN. Mr. President, at the conclusion of the meeting of the Committee on Rules and Executive Nominations, I would request a Democratic caucus in the rear of the Chamber.

The PRESIDENT pro tempore. Would the lady like to wait until we complete the Calendar of the day and then I will recognize you.

Senator LOEPER. Mr. President, I have just been advised that some of the mechanical process that needs to be completed for the meeting of the Committee on Rules and Executive Nominations has not been completed at this point in time. So, therefore, I would ask for a recess for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with an understanding that we would probably be returning to the floor at approximately 3:45 p.m.

Senator REIBMAN. Mr. President, I request a Democratic caucus in the rear of the Chamber immediately.

The PRESIDENT pro tempore. For the purpose of a Republican caucus and a Democratic caucus in their respective caucus rooms, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE INDUSTRIAL BOARD**

May 31, 1991:

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin T. Pawlowski, 300 Tioga Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified, vice L. Robert Kimball, Ebensburg, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael C. Wood, P. O. Box 12, Beach Lake 18405, Wayne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary P. Portis (Public Member), 1015 Manhattan Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David J. Murphy, Esquire, 1 Scott Lane, Aston 19014, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-2-38, to serve until the first Monday of January, 1992, vice Henry J. Silva, resigned.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**SECRETARY OF HEALTH**

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 6, 1991 for the appointment of Ronald David, M.D., 4121 Beaufort Hunt Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as Secretary of Health, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice N. Mark Richard, M.D., Mount Lebanon, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE MILK MARKETING BOARD**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 15, 1991 for the appointment of Samuel W. Morris, Box 360, R. D. 2, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, as a member of the Milk Marketing Board, to serve until May 1, 1997 and until his successor is appointed and qualified, vice Leon Wilkinson, Landenberg, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS**

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 31, 1991 for the reappointment of Felice D. Perlmutter, Ph.D., 634 West Cliveden Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Board of Social Work Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 31, 1991 for the reappointment of John R. Baublitz (Public Member), 1011 Cranberry Street, Erie 16502, Erie County, Forty-ninth Senatorial District, as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

DISTRICT JUSTICE

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 17, 1991 for the appointment of Joseph Boyle, 2377 Romig Road, Gilbertsville 19525, Montgomery County, Eleventh Senatorial District, as District Justice in and for the County of Montgomery, Magisterial District 38-2-03, to serve until the first Monday of January, 1992, vice Nancy Moore, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

#### UNFINISHED BUSINESS

#### REPORT FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

#### HB 89 (Pr. No. 2253)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the Pennsylvania Game Commission and for senior resident license qualifications; authorizing certain disabled persons to hunt with crossbows; and deleting certain license requirements for regulated hunting grounds.

#### RESOLUTIONS REPORTED FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolutions:

#### SR 88 (Pr. No. 1446)

A Resolution congratulating Bietigheim, Germany, on the 1000th Anniversary of its creation.

#### HR 157 (Pr. No. 2158)

A Concurrent Resolution designating October 8, 1991, as "Pennsylvania Firefighters' Day."

The PRESIDENT pro tempore. The resolutions will be placed on the Calendar.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Edward Doubet by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Sargent, Mr. and Mrs. Charles Cook, Mr. and Mrs. Robert L. Hoellein, John Strothers, Artegius Moncrief, Manford Sales and to Mark Plesko by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Donald G. Noerr and to Mr. and Mrs. Darlington F. Marks, Sr. by Senator Corman.

Congratulations of the Senate were extended to Dr. Sanford M. Goodman and to Dr. R. Bruce Lutz by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. John Rebuck, Mr. and Mrs. Morris Moser, Mr. and Mrs. Frederick L. Schrader, Mr. and Mrs. Alvin L. Wetzel, Mr. and Mrs. Alvin Long, Mr. and Mrs. Lee Sponenberg, Reverend and Mrs. Freeland Hemmig, Mr. and Mrs. Frederick Keifer, Mr. and Mrs. Alex E. Berbick, Jr., Mr. and Mrs. Harry Carodiskey and to the Wilburton Post Office of Aristes by Senator Helfrick.

Congratulations of the Senate were extended to Marjorie Sheehan Anstett by Senator Lemmond.

Congratulations of the Senate were extended to Senator Edwin G. Holl by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. John R. Hogarth by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Vito Campisano by Senator Musto.



Congratulations of the Senate were extended to Tim Meehan by Senator Pecora.

Congratulations of the Senate were extended to Anderson Geter by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Willis Brown by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew F. Patrick and to Terry Lee Zahniser, Jr. by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin Shoup, Mr. and Mrs. Earl Foley, Mr. and Mrs. Gordon Webb, Mr. and Mrs. Robert Umbel, Mr. and Mrs. Michael Petros, Mr. and Mrs. Charles R. Schulte and to Mr. and Mrs. Clifford Nyswaner by Senator Stout.

### BILLS ON FIRST CONSIDERATION

Senator RHOADES. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 279 and 1007.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Stapleton, Senator Fumo, Senator Lemmond and Senator Williams, and their temporary Capitol leaves are hereby cancelled.

### PETITIONS AND REMONSTRANCES

Senator RHOADES. Mr. President, I rise primarily on what I maybe should call a public service announcement, because I see it as an opportunity for us here, not only in the Senate Chamber but throughout the Capitol and throughout the Commonwealth, to save the Commonwealth some dollars. There is a service purchase contract from the Governor's Office to Ted Ford Webb, P.O. Box 645, Carlisle, Massachusetts, which says: "Contractor will provide recruitment and preliminary screening services for the position of Secretary, Department of Health...The Contractor will conduct a nationwide search through national professional journals and associations to identify the most highly qualified candidates for this sensitive and unique position. The contractor will conduct preliminary evaluation of all candidates, work with the Governor's Office personnel in screening out the least qualified and provide the Governor's Office with detailed evaluations of all potential candidates. In addition, the contractor will provide consultation services to the Governor's Office as needed throughout the recruitment and hiring process. The contractor will travel as necessary to confer with

both the Governor's Office as well as potential candidates." It says "Purpose and Justification For Above: These services are needed to provide professional and experienced recruiting services to identify candidates for the position of Secretary, Department of Health who must be a physician with at least 10 years of professional experience and a graduate from a legally constituted medical college." I bring this before our attention not only because this was prepared 5/1/91 and effective date 5/1/91, and termination date 11/1/91. I look at this and say, in this contract is \$26,700 for services and \$5,000 for travel, for a grand total of \$31,700. I do feel and believe for those people who are here and within voice distance that we could save the Commonwealth \$32,000 approximately by noting or telling that there has to be a physician within this Commonwealth who would be able to handle this position, let alone people within the department. You know, when I look at that, I say we ought to look at those contracts. I have another one too, from a miscellaneous encumbrance sole source contract for \$50,000 for Elliott, Bray and Riley, with no address on that. We are, in essence, paying attorneys \$185 per hour and \$170 per hour; associates at the regular hourly rates, less 15 percent, up to \$130 per hour maximum; paralegals at their regular hourly rates, less 15 percent, up to \$60 per hour maximum. Then we go through here and we see reasonable expenses for travel, meals and lodging, communications including telephone, telegraph, postage, parcel post, freight, package, photocopies and other reproductions. Let me put it this way. I think from the standpoint from looking at approximately \$82,000, we get accused—in this case I would say Legislators from both sides of the aisle—of spending money, and yet the Governor comes out in November and December and January saying there are no dollars here, that he has to cut programs and personnel—I read that AFSCME has taken a contract without an increase—and then I see these kinds of contracts coming across. I have to say, now wait a minute, you cannot talk out of both sides of your mouth at the same time. If we are being put under the gun legislatively to come up with a budget, to get it done in a cost-effective manner, then I do not think we should have these kinds of sole source contracts going through that we do not have some kind of control over. So I would call upon the Governor to take a look at these things, cut the things that are not necessary so we can get down to the things that have to be done.

Senator FUMO. Mr. President, it is not my desire to make a partisan political speech today, but I think that from reading the media, there is much concern about what is going on in negotiations on the budget and there are a few issues I have to address.

The first is the frustration that many people seem to feel at the process. Mr. President, that is not my fault. That is not the fault of any Member of leadership who is involved in those negotiations with, perhaps, the exception of House Republicans. Mr. President, what we are really looking at is the reluctance of Members to vote for a tax increase in Pennsylvania that is needed. The public seems to think that this tax increase, regardless of its size, will go to fund some new pro-

grams or things they do not want. The fact of the matter is that if we had a no-tax budget, local taxes would skyrocket. One of the things that would be hit the worst in a no-tax budget would be the ESBE formula for assistance to basic education, and, Mr. President, the most conservative projections I have seen clearly indicate that a no-tax budget would cost that program about \$400 million a year. That is money school districts will have to raise at the local level, so people are really not getting a bargain when they say they want no taxes. Mr. President, ESBE is only one of the many needed and necessary programs that must be funded, and it is important that the public realize that. It is important the public also realize that this year's deficit, now that we have closed the books, while it is only \$400 million and some odd dollars, if you take away all of the one-time spending we did this year to help cover that gap, things such as the Rainy Day Fund, the refinancing of the PIDA monies and things of that nature, if you take all of those things away, you are probably talking about a number very close to \$1 billion. Mr. President, that is without any increases in spending. That is just last year's budget. When you add to that the fact that there is still inflation in this country and next year's budget would be out of whack, that billion plus another billion plus inflation, you get to some very lofty numbers. We can stand around here forever and point the fingers back and forth as to who caused this problem and certainly we have done that an inordinate number of times on this floor, but the public must realize that there is no one here who is more concerned and more reluctant to raise taxes than the Members of this General Assembly. The other fact still remains, Mr. President, and that is it is our responsibility to adequately fund the needs of the Commonwealth. Mr. President, the choices are not easy, they are difficult. I have said from the very beginning that this is a year that requires courage. It requires courage not only of the leadership, but courage of the Members. While I see the Governor occasionally talk about a budget that "rank-and-file" would like, and while I see occasional editorial writers saying, let the guys in the "back bench" take over, the fact of the matter is that we, the leaders of these various caucuses, are, in fact, representing the wishes of those people whom we lead, except for the fact that we have the added responsibility of making sure this budget comes out balanced this year and we adequately fund programs. On that note as well, Mr. President, I have talked to many Members of the General Assembly during the last few weeks of negotiations. I did not just talk to the leadership in that room. What Members tell me is, I will vote for a tax increase provided that my area of the state gets taken care of. That is what causes the numbers to grow. I have yet to run into the Member who tells me that he will vote for a tax increase even if his area does not get taken care of. I have not met that altruistic Member. Mr. President, when you start adding the spending that is needed in rural areas, in urban areas, in the east, in the west, in suburban areas, the numbers grow even more. It is folly to think we will leave here with a no-tax budget. It is also equally folly to think we will be here forever. At some point in time I would hope the rank-

and-file and guys in the back bench step up to the plate and realize their responsibility. Not everyone can have the luxury of George Bush and say, read my lips. We are here. We are forced to have a balanced budget, not like they do in Congress where they can balance the budget with never-never numbers and off-budget items and things of that nature. The clear fact of the matter is that in Pennsylvania—and we did not do it last year, but we must do it this year—revenues have to equal expenditures.

Also, Mr. President, I want to assure the public that whatever we do when we conclude these negotiations, whenever that is, it is the absolute intent of each and every one of us that we not revisit this issue again for a very, very long time. Therefore, we are not going to put together a budget this year that next year will require another tax increase. Again, I do not want to seem partisan, but those people who advocate selling the liquor stores to bring in \$600 million this year fail to recognize that there will be that same need for \$600 million next year if they use that money to balance this year's budget, and there is no money next year even if we sold those liquor stores and even if those liquor stores could bring in the rosy projection that those people advocate. Mr. President, we cannot have gimmicks. We have seen enough of that this year. We have to have hard, cold cash and that means a lot of courage.

Mr. President, on another note, I think it is also very important for the public to understand that we in the Senate have not paid our employees, nor do we intend to, that we in the Senate are not being paid, nor will we be, and that we in the Senate are not paying our bills for any of the expenses that we incur at district office levels, or otherwise, until this budget crisis is solved. Mr. President, I view the acts of the House of Representatives as absolutely unconscionable. I feel for their employees just as I do for ours and just as I do for the rest of the Commonwealth's employees. But it is absolutely unconscionable for anyone to pay their employees while they are, in fact, the part of the problem in holding up the paychecks for the rest. The pain has to be inflicted on everyone. Maybe, just maybe, if one of the secretaries of a Representative over in the House is not getting paid, she will, in fact, drive him to drink or drive him to a tax vote or do something. Mr. President, the pain has to be inflicted at home. You cannot walk away and say, I am okay, because then you do not have any sensitivity at all to what the other people are going through. I would hope and I would pray that House leadership would reconsider their folly and stop their checks immediately or at least not repeat that disaster when their next pay period comes forth. But if they do not, I want the public to clearly understand that we in the Senate, although we do not like it anymore than anybody else does, have adopted a voluntary plan of not accepting or paying anyone any paychecks or any expenses until this crisis is over. The very least we can do is suffer with our brethren throughout state government. If we do not do that, we will not be sensitive to the deadline, and I fear this will go on much longer than it would otherwise.

Mr. President, it is truly regrettable that I have to make those remarks concerning the other Chamber, but I think it is important that we do so because as we look around, although the Majority Leader and myself have some differences yet and our caucus and his caucus have some differences, we are not that far apart. The fact of the matter is that in the House that is not the case, and that is the reason for the delay. We all know it and it is about time we start saying it, and it is about time we look to the House and, in particular, I ask the Minority Leader of the House, Representative Ryan, to start getting a lot more serious about this than he has been in the past. It is time for him to face up to the fact that House Democrats do not have 102 votes for taxes. It is a fact of life. You can castigate them for that. You can say that they are inefficient, ineffective, or whatever you want, but the fact of life is that they cannot do it alone, nor should they have to. To sit there in the Minority in the House and say we do not have any votes until you show us yours is going to keep us here for a very long, hot summer. I would hope that responsibility and responsive leadership would start to blossom in the House Republican caucus because, truly, they are the problem, Mr. President. Not that there is anyone here who is not to blame, but as we look around the table I am sure this could be brought to closure as soon as Representative Ryan and Representative Pitts and the others in that caucus decide they have to step up to the plate and pay for their tickets to ride. There are no free lunches, and there is no way out of this budget crisis that I can see that is reasonable without a tax increase. It is about time we own up to that, and if we do not, then let us pass a no-tax budget. Let local taxes go through the roof and go home and be a hero, if you think you can be under those circumstances. Mr. President, the hour is late. We are now more than halfway through the month. I will grant you there has been much done, but much yet remains to be done. Now is the time for courage to come to the forefront, particularly in the House of Representatives, and I would hope again they would not continue to pay their employees during this crisis.

Senator LOEPER. Mr. President, it had not been my intent initially to respond to the gentleman in his comments relevant to the budget process. However, I do think there must be some clarification made as far as the role of the Minority in these negotiations from the House of Representatives. Many of us have spent many long hours, morning, noon and night, for the past several weeks trying to reach some sort of agreement as to where we can end up with a spending plan to move Pennsylvania forward and have been requesting a revenue plan in order to fund that. I think, Mr. President, it is unfair to characterize the House Minority as obstructionists, particularly while we are trying to deal in good faith in putting negotiated settlements forward, when we reflect on an action like the House took initially in the passage of a budget, putting a budget bill out on the floor of the House of Representatives, calling the question, which effectively shut off any input or amendments to the process from the Minority, and then on a partisan vote passing that budget bill over to this Chamber. Then to follow that, in a most critical time of negotiations,

Mr. President, just last Friday, with a lottery preservation bill, a bill that had been an issue which had been debated and considered at the negotiating table where substantial progress had been made on that bill at that particular time, and yet what we found was an action once again taken by the House Majority to force that bill through, to cut off any type of debate or amendment process and just force the legislation through. I think, Mr. President, when we talk about trying to work in the spirit of cooperation in order to get a spending plan in place for this Commonwealth, we have to stop that kind of gamesmanship and get serious about our responsibilities in putting a state budget and spending plan into place.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Baker and his temporary Capitol leave will be cancelled.

#### PETITIONS AND REMONSTRANCES

##### Continued

Senator FUMO. Mr. President, in response, I did not call the House Minority obstructionists. That is a word that the gentleman, the Majority Leader, used. I guess maybe I feel that way, but I did not call them that.

Mr. President, I think there are a few things you have to talk about here. The gentleman talks about the role of the Minority in the House, but yet when we in this Chamber, the Minority in the Senate, have said that we are willing to put up 50 percent of the tax votes, the only cry I get from that side of the aisle is, that is not enough. We need more. I have yet to hear the Minority in the House match my offer. They have not said 50 percent of the tax votes yet. They are at zero. That, Mr. President, I think is an obstructionist tactic. Certainly they have the same responsibilities I have. Just because they serve in the House of Representatives and not the Senate, being in the minority is being in the minority. I offered here from day one 12 votes and I said I would even go to 13 votes. Mr. President, the Minority in the House has yet to offer anything. Certainly the Minority in the House has as deep an obligation as the Minority in the Senate.

Mr. President, when we talk about the budget bill that was passed by the House to us, the Majority Leader fails to mention an important fact. That budget bill was passed here because the Majority in the Senate told the Majority in the House to do it. They continually questioned, where is your budget bill? Pass it, let us see what you have. Pass it. So the House did. Now we hear complaints. As to the lottery preservation bill, Mr. President, I agree that I probably would not have done that if I were in the House in the Majority, but I can also understand clearly the frustrations of the House Majority leadership when they look at the Minority and they keep saying they do not have any votes. That is frustration, Mr. President, that has to be dealt with. When we talk about cutting off debate, thank God they did because one of the amendments that the Minority in that Chamber was prepared to offer had nothing to do with lottery preservation. It was a

break for the widow's tax, spending more money, and the House simply said, we are not going to spend any more money. We are here today to save money, but it was those fiscal conservatives in the Republican caucus in the House that wanted to give a tax break for widows, and I might add very wealthy widows, as we have discussed here many times before. But despite that, Mr. President, what was the vote on that bill? Did it squeak through by some sort of partisan vote? Where was the courage of House Republicans if they truly believed that it was wrong to do that? I did not see any, Mr. President. That bill passed with 166 votes and among that 166 who did we see? The Minority Leader himself, Mr. Ryan, voted for that "evil bill." Mr. President, you cannot have it both ways. I am not happy that I am at this microphone today, but at some point in time someone must address the frustration of state workers, the frustration of those people who receive state funds and, quite frankly, someone must address those idealistic editorial writers who, after this is over, we will never hear from again on this issue unless it is to castigate someone else. Mr. President, we are dealing with a real situation, and I come back to what I have said in the beginning. This budget solution is going to require taxes. Our "fiscally conservative Governor" himself has asked for tax increases in excess of \$2.6 billion and, in fact, sent us a budget which I personally have characterized on this floor as underfunded. Mr. President, the truth is there. You cannot run this Commonwealth without money and we need it. We can complain where it came from. We can complain about the recession that has hit Pennsylvania very hard. We can complain about a Washington with a Democratic controlled Congress and a Republican Chief Executive that have turned their backs on Pennsylvania and other states and Philadelphia and all other major cities, but sitting here complaining about it, stamping our feet and being upset does not get us to the end. The end requires courage. The end requires realism and as long as we continue to deal in la la land we are not going to get there. Mr. President, I would urge everyone involved in this process to move forward, but I think it is about time that rather than take a shotgun approach at all leadership, it is time for some rifle shots. It is time for some clear scalpel cutting and we have to target the appropriate people and I suggest we start with the House Minority, and I would like them to come up at least to where I am in the Senate Minority of 50 percent. In fact, I believe the Majority Leader in the House said they only had to come up with 20 percent. Let them move. They are not going to do it with zero. Let them match my challenge at 50 percent.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

### MEMBER OF THE BOARD OF TRUSTEES OF HAMBURG CENTER

July 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John DelCollo, 4859 Eighth Avenue, Temple 19560, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Reverend Morris F. Houck, Jr., Hamburg, deceased.

ROBERT P. CASEY.

### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

July 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Hohenwarter, 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Evelyn C. Marboe, State College, confirmed to another position.

ROBERT P. CASEY.

## ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, JULY 16, 1991

9:30 A.M.	STATE GOVERNMENT (Public Hearing to consider the nomination of Charles Lieberth as a member of the State Civil Service Commission)	Room 460 4th Floor North Wing
11:00 A.M.	BANKING AND INSURANCE (to consider the executive nomination of Constance B. Foster as Insurance Commissioner)	Room 461 4th Floor North Wing
12:00 NOON	APPROPRIATIONS (to consider Senate Bills No. 899, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1233 and House Bills No. 185, 547, 1055, 1105, 1106, 1319, 1320, 1322, 1323, 1536, 1607 and 1644)	Room 461 4th Floor North Wing

**RECESS**

Senator LOEPER. Mr. President, I would request a recess of the Senate to the call of the President pro tempore.

The PRESIDENT pro tempore. Senator Loeper requests a recess of the Senate to the call of the President pro tempore. Without objection, the Senate will recess to the call of the President pro tempore.

**AFTER RECESS**

**The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS****ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Education to meet during today's Session in the Rules Committee room to consider Senate Bill No. 953 and House Bill No. 221.

**ANNOUNCEMENT BY MAJORITY LEADER**

Senator LOEPER. Mr. President, I just wanted to request that all Members of the Committee on Education report to the Rules room, and I want to inform all Members that it is our intent to immediately convene Session upon the conclusion of that meeting of the Committee on Education which should be fairly quickly.

The PRESIDENT. The Senate will stand at ease while we await the completion of the meeting of the Committee on Education.

(The Senate was at ease.)

**REPORTS FROM COMMITTEE**

Senator RHOADES, from the Committee on Education, reported the following bills:

**SB 953 (Pr. No. 1024)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring interest to be paid on certain late subsidy payments to school districts.

**HB 221 (Pr. No. 2301) (Amended)**

An Act providing for the establishment of a summer foreign language academy program for secondary school students throughout this Commonwealth; and providing for powers and duties of the Department of Education.

**BILLS ON FIRST CONSIDERATION**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 953 and HB 221.**

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, July 16, 1991, at 10:35 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JULY 16, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 52

### SENATE

TUESDAY, July 16, 1991.

The Senate met at 10:35 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Eternal God, help us this day to address the issues at hand with honesty and fairness by dedicated and sincere efforts toward resolution of our fiscal problems. May this importance of our service allow us to become instruments of good for the blessings of our Commonwealth. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July, 15, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request legislative leaves for Senator Brightbill and Senator Bell for the day and temporary Capitol leaves for Senator Shaffer and Senator Hopper.

Senator STAPLETON. Mr. President, I request legislative leaves for Senator Dawida, Senator Lewis and Senator Stout and temporary Capitol leave for Senator Fumo.

The PRESIDENT. Senator Fisher requests legislative leaves for Senator Brightbill and Senator Bell and temporary Capitol leaves for Senator Shaffer and Senator Hopper. Senator Stapleton requests legislative leaves for Senator Dawida, Senator Lewis and Senator Stout and temporary Capitol leave for Senator Fumo. The Chair hears no objection. Those leaves will be granted.

### LEAVE OF ABSENCE

Senator STAPLETON asked and obtained leave of absence for Senator PORTERFIELD, for today's Session, for personal reasons.

### CALENDAR

#### SENATE RESOLUTION. NO. 88, CALLED UP OUT OF ORDER

Senator LOEPER, without objection, called up out of order from page 2 of the Calendar, as a Special Order of Business, **Senate Resolution No. 88**, entitled:

A Resolution congratulating Bietigheim, Germany, on the 1000th Anniversary of its creation.

On the question,  
Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 88, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 88.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bortner	Hopper	O'Pake	Stapleton
Brightbill	Jones	Pecora	Stewart
Corman	Jubelirer	Peterson	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.



## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lewis. His legislative leave will be cancelled.

## SPECIAL ORDER OF BUSINESS

### GUESTS OF SENATOR ALBERT V. BELAN PRESENTED TO SENATE

Senator BELAN. Mr. President, as my guests here today in the gallery are several members of my district office staff and with me today are two summer interns from my West Mifflin office. The first person who I would like to introduce is Michelle Horgos. Michelle is a sophomore at Kent State majoring in architecture and with Michelle today, also from West Mifflin, is Jeff Wilner. Jeff is a student at Muskingum College in Ohio, and here today from my Monessen district is Christin Corroto. Christin is a senior majoring in political science at Seton Hill College in Greensburg. Traveling with these two young beautiful ladies is your good friend and my good friend Joe Dalfonso who is my administrative aide in my district office in Monessen. I would appreciate it, Mr. President, if the Senate would give my guests its customary warm welcome.

The PRESIDENT. Would the guests of Senator Belan please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

## GUESTS OF SENATOR ROY C. AFFLERBACH PRESENTED TO SENATE

Senator AFFLERBACH. Mr. President, I, too, have two special guests here with me today. The first is a young lady named Jeana Scheirer who is doing an internship with me this summer. It is the second year in a row. She will be returning to American University in Washington, D.C. at the end of the summer, and, I might add, Jeana really cut her teeth the hard way last year when she spent most of the summer walking from house to house with me back in the 16th Senatorial District. With her is a very special guest we have today, Laurent Madec. Laurent is from Brest, France, and is spending three and a half weeks in the United States learning as much as he can about our country and about our political system today here in Harrisburg. He is a 17-year-old student and, as I indicated, will be returning, we hope, somewhat enriched from the experience that he observes here and other places in the country, and I would appreciate a traditional warm welcome from the Senate for these two young people.

The PRESIDENT. Would the guests of Senator Afflerbach please rise so we could welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

## GUESTS OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE

Senator BORTNER. Mr. President, I would like to introduce three very important guests visiting from York County today. Seated in the gallery is Penny Jordan, the York County Dairy Princess. Along with her is Annie Rauhauser who is the alternate York County Dairy Princess, and accompanying them is Pam Kilgore, also from York County.

I would remind all the Members that today out in front of the Capitol they will be serving ice cream. You may want to make a visit there and also visit with some of the special guests who are here with the Dairy Association. I would ask the Senate to extend its usual warm welcome to my visitors.

The PRESIDENT. We thank the visitors of Senator Bortner for coming to the Senate and offer you our best wishes.

(Applause.)

## ANNOUNCEMENT BY MINORITY WHIP

Senator LINCOLN. Mr. President, it is my very great pleasure to make an announcement to my fellow Members of the Senate that one of our colleagues became a grandfather for the fifth time last night, and mother and new baby daughter are doing very well. Senator Stout and his lovely wife Lenore became grandparents for the fifth time with a nine pound—as only Barry could explain to me—butterball baby. I know he is relieved that mother and baby are doing very well, and Lenore is, I think, pleased. I look forward to seeing her and congratulating her. I think that Barry is slowly moving into the position of replacing former Senator Jim Ross in putting together a tremendous Democratic team in some future date. He is only about 30 behind Jim Ross, but with six children of his own I think that at some point in time he will catch him, particularly the way it seems to be that the productivity in that family went from one generation to the next. I want to enter on the record my sincere congratulations to both Barry and Lenore and continued health for the mother and baby.

The PRESIDENT. I am sure the Members of the Senate would join in a round of applause for Senator Barry Stout in becoming a grandfather for the fifth time.

(Applause.)

## SPECIAL ORDER OF BUSINESS

### SUPPLEMENTAL CALENDAR NO. 1

### BILLS ON SECOND CONSIDERATION AND REREFERRED

**HB 221 (Pr. No. 2301)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of a summer foreign language academy program for secondary school students throughout this Commonwealth; and providing for powers and duties of the Department of Education.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

**SB 953 (Pr. No. 1024)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring interest to be paid on certain late subsidy payments to school districts.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

## CONSIDERATION OF CALENDAR RESUMED

### BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

#### SENATE NONCONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

**HB 89 (Pr. No. 2253)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the Pennsylvania Game Commission and for senior resident license qualifications; authorizing certain disabled persons to hunt with crossbows; and deleting certain license requirements for regulated hunting grounds.

Senator LOEPER. Mr. President, I move the Senate do nonconcur in the amendments made by the House to Senate amendments to House Bill No. 89, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 279, 401 and 1007** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS LAID ON THE TABLE

**HB 1020 (Pr. No. 1554)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," further providing for the entry, extension and discharge of tax claims.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 1109 (Pr. No. 1226)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

### BILLS ON SECOND CONSIDERATION

**SB 1197 (Pr. No. 1388)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to high-risk pregnancy and high-risk infant follow-up programs and services for pregnant and postpartum substance-abusing women and their newborns; defining Department of Public Welfare and county children and youth social service agency responsibilities; and making an appropriation.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**HB 1344 (Pr. No. 2096)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to agriculture and rural youth; creating an Agriculture and Rural Youth Organization Grant Program; imposing duties on the Department of Agriculture; and making an appropriation.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

### SECRETARY OF COMMUNITY AFFAIRS

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Karen A. Miller, 120 North 11th Street, Reading 19601, Berks County, Eleventh Senatorial District, for reappointment as Secretary of Community Affairs, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—46

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bortner	Hopper	O'Pake	Stapleton
Brightbill	Jones	Pecora	Stewart
Corman	Jubelirer	Peterson	Stout
Dawida	LaValle	Punt	Wenger
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis		

## NAYS—2

Salvatore Tilghman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.  
Ordered, That the Governor be informed accordingly.

## NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

## MEMBER OF THE INDUSTRIAL BOARD

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin T. Pawlowski, 300 Tioga Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified, vice L. Robert Kimball, Ebensburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS

July 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary P. Portis (Public Member), 1015 Manhattan Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael C. Wood, P. O. Box 12, Beach Lake 18405, Wayne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—48

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bortner	Hopper	O'Pake	Stapleton
Brightbill	Jones	Pecora	Stewart
Corman	Jubelirer	Peterson	Stout
Dawida	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

## DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David J. Murphy, Esquire, 1 Scott Lane, Aston 19014, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-2-38, to serve until the first Monday of January, 1992, vice Henry J. Silva, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred:)

Senator ARMSTRONG. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—22

Afflerbach	Fumo	Mellow	Schwartz
Andrezeski	Jones	Musto	Stapleton
Belan	LaValle	O'Pake	Stewart
Bortner	Lewis	Reibman	Stout
Dawida	Lincoln	Scanlon	Williams
Fattah	Lynch		

**NAYS—26**

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**UNFINISHED BUSINESS****CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Dr. Charles H. Ewing by Senator Greenleaf.

Congratulations of the Senate were extended to Lawrence J. Kutney and to Doylestown Lions Club by Senator Greenwood.

Congratulations of the Senate were extended to Reverend Asa Roberts by Senator Hart.

Congratulations of the Senate were extended to Robert M. Hetrick by Senator Jubelirer.

Congratulations of the Senate were extended to Christie Robinson, Robin Wilbur, Candice May Kennedy, Melanie Hottenstein and to Shannon Peterman by Senator Madigan.

Congratulations of the Senate were extended to Adam M. McFetridge by Senator Peterson.

Congratulations of the Senate were extended to Robert Schettler by Senator Robbins.

Congratulations of the Senate were extended to Martha V. Feidt and to Harrisburg Jaycees by Senator Shumaker.

**CONDOLENCE RESOLUTION**

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to Mrs. Rita Pellow on the death of James A. Pellow by Senator Fisher and others.

**ANNOUNCEMENT BY THE SECRETARY**

The following announcement was read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA****COMMITTEE MEETING**

WEDNESDAY, JULY 17, 1991

9:45 A.M. APPROPRIATIONS (to Room 461  
consider Senate Bills No. 4th Floor  
899, 1131, 1132, 1133, 1134, North Wing  
1135, 1136, 1137, 1138, 1233  
and House Bills No. 185, 221,  
547, 1055, 1105, 1106, 1319,  
1320, 1322, 1323, 1536, 1607  
and 1644)

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. Senator Loeper has asked for a recess of the Senate to the call of the President pro tempore. The Chair hears no objection to the call, and the Senate will therefore stand in recess.

**AFTER RECESS**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Hopper and his temporary Capitol leave will be cancelled. The Chair also notes the presence of Senator Brightbill and his legislative leave will be cancelled as well.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, July 17, 1991, at 5:30 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JULY 17, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 53

### SENATE

WEDNESDAY, July 17, 1991.

The Senate met at 5:30 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Our Heavenly King and Comforter, we invoke Your blessing on this Senate Chamber this afternoon. Enlighten the mind of each Senator with Your divine spirit so that the legislation which is enacted will be according to Your will rather than the will of men. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 16, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE WASHINGTON CROSSING PARK COMMISSION

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen A. Heinz, 1355 Edgewood Road, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified, vice Sandra Kelly, Philadelphia, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE WASHINGTON CROSSING PARK COMMISSION

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles H. Steinbach, 923 Dick Avenue, Warminster 18974, Bucks County, Tenth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified, vice Anthony Garvan, Ph.D., Spring House, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE BLAIR COUNTY BOARD OF ASSISTANCE

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John D. Faulds (Republican), Box 3, Sylvan Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Gregory L. Murawsky, Altoona, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE BLAIR COUNTY BOARD OF ASSISTANCE

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul E. Hair (Republican), 203 Llyswen Court, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Father Bonaventure Midili, Altoona, resigned.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Isacke (Republican), 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Barry J. Halbritter, Duncansville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jody Huston (Republican), 1507 Oneida Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice W. Ruth Barner, Huntingdon, resigned.

ROBERT P. CASEY.

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

SECRETARY OF COMMERCE

July 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 17, 1991 for the appointment of Andrew T. Greenberg, 931 North Front Street, Apartment 507, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as Secretary of Commerce, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Raymond R. Christman, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

July 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomina-

tion dated July 15, 1991 for the appointment of John Hohenwarter, 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified, vice Evelyn C. Marboe, State College, confirmed to another position.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

BILL INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bill numbered, entitled and referred as follows, which was read by the Clerk:

July 17, 1991

Senators RHOADES, FATTAH, BAKER, REIBMAN, MADIGAN, GREENWOOD, CORMAN, BELAN, BORTNER, SCHWARTZ, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1268**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a parent involvement program and for curriculum regulations.

Which was committed to the Committee on EDUCATION, July 17, 1991.

GENERAL COMMUNICATION

ONE HUNDRED TWENTY FIRST ANNUAL  
REPORT OF THE BOARD OF DIRECTORS  
OF CITY TRUSTS OF THE CITY  
OF PHILADELPHIA

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

CITY OF PHILADELPHIA, TRUSTEE  
BOARD OF DIRECTORS OF CITY TRUSTS

July 9, 1991

Mr. Mark Corrigan  
Secretary of the Senate  
Commonwealth of Pennsylvania  
Main Capitol Building  
Harrisburg, PA 17120

Dear Mr. Corrigan:

I am pleased to enclose herewith the One Hundred Twenty First Annual Report of the City of Philadelphia, Trustee, acting by the Board of Directors of City Trusts.

Sincerely,

MARLENE BRENNER  
Secretary

The PRESIDENT pro tempore. This report will be filed in the Library.



**REPORT FROM COMMITTEE**

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

**HB 221 (Pr. No. 2301) (Rereported)**

An Act providing for the establishment of a summer foreign language academy program for secondary school students throughout this Commonwealth; and providing for powers and duties of the Department of Education.

**LEGISLATIVE LEAVES**

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Bell.

The PRESIDENT pro tempore. Senator Loeper requests a legislative leave on behalf of Senator Bell. The Chair hears no objection. That leave is granted.

Senator STAPLETON. Mr. President, I request a legislative leave for Senator Lynch and a temporary Capitol leave for Senator Williams.

The PRESIDENT pro tempore. Senator Stapleton requests a legislative leave for Senator Lynch and a temporary Capitol leave for Senator Williams. The Chair hearing no objection, those leaves will be granted.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 1****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 221 (Pr. No. 2301)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of a summer foreign language academy program for secondary school students throughout this Commonwealth; and providing for powers and duties of the Department of Education.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—46**

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart

Corman  
Fattah  
Fisher  
Fumo

LaValle  
Lemmond  
Lewis  
Lincoln

Punt  
Reibman  
Rhoades

Tilghman  
Wenger  
Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**SB 1197** and **HB 1344** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**SB 279, 401** and **1007** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**UNFINISHED BUSINESS****CONGRATULATORY RESOLUTIONS**

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Aaron J. Brubaker, Mr. and Mrs. Jacob L. Brown, Mr. and Mrs. John O. Brown, Mr. and Mrs. Fred H. Ranck, Mr. and Mrs. Homer C. Bachert, Mr. and Mrs. John L. Summers, Mr. and Mrs. Richard Geiger and to Zachariah Blott by Senator Armstrong.

Congratulations of the Senate were extended to the Kiwanis Club of Erie by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Regis Klug by Senator Bodack.

Congratulations of the Senate were extended to Sylvia L. Cauchon and to members of the Georgia, SSR Folk Dance Collective by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Thurlow V. Borley, Mr. and Mrs. Carl H. Hepner, Mr. and Mrs. Harold C. Casper, Mr. and Mrs. Fred Glaes, Mr. and Mrs. Stewart Biehl, Mr. and Mrs. C. Malcolm Smith and to Saint Michael's Union Church of Tilden Township by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Myers and to Captain Douglas E. Ryan by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Alec Makitka by Senator Dawida.

Congratulations of the Senate were extended to Brett Englesberg and to Kevin J. Knox by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Edwards and to Mr. and Mrs. Franklin W. Powers by Senator Greenleaf.

Congratulations of the Senate were extended to Jordan L. Ryalls by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. James Thrash, Mr. and Mrs. Guy Krum, Mr. and Mrs. Robert Woodruff, Mr. and Mrs. Francis Downs, Mr. and Mrs. John Rinehart, Mr. and Mrs. Eugene Kline, Mr. and Mrs. Joseph D. Daku, Mr. and Mrs. John Unbewust, Reverend and Mrs. Raymond Hershey, Mr. and Mrs. Foster Furman, Mr. and Mrs. Kenneth Woodhead and to the Friendship Fire Company of Danville by Senator Helfrick.

Congratulations of the Senate were extended to 1991 Black Family Reunion Celebration by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas J. Hazenstab, Mr. and Mrs. C. Melvin Sponsler, Mr. and Mrs. Edgar M. Bragonier and to Minnie B. Cunningham by Senator Jubelirer.

Congratulations of the Senate were extended to White Mills United Methodist Church by Senator Lemmond.

Congratulations of the Senate were extended to Richard Dale Rosner, Jr. by Senator Lincoln.

Congratulations of the Senate were extended to Paul Edward Serkosky and to Reverend Monsignor Kenneth T. Horan by Senator Mellow.

Congratulations of the Senate were extended to Francis P. Zelenak by Senator Musto.

Congratulations of the Senate were extended to Washington Township Recreation Commission by Senator Porterfield.

Congratulations of the Senate were extended to Stewart Sims by Senator Robbins.

Congratulations of the Senate were extended to Paul P. Norkas and to Advanta Corporation of Horsham by Senator Salvatore.

Congratulations of the Senate were extended to Carrie Coleman Koppenhaver, Mr. and Mrs. Paul E. Gutshall, Mr. and Mrs. Harvey Etter, Mr. and Mrs. George Hirschmann and to David M. Sherrick, Jr. by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. W. Ernest Goss, Mr. and Mrs. Wallace Leverne Fleming and to Mr. and Mrs. Clarence O. Orf by Senator Stapleton.

Congratulations of the Senate were extended to Paul M. Bonfanti and to Tom Fry by Senator Stewart.

#### POINT OF INFORMATION

Senator LINCOLN. Mr. President, I rise to a point of information.

The PRESIDENT pro tempore. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, on the Calendar, are we to the point of Petitions and Remonstrances?

The PRESIDENT pro tempore. We are ready for adjournment, Senator. We have passed that, but if you wish to do

that, we have not adjourned yet, and if you wish to return to that order of business, I am sure we can accommodate you.

#### PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, during the last 24 hours there has been a change in the manner in which we have been operating, trying to negotiate the budget. I think that is very apparent. We have already expressed ourselves, the leadership on this side, on why we have taken the position we have. Today in Petitions and Remonstrances I would like to get a little bit further along in the process of at least answering some questions in my own mind.

Every day at noon throughout this building there are demonstrations by state employees. Unfortunately, that is the only pressure that seems to be building. I do not see that happening in Pittsburgh or Philadelphia or Uniontown or Williamsport, or wherever. I understand that there are Senators who represent a few state employees and there are Senators who represent a couple more and then there are some like Senator Hopper and Senator Shumaker who represent the bulk of the state employees because of where their districts are located and because of where the state employment is generally located, and I am wondering how Senator Hopper and Senator Shumaker are answering the pleas and the outrage expressed by those demonstrators here in this Capitol building. I know I have answered them by saying to them I am ready to vote at any time in this Chamber for a budget that will substantially fund state government and that I am willing to vote for the taxes necessary to fund that particular budget. We have been thwarted both procedurally and scheduling-wise on the Chamber floor by the Majority Party here in the Senate, and we have, unfortunately, been thwarted by the Majority Party and their counterpart, the Minority Party in the House. I just cannot imagine two people who I have learned to respect a great deal over the years that I have dealt with them, John Hopper and John Shumaker, the intense pressures and the personal feelings they have to be having for individuals who are not going to get paid for the services performed, particularly when their area has been one of the few areas in Pennsylvania that has never had the kind of high unemployment that those of us from southwestern Pennsylvania and from northeastern Pennsylvania and other parts of the state have had to suffer. I would hope that the obstinate positions that have been taken by the Minority Leader in the House and the Republican leadership here in the Senate on refusing to put something on this Calendar where we can offer amendments for a tax package, where we can offer true amendments to have a budget that is funded at the level that we cannot seem to come in agreement to whenever we are meeting in private meetings, if the private part of this procedure is not working, then I would hope at some point in time the two very fine gentlemen who represent a great portion of central Pennsylvania where a tremendous amount of state employees live, that they would start urging their leadership to approach this subject in a little different manner. It is now the

17th of July. We ought to be ashamed of ourselves, collectively. All of us at some point in time ought to have to answer to our constituencies for our irresponsible actions, in fact our lack of responsible actions. I am not saying this in any manner to hurt in any way politically the two gentlemen I have spoken of because I have never had any intentions of being involved in their campaigns, but I think all of us, both Republicans and Democrats, next year are going to face Primary Elections and General Elections. The Republican Party in this state is going to field candidates in the Primary Election, and in districts where you cannot lose a General Election you better start thinking about the primaries because the anti-incumbency is already there to the greatest extent in my lifetime, and we are not doing anything but fueling that particular feeling by how we are acting in this budget process. I would like to see at some point in time a more responsible position taken by rank-and-file Members in both caucuses, and I believe the place where that is going to have to start in the Republican Majority is going to be the two Senators who represent a great, great portion of the state employee population in this state.

Senator HOPPER. Mr. President, since my name was mentioned I guess I better say something. I went out in the hall when those people were going through the halls like a herd of cattle, and I mentioned that we had passed a stopgap because I felt they were complaining about not getting their paychecks. I was told that the other side of the House, the House of Representatives, and the Governor's Office under no circumstances would want a stopgap and the stopgap was for 30 days to see that those people got a paycheck to pay their car payments or buy groceries, or whatever, until a budget could be considered. I talked to some of the people, and I did go out in the hall downstairs because my office is on the first floor, and they were stampeding by there like a herd of cattle. I mentioned it to them and some of their leaders came over and said, yeah, but we want a budget. I said, well, that is being worked on, but the Constitution says that all tax bills—and Senator Fisher mentioned that it is Article III, Section 10—originate in the House of Representatives, and all we were trying to do was to get them a 30-day stopgap so they could get paid. So we did try.

Senator LOEPER. Mr. President, it had not been my intent initially to respond to the gentleman's remarks. However, I think, in light of the fact that there were Members named as far as their involvement in this process, it might be well to place on the record exactly what some of that involvement has been of the rank and file. Maybe the gentleman is not aware that both Senator Hopper and Senator Shumaker have been meeting on a regular basis with the state employees who are in this Capitol, that both men are extremely sensitive to the needs and the concerns and the hardships that are being experienced by those state workers who may have to suffer needlessly because their regular paychecks are not coming in a timely fashion. I might specifically note, Mr. President, that Senator Shumaker, in particular, did correspond with the Governor, Governor Casey, just yesterday and indicated to him that this Friday was a scheduled payday, once again, for

tens of thousands of state employees and that the payment this week is due for the period of the last week of June and the first week of July. Based on the administrative order of Judge Craig, it was Senator Shumaker who requested of the Governor, and my understanding is today the Governor and Budget Secretary agreed that those workers will receive a check for one week, that last week of June, that will be paid in a timely fashion, if not exactly on Friday, as soon as the checks are processed the beginning of next week. So I think for the gentleman to say that they are not concerned about the process, not aware of the process is truly without any type of merit. I think, if anything, Senator Hopper and Senator Shumaker are to be commended for their lead and their sensitivity in trying to meet the needs of state employees during this time of budget crisis. I would also like to indicate, Mr. President, that I think when we talk about the process, at least the Majority on this side of the aisle has continuously tried to negotiate in good faith with or without our counterparts on the other side of the aisle. Just last evening, even though, unfortunately, the Minority Party was not able to be represented, we met with the Budget Secretary of this Commonwealth. We spent about three hours going over various components of a spending plan to try and gain input and resolve outstanding issues and also to get an assessment from the Budget Secretary as to what his views may be on some of those outstanding issues so that we could work collectively together as four caucuses in consonance with the Budget Secretary and the Governor to try and resolve some of those outstanding issues. In addition to that, late last evening I met with the Majority Leader and also the Majority Chairman of the Committee on Appropriations of the House up past midnight last night and this morning continued those meetings to try and resolve the budget crisis that is before us. In fact, at noontime today I had an opportunity to meet with the Governor himself to discuss the progress or lack of progress that was being made in the process, and it is my hope, Mr. President, that all parties involved in negotiations, all Members of this General Assembly, will work together in order that we can come to a satisfactory conclusion and put a budget into place that is going to address all needs of the citizens of this Commonwealth.

Senator LINCOLN. My, how that man has learned to talk. My, has he improved since I first met him and he became the Majority Leader. Incredibly well done, Joe. I think I have to say that my respect for you is growing in leaps and bounds, and I want to tell you how well you have presented your position, but I want to have an opportunity to maybe just go boop, boop, boop and shoot a little hole in it every once in a while. Incredible how we talk about good faith and we have been negotiating for so many weeks that it is hard for me to keep track, and we have not concluded one item where there is 100 percent agreement, not one. We get to 95 percent and then the Majority Party says, let us go to another issue. There has been a deliberate effort to keep anything from being concluded completely, because then we are taking a step towards conclusion of the process and then we have to come to the conclusion that we are going to vote for taxes, and that is the

issue that seems to be the bottom line in this discussion, not what we are going to spend. I have found the Republican Party to be very, very cooperative in putting together a spending plan. It is when we start talking about taxes that they become a little less cooperative. I think it is interesting you are talking about your meeting with the Majority Party in the House and your meeting with the Governor, and I think it is safe for me to say, representing my leadership over here, you put something together and we will do what you have been doing for the last six months, we will tell you that we will give you two votes towards passing whatever you put together.

The second thing I would like to talk to Senator Hopper about is, yes, you did pass a stopgap, one that handled the medical assistance and debt service and cash grants. That was on Sunday, I think, the 30th of June. Then you did pass something else that was a 30-day, but it did not work. It did not work. Do you not understand that herd of cattle that goes by you in your hall is doing that because it did not work? We do not have a solution. We do not have a budget. We do not even have a stopgap because what was passed here was not workable. The House passed a budget. They sent a budget, a spending plan, to us with 102 Democrat votes that has been in this Committee on Appropriations since it passed and came to us. Wherever it is at, it is here. There is a budget here. All we have to do is bring it out of that Committee on Appropriations and pass it, and I want to tell you—we will go beyond that a little bit—in the Constitution that Senator Fisher read to us, he conveniently left out a sentence of the Constitution when he put it on the record that day, and Senator Hopper has conveniently quoted Senator Fisher, but there is another part of that Section 10 in the Constitution entitled "Revenue Bills" and it says, "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills." That is not a scapegoat for you guys and it is not an excuse for not doing it. If I represented a district that had as many state employees and my area benefited as much as this area does from having the Capitol in it, I would probably be walking with that herd of cattle when they went by my office and raising hell about my leadership not putting something on the agenda that I could vote for the taxes in the budget necessary to put that in place so that I would not have to have those people walking through my halls and disturbing my day. I want to say to you now that we are prepared, as we have been in the past, to put up our portion of the hard votes to make this work. Whatever that number may be, we are going to come to that conclusion at some point in time, and from what I hear and what I see and how we are doing it, it is going to be August 17th before we get the damn thing done. All I am saying to you today is that we are going to start pointing out where people should be showing their responsibility because of where they represent, and the very first place I believe we ought to be looking at is the two Republican Senators who represent the bulk of the state employees who work in this Capitol and provide a great deal of taxes for this area and a great deal of the prosperity, and I think it is incumbent upon them to lead the way if their leadership cannot do it.

(The following prepared statement was made a part of the record at the request of the lady from Philadelphia, Senator JONES:)

On June 26, 1990, I introduced Senate Bill No. 1706 to establish a statewide program to continue health insurance coverage for persons with AIDS by having the state pay the cost of the premiums. My office worked with the Departments of Health, Public Welfare and Insurance to review my proposal and to determine the estimated savings. The work group determined that for every dollar we spent for insurance premiums, we would save between \$7.00 and \$8.00 that the medical assistance program otherwise would have spent. After a thorough review of the proposal, an application was submitted to the U.S. Department of Health and Human Services for funding for the health insurance buy-in program under the Ryan White Comprehensive AIDS Resources Emergency Act on March 1, 1991.

I am very pleased to announce that the federal government has approved the proposal as a pilot program in the Philadelphia and Pittsburgh areas. Funding is available until March 31, 1993. By January 1, 1992, the first group of eligible individuals will be recruited, approved and have their insurance premiums paid by the pilot program. During the first year, we will evaluate the operations and the results and I expect that when the value of this program can be shown, it will be implemented on a statewide basis. Early estimates are that we can save over a million dollars a year by my proposal.

It is especially gratifying to me that a program that can assist people to continue their chosen course of health care can also save money that can be used by others in need of governmental help. I also want to thank the Departments of Health, Public Welfare and Insurance for helping to make my proposal a reality.

## RECESS

Senator LOEPER. Mr. President, I would move that the Senate do now recess to the call of the President pro tempore.

The PRESIDENT pro tempore. It is moved by Senator Loeper that the Senate do now recess to the call of the President pro tempore. The Senate is recessed to the call of the President pro tempore.

## AFTER RECESS

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet immminently in the Rules room to consider certain Executive Nominations.

**DISCHARGE PETITIONS**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 17, 1991.

**A PETITION**

To place before the Senate the nomination of Charles Lieberth as a member of the State Civil Service Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Charles Lieberth, Pittsburgh, Pennsylvania, as a member of the State Civil Service Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 17, 1991.

**A PETITION**

To place before the Senate the nomination of the Honorable Arthur A. Davis as Secretary of Environmental Resources.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of the Honorable Arthur A. Davis, Camp Hill, Pennsylvania, as Secretary of Environmental Resources, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, July 17, 1991.

**A PETITION**

To place before the Senate the nomination of the Honorable Constance B. Foster as Insurance Commissioner.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of the Honorable Constance B. Foster, Hershey, Pennsylvania, as Insurance Commissioner, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT. The communications will be laid on the table.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to convene immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Senator Loeper has asked for a brief recess of this Session for the purpose of a meeting of the Committee on Rules and Executive Nominations. Would all the Members of the Committee on Rules and Executive Nominations please meet in the Rules room at the rear of the Senate Chamber. For the purpose of conducting that meeting, the Senate will stand in brief recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION**

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John I. Enck, Jr., V.M.D., 120 Garfield Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION**

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert T. Gabel, R. D. 4, Box 235, Gable Road, Newport 17074, Perry County, Thirty-third Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION**

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas E. McIlwain, Star Route, Box 91, Spring Church 15686, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Chris D. Kimmel, Shelocta, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION**

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sherbyn W. Ostrich, V.M.D., Eagle's Peak Farm, R. D. 2, Box 208, Robesonia 19551, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE STATE CIVIL  
SERVICE COMMISSION**

May 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Lieberth, 106 Pointvue Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Therese Lemelle Mitchell, Harrisburg, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sister M. Lawrence Antoun, Ph.D., Villa Maria College, Erie 16505, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1996 or until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward R. Donley, 326 North 27th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified, vice Henry C. Messinger, Allentown, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Smith, 1079 Meadowlark Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1996 or until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, S. Keith Spalding, P. O. Box 206, Hopeland 17533, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1994 or until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lydia Hernandez Velez, Esquire, 2010 Parrish Street, Philadelphia 19130, Philadelphia County, Second Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1994 or until her successor is appointed and qualified, vice Elizabeth J. Harper, Monroeville, whose term expired.

ROBERT P. CASEY.

**INSURANCE COMMISSIONER**

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Constance B. Foster, 1079 Beech Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alice Atwater, F98, 500 East Marylyn Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Victor F. Greco, M.D., E-Z Acres, R. R. 1, Drums 18222, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Gary W. Lyons, M.D., Erie, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alvin A. Kinsel, M.D., 222 Margery Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jason S. Shu, M.D., Montoursville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

June 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Francis R. Grady, 815 Mandy Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF SHIPPENSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Douglas P. Harbach, 52 Wagner Road, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Paul E. Bogar, Shippensburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William L. Sheperd, V.M.D., R. D. 1, Box 394A, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Susan McDonough, V.M.D., Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Madge Finney, 105 Gibson Road, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Alice Goldberg, Monongahela, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark J. Bilik, R. D. 3, Box 7, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-3-08, to serve until the first Monday of January, 1992, vice Michael Giannini, mandatory retirement.

ROBERT P. CASEY.  
DISTRICT JUSTICE

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angelo Caruso, 224 Irving Avenue, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-02-08, to serve until the first Monday of January, 1992, vice Anthony Angelo, resigned.

ROBERT P. CASEY.  
NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

#### **COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### **SECRETARY OF COMMERCE**

July 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 17, 1991 for the appointment of Andrew T. Greenberg, 931 North Front Street, Apartment 507, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as Secretary of Commerce, to serve until the third Tuesday of January,

1995 and until his successor shall have been appointed and qualified, vice The Honorable Raymond R. Christman, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

July 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 15, 1991 for the appointment of John Hohenwarter 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified, vice Evelyn C. Marboe, State College, confirmed to another position.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

#### **LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Bell and Senator Lynch. Their legislative leaves will be cancelled.

#### **ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, July 22, 1991, at 2:25 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JULY 22, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 54

### SENATE

MONDAY, July 22, 1991.

The Senate met at 2:25 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Our Heavenly Father, mindful of the countless blessings You have bestowed upon the State of Pennsylvania, and in particular upon this Senate, we once again humbly implore Your presence and guidance in this Chamber as we endeavor to resolve the monetary needs of our government. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 17, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

July 17, 1991

**HB 1470** — Committee on Public Health and Welfare.

July 22, 1991

**HB 536** — Committee on Banking and Insurance.

#### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

July 22, 1991

Senators SHAFFER, O'PAKE, SALVATORE, PECORA, HOPPER, HELFRICK, AFFLERBACH, HART, BELL, GREENWOOD, PUNT, RHOADES, CORMAN, ARMSTRONG, ROBBINS, LEMMOND, GREENLEAF and FISHER presented to the Chair **SB 1270**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a small business employee health insurance tax credit.

Which was committed to the Committee on FINANCE, July 22, 1991.

Senators SHAFFER, BAKER, O'PAKE, SALVATORE, PECORA, HOPPER, HELFRICK, AFFLERBACH, HART, BELL, GREENWOOD, PUNT, RHOADES, PETERSON, CORMAN, ARMSTRONG, ROBBINS, LEMMOND, GREENLEAF and FISHER presented to the Chair **SB 1271**, entitled:

An Act creating an incentive for small business employers to offer health insurance to employees.

Which was committed to the Committee on BANKING AND INSURANCE, July 22, 1991.

Senators SHAFFER, BAKER, O'PAKE, SALVATORE, PECORA, HOPPER, HELFRICK, AFFLERBACH, HART, BELL, GREENWOOD, PUNT, RHOADES, CORMAN, ARMSTRONG, ROBBINS, LEMMOND, GREENLEAF and FISHER presented to the Chair **SB 1272**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for group accident and sickness insurance.

Which was committed to the Committee on BANKING AND INSURANCE, July 22, 1991.

Senators ARMSTRONG, MADIGAN, JUBELIRER, HELFRICK, ROBBINS, FISHER, CORMAN, PUNT, BAKER, PETERSON, TILGHMAN, WENGER, BRIGHTBILL, HOPPER, LOEPER, GREENWOOD and HOLL presented to the Chair **SB 1273**, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," further defining "public work" by excluding public school construction projects.

Which was committed to the Committee on LABOR AND INDUSTRY, July 22, 1991.

Senators JONES, MELLOW, SCHWARTZ, BODACK, O'PAKE, LEWIS, AFFLERBACH, LYNCH, REIBMAN, PORTERFIELD, BELAN, STOUT, STEWART, LAVALLE, WILLIAMS, BORTNER, LINCOLN, FATTAH and SCANLON presented to the Chair **SB 1274**, entitled:

An Act designating a bridge in the City of Philadelphia, as the Williams H. Gray III Bridge.

Which was committed to the Committee on TRANSPORTATION, July 22, 1991.

Senator SALVATORE presented to the Chair **SB 1275**, entitled:

An Act amending the act of August 24, 1963 (P. L. 1175, No. 497), entitled "Mechanics' Lien Law of 1963," adding and amending definitions; further providing for rights to a lien, for certain cases when a lien is not allowed, for assignment of claims, for waivers of liens, for owner's right to limit claims, for contents of claims, for owner's right to retain funds, for notice of claims, for contractor's duties, and for owner's additional remedies; and requiring notice of claim by a laborer.

Which was committed to the Committee on JUDICIARY, July 22, 1991.

## REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

### **HB 1319 (Pr. No. 1631) (Rereported)**

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

### **HB 1322 (Pr. No. 1525) (Rereported)**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Jubelirer.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Jones and Senator Williams and legislative leaves for Senator Afflerbach and Senator Lewis.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Jubelirer. Senator Stapleton asks temporary Capitol leaves for Senator Jones and Senator Williams and legislative leaves for Senator Afflerbach and Senator Lewis. The Chair hears no objection. Those leaves will be granted.

## LEAVE OF ABSENCE

Senator STAPLETON asked and obtained leave of absence for Senator STOUT, for today's Session, for personal reasons.

## CALENDAR

### HOUSE CONCURRENT RESOLUTION NO. 157, CALLED UP OUT OF ORDER

Senator LOEPER, without objection, called up out of order from page 2 of the Calendar, as a Special Order of Business, **House Concurrent Resolution No. 157**, entitled:

A Concurrent Resolution designating October 8, 1991, as "Pennsylvania Firefighters' Day."

On the question,

Will the Senate concur in the resolution?

### SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 157

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 157.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

### YEAS—48

Afflerbach	Fisher	Lewis	Reibman
Andrezeski	Fumo	Lincoln	Rhoades
Armstrong	Greenleaf	Loeper	Robbins
Baker	Greenwood	Lynch	Salvatore
Belan	Hart	Madigan	Scanlon
Bell	Helfrick	Mellow	Schwartz
Bodack	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Tilghman
Dawida	LaValle	Porterfield	Wenger
Fattah	Lemmond	Punt	Williams

### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was concurred in.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:30 p.m.

Senator STAPLETON. Mr. President, I would ask all the Democrat Senators to report to the caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1**

**THIRD CONSIDERATION CALENDAR**

**PREFERRED APPROPRIATION BILLS ON  
THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 1319 (Pr. No. 1631)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—48**

Afflerbach	Fisher	Lewis	Reibman
Andrezeski	Fumo	Lincoln	Rhoades
Armstrong	Greenleaf	Loeper	Robbins
Baker	Greenwood	Lynch	Salvatore
Belan	Hart	Madigan	Scanlon
Bell	Helfrick	Mellow	Schwartz
Bodack	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Tilghman
Dawida	LaValle	Porterfield	Wenger
Fattah	Lemmond	Punt	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1322 (Pr. No. 1525)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jubelirer. His temporary Capitol leave will be cancelled.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—48**

Afflerbach	Fisher	Lewis	Reibman
Andrezeski	Fumo	Lincoln	Rhoades
Armstrong	Greenleaf	Loeper	Robbins
Baker	Greenwood	Lynch	Salvatore
Belan	Hart	Madigan	Scanlon
Bell	Helfrick	Mellow	Schwartz
Bodack	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Tilghman
Dawida	LaValle	Porterfield	Wenger
Fattah	Lemmond	Punt	Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION AMENDED**

**SB 1197 (Pr. No. 1388)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to high-risk pregnancy and high-risk infant follow-up programs and services for pregnant and postpartum substance-abusing women and their newborns; defining Department of Public Welfare and county children and youth social service agency responsibilities; and making an appropriation.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?

Senator SCHWARTZ, by unanimous consent, offered the following amendment No. A2201:

Amend Sec. 2, page 2, line 6, by striking out "and develop" and inserting: , develop and expand

Amend Sec. 3, page 2, lines 13 and 14, by striking out all of said lines

Amend Sec. 3, page 3, by inserting between lines 13 and 14:

"WIC." The Women, Infant and Children supplemental food program authorized by section 17(i) of the Child Nutrition Act of 1966 (Public Law 89-642, 42 U.S.C. § 1786(i)).

Amend Sec. 4, page 3, line 16, by striking out "that physician's or health care provider's"

Amend Sec. 4, page 3, line 18, by striking out "The" and inserting: Unless the pregnant woman refuses services, the

Amend Sec. 4, page 3, line 19, by striking out "SOCIAL"

Amend Sec. 4, page 3, line 20, by striking out "and, if necessary, coordinate" and inserting: , coordinate appropriate and

Amend Sec. 4, page 3, lines 22 through 27, by striking out "Upon the birth of a" in line 22 and all of lines 23 through 27

Amend Sec. 4, page 3, line 28, by inserting after "WHO": in good faith

Amend Sec. 5, page 4, line 4, by inserting after "infant": , such determination having been made consistent with standard medical practices,

Amend Sec. 5, page 4, line 26, by inserting after "WHO": in good faith

Amend Bill, page 4, line 30; page 5, lines 1 through 30; page 6, lines 1 through 15, by striking out all of said lines on said pages and inserting:

#### Section 6. Responsibilities of counties.

(a) General responsibilities.—Counties of the first through eighth class funded pursuant to this act shall assign a designated provider or providers in accordance with this act that shall:

(1) Establish protocols between local health departments, children and youth agencies, public and private hospitals and other appropriate local service providers regarding the identification of high-risk infants, the application and use of risk assessments and the coordination of available services.

(2) When referrals of high-risk infants are made, within 48 hours after birth or before hospital discharge if the physician determines a need for extended hospital care, conduct a child welfare risk assessment to determine the level of risk to the infant upon discharge into the existing home environment. Every effort should be made to persuade the mother to allow a risk assessment. If the designated provider's risk assessment indicates that the infant is at imminent risk of harm, or if the mother refuses to allow a risk assessment, the designated provider shall refer the infant to the appropriate county child protective services agency.

(b) Special programs available.—The designated provider or providers shall provide any of the following programs to the extent possible with the funds appropriated pursuant to this act:

(1) An infant follow-up program that includes the following elements:

(i) The ability to accept referrals of high-risk infants from any source.

(ii) The development of referral networks with other local agencies, organizations or persons who are likely to come into contact with high-risk infants.

(iii) The ability to provide up to 12 visits to the home during the first year of the infant's life. At each visit, the infant follow-up provider shall:

(A) Assess the health status of the high-risk infant.

(B) Assure that the family is receiving needed health and social support services.

(C) Provide health guidance and counseling to parents and caregivers.

(D) Provide post partum family planning counseling and instruction.

(E) Review the status of routine immunizations and well-baby care.

(F) Identify the need for and assist in gaining access to such existing services as:

(I) Alcohol or other drug treatment and detoxification programs, licensed under the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act.

(II) Medical assistance, under Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 301 et seq.), including early perin-

odic screening, diagnosis and treatment for individuals under 21 years of age.

(III) Maternal and child health services as established under Title V of the Social Security Act.

(IV) The WIC program.

(V) Programs and services provided under the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966.

(VI) Early intervention services provided under the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act.

(VII) Services provided by a county children and youth social service agency.

(VIII) WIC agencies, family planning clinics, housing programs, county assistance offices, job-training programs, schools, shelters for the homeless and drug and alcohol treatment programs and centers.

(iv) Transportation on an as-needed basis for infant and post partum care.

(2) An outreach services program that includes the following elements:

(i) Outreach workers who canvas in carefully defined target areas and seek clients among well-defined target groups for high-risk infants.

(ii) Outreach workers who are able to communicate effectively with members of the target groups.

(iii) Telephone hotline and referral services that can make prenatal appointments during the initial call and can provide assistance to callers in arranging needed maternity, health and social services.

(iv) Television and radio spots and posters and other written information tailored to and easily understood by the target groups explaining the benefits of prenatal care, the need to begin prenatal care early in pregnancy and the procedure for enrolling in prenatal care.

(v) A system for referring pregnant women to Healthy Beginnings Plus and Maternal and Child Health Services Block Grant outreach services providers.

(vi) A system for referring pregnant women to, and providing outreach services to pregnant women already receiving services at, WIC agencies, family planning clinics, housing programs, county assistance offices, job-training programs, schools, shelters for the homeless, drug and alcohol treatment programs and centers and other health and social services providers.

(vii) Efforts to encourage current program participants to recruit additional participants from their friends, neighbors and relatives.

(viii) Home visiting by outreach workers as a means to follow up on missed appointments and as a means of providing social supports to pregnant women. The number of home visits may not be limited, but the department may require adequate documentation of the need for visits that exceed a preset target established for individuals in the group of which the pregnant woman is a member.

(ix) Transportation on an as-needed basis for prenatal care.

(x) Ambulance services to the pregnant woman's chosen delivery site.

(xi) Initial and ongoing training and supervision of outreach workers on the benefits of prenatal care, the need to begin prenatal care early in pregnancy and the referral systems established by the outreach services provider.

(3) Programs as set forth under both paragraphs (1) and (2).

#### Section 7. Immediate referrals to child protective services.

Nothing in this act shall be interpreted to prohibit any person from referring an infant to the appropriate county child protective services agency if the infant is found to be in imminent risk. Upon the referral of an infant to the appropriate county child protective services agency, the designated provider's responsibilities in section 6 are terminated.

Amend Sec. 9, page 7, line 8, by inserting before "All":

(a) General rule.—

Amend Sec. 9, page 7, line 10, by striking out "shall" and inserting: may

Amend Sec. 9, page 7, line 10, by inserting after "to": the following parties

Amend Sec. 9, page 8, by inserting between lines 3 and 4:

(b) Restriction.—Nothing in this section shall be interpreted to permit the release of any information gathered under this act to any person except those parties listed in subsection (a).

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator SCHWARTZ.

#### BILL OVER IN ORDER

**HB 1344** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**SB 279, 401 and 1007** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### EXECUTIVE NOMINATIONS

##### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

##### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

##### MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John I. Enck, Jr., V.M.D., 120 Garfield Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

##### MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert T. Gabel, R. D. 4, Box 235, Gable Road, Newport 17074, Perry County, Thirty-third Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

##### MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas E. McIlwain, Star Route, Box 91, Spring Church 15686, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Chris D. Kimmel, Shelocta, whose term expired.

ROBERT P. CASEY.

##### MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sherbyn W. Ostrich, V.M.D., Eagle's Peak Farm, R. D. 2, Box 208, Robesonia 19551, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

##### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alice Atwater, F98, 500 East Marylyn Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Victor F. Greco, M.D., E-Z Acres, R. R. 1, Drums 18222, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Gary W. Lyons, M.D., Erie, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alvin A. Kinsel, M.D., 222 Margery Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jason S. Shu, M.D., Montoursville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

June 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Francis R. Grady, 815 Mandy Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF SHIPPENSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Douglas P. Harbach, 52 Wagner Road, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Paul E. Bogar, Shippensburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William L. Sheperd, V.M.D., R. D. 1, Box 394A, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Susan McDonough, V.M.D., Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WESTERN CENTER

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Madge Finney, 105 Gibson Road, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Alice Goldberg, Monongahela, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

May 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis Rossi, 865 Grant Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Paul S. Kelly, Larksville, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark J. Bilik, R. D. 3, Box 7, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-3-08, to serve until the first Monday of January, 1992, vice Michael Giannini, mandatory retirement.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angelo Caruso, 224 Irving Avenue, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-02-08, to serve until the first Monday of January, 1992, vice Anthony Angelo, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE CIVIL  
SERVICE COMMISSION

May 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Lieberth, 106 Pointvue Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Therese Lemelle Mitchell, Harrisburg, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence of Senator Williams. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lewis	Reibman
Andrezski	Fumo	Lincoln	Rhoades
Armstrong	Greenleaf	Loeper	Robbins
Baker	Greenwood	Lynch	Salvatore
Belan	Hart	Madigan	Scanlon
Bell	Helfrick	Mellow	Schwartz
Bodack	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Tilghman
Dawida	LaValle	Porterfield	Wenger
Fattah	Lemmond	Punt	Williams

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

SECRETARY OF ENVIRONMENTAL RESOURCES

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Arthur A. Davis, 25 West Circle Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I would request temporary Capitol leaves for Senator Fumo, Senator Lynch and Senator Mellow.

The PRESIDENT. Senator Stapleton requests temporary Capitol leaves for Senator Fumo, Senator Lynch and Senator Mellow. The Chair hears no objection. Those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Jones is with us. Her temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator PETERSON. Mr. President, I rise reluctantly today to oppose the confirmation of Arthur Davis. I personally like Art Davis. In fact, I like him a lot. He is a nice man. But, I think we have to look at the record today of one of the most important departments that serves this Commonwealth and how it has served the public or has not served the public. I think throughout the '80s there was some improvement in a department that has always been controversial, that has always been difficult to deal with. I had hopes, when Art Davis came in as Secretary, that improvement would continue and that someday we would have a department that you could work with, that you could deal with, that the people could trust and work with, that you would not always have to be mediating for communities, for companies and for citizens who should be able to deal with government themselves. In the early '80s we had a department called PennDOT that was the most disliked, distrusted department in state government. We all knew that. The first few years, I was first a Member of the House in 1977, the first four or five years the majority of

the problems I dealt with were PennDOT. Communities could not deal with PennDOT. Companies could not deal with PennDOT. People could not deal with PennDOT, a state agency that was out of touch with its people. We saw what Dick Thornburgh—and I know that this will raise some eyes on the other side—and Tom Larson did when leadership came to PennDOT. It was reorganized, computerized and became the best run department, in my view, in state government and maybe is yet today. That has not happened in DER. It was improving and that has stopped. In 1986, if my memory is correct, computerization was scheduled for that department, a department with tremendous record-keeping needs. Today in 1991 that computerization is not there. Let us take a look at what a department should or should not do. Let us take stock. Should a department of state government in its regional offices return the phone calls to local officials? Should the mayor of a community be able to get his telephone call answered and his letters answered? I think so. Often not so at DER. Should they get their mail answered in a timely fashion? I think so. Often not true at DER. I am not here to bash DER in toto. Just like PennDOT, the PennDOT that was irresponsible and unavailable and unable and unwilling to work with people. The people in that department were as frustrated as the citizens because the leadership was not there, and that is true of DER. There are a lot of good people in DER. In fact, the majority of them are good people and many of them have shared their frustrations with me. Let us go on. When you have a meeting with DER—I do not know how many you have, but I have had many of them in my district because it dominates my work, it dominates the work of my staff—it is not uncommon to have 10, 12 and 13 people at a meeting that DER is involved in. Is that management of people? It is no wonder they cannot get permits issued. It is no wonder they cannot get their work done when you have 13 people tied up in meetings all day when two or three should be able to do that. They do not manage their people. Should we as Legislators and as citizens be allowed to have information on the educational background and the work experience of DER employees? I think that should be public record. Last fall, I believe it was in August or September, I wrote a letter to Art Davis and I gave him a list of employees, and I asked for not their files, not their personnel records, I asked for their resumes, their colleges, what their education was, what their training was, what positions they filled and what work record they have. I felt that was information I needed and some of my communities needed because they had to deal with these folks. I have been stonewalled. I have followed that up with phone calls. I questioned Arthur Davis in the hearings and he was going to get back to me. As of this day I have no information on those employees that I asked for last fall. Those letters were faxed to his office four and five times after discussions with his legislative liaison. No action. They do not think we have the right to know the resumes and the work records of people who are serving us in DER.

Bureau of Forestry. Now there is one of the bright stars, I think, in DER, a bureau that I think has sort of been

neglected for a couple of decades, one very important to Pennsylvania because of the quality of its forests and the great amount of land we own. We own more land than most states, several million acres to manage, and a lot of the service they provide to individuals also. Would you not think that the Bureau of Forestry would flourish when the manager of DER is a forester himself and his deputy is a forester? Well, you look at the record. The Bureau of Forestry has not flourished and only because of legislative pressure in the last couple of years has any additional effort been made to promote the Bureau of Forestry and the service they provide.

State Parks. Have they flourished under this administration? I think not. If you cannot flourish when a forester is at the top, I think those people have given up. I was at a meeting, a public event last Friday. I was approached by a person that just happened to be there who worked for the Bureau of Forestry. Of course, he was interested in getting his paycheck. I was also approached by a person who works for the state park system. Of course, he was interested in getting his paycheck. Both of them, after discussing the paycheck issue, said to me, you know, it is unfortunate that we have to wear the DER badge and we are not the bad guys. The people who have given this department the bad name are the people who do not wear the badges. We have to wear a DER badge. Is there not some way you can get us out from under this department that we are dying in?

I will give you three or four examples here quickly of issues that I think point this out. I have a small company just a few miles from my home that has been growing. There were 20 employees and then there were 40 employees and I believe there are about 70 employees today. As they grew they kept expanding and they were having some problems with their sewage system. They did the prudent thing. As they built their last building they called DER and said, what do we need to do? Folks, this was 16 months ago. They went to DER and said, tell us what kind of a system would be legal, tell us what kind of a system would work. What is okay? We will do it. No problem. It took that bureaucracy 16 months. I want to tell you if it had not been for me and other people raising hell again, again and again, they would not have gotten their permit last week. They would still be struggling to get that permit so they could put in a system that would handle their sewage. They are in a very rural area. They are out there by themselves. They are isolated. It should not take 16 months to get a simple permit.

To show you an attitude, several years ago I had a company in my district that had been struggling with air quality emissions, and each year they were spending hundreds of thousands of dollars trying to make a system that the designing people said should work. Well, it was not working, and when they would get to capacity they were not meeting the air quality standards. This company got new ownership and was really willing to make a commitment to the environment so they wrote DER a letter and in that letter they said, we do not want to spend the \$200,000 we said we would to modify our air pollution equipment, we want to put in a brand new

system and we will spend \$11 million for state of the art. We already have the design people working overtime. We are committed to meeting the air quality standards in Pennsylvania and no longer having this problem. You know what kind of an answer they got? Instead of thank you, God bless you, we will help you, they got a letter back saying, well, in your letter of such and such a date, when you gave up on your present system you have publicly admitted to us that you did not meet air quality standards the last three years. Because of that we are going to fine you, and they were given a multi-million dollar fine, and if my memory is correct, it was \$88,000 a day thereafter. Sure, I got a call. The president from New York about collapsed. He never, never had been treated like that, and he owns companies all over this country. He had never been treated like that before. He could not believe it was happening to him, that he made a commitment of \$11 million to put in a brand new state-of-the-art system and here he was looking at a multi-million dollar fine. We negotiated for months and we got the fine down to where it was more reasonable but it was still excessive, but that shows you the mentality.

I want to give you another example, and I have this person's permission. This person has spent most of his life in state government. He was a PennDOT district engineer in my district and a very good public servant. He left the department a few years ago and went into consulting work, which he had been in before. As a consultant he took on the job of helping a man put in a little lodge, a 20 bedroom lodge and a dining room up in my district. He was told by people that he had a year to accomplish the fact of getting a sewage permit for an expanded sewage system for that facility. They told him if you do not go to a politician and get help, you will never have your permit. He said, I do not believe that. I have been in government all my life and I know how to deal with bureaucracies. I know how to deal with bureaucrats and I will make it work.

You know this outfit wanted to be open by Decoration Day because in the tourism business from Decoration Day to Labor Day is when you make your money, and about three or four weeks before opening time he came running and said, I apologize that I did not get you involved before but I said I was going to do it myself, I understood government, I knew how government worked. I spent most of my life in government, but I want to tell you, that system is no better than the PennDOT I used to work for. It does not work. I have done everything. I got to the point where I cannot get my phone calls returned and I cannot get my letters returned. He said, I want to tell you I need your help. We helped him, and I think the day before Decoration Day we got the permit issued, but I want to tell you it was not easy and it should not be that way.

Another problem that has been pointed out to me is the department is really being run by the legalese, the legal beagles. I have been told by many people in the department today, because of a lack of management, the lawyers are writing the regulations, not the policy people, not the people who understand oil and gas, not the people who understand coal production, not the people who understand timber har-

vesting and all the other things they deal with. It is the lawyers who are writing the regulations, and the people who have worked in those fields with 15 and 20 years' experience and know what they are doing get so tired of fighting with the legal people in DER that they give up and they roll over and they let the lawyers write the regulations, and that is why our people cannot deal with them. It is a department that does not want a public debate on a lot of issues. They want to write regulations. A couple of examples are wetlands. They are running a wetland program, in my opinion, illegally. I do not think we have ever passed a law in this Commonwealth to deal with wetlands. We have never debated wetlands on this floor. We have never had a budget with the word "wetlands" in it and any money beside its name. Now we have a blackfly program. It is listed in the budget. We have a gypsy moth program. It is listed in the budget. But there is no wetlands program in our old budgets or in our proposed budgets.

Does Art Davis want debate? No.

Does he want a bill passed like we want in the Senate? No.

He wants to write wetlands laws through regulation. I do not think that is appropriate. I think preserving wetlands, the role DER plays in general is the most important agency we have, but it should not be run by bureaucrats writing regulations. We had the gasoline volatility issue that we debated on this floor that we wanted to deal with legislatively; soil and sedimentation, where we had to vote down their regulations through a process that had never been done before because they were a department that would not listen, a department that did not have its ear out there to what would work, to what could get the job done.

I asked several people who I really respect—they are not radicals, they are not people who speak out a lot—and I said to them, give me your view. You work with DER on a regular basis. Give me your view. This one person who I trust as much as I trust anybody said, DER has no sense anymore of public responsibility. They use the technical part of rules, laws and regulations to delay the decision process, instead of getting it done. How do they do that? They use the 90-day rule. Because of this problem in the past, we put rules in that they have to make decisions within a certain number of days. On the 89th day they ask for some more information and the 90-day clock starts again. I have dealt with people who have been going through that process for five, six, seven years and have never seen the light at the end of the tunnel. I asked another fellow who does legal work and does basically environmental issues with four or five states. He told me that he felt Pennsylvania DER is an agency that has lost sight of its mandate. It is too often used as too much subjectivity and application of its standards. I think as you look at the record of this department, we have a department that has lost its direction. We have a department that no longer is serving us well. It does not just restrain trade and business, it restrains protecting the environment. Many of the decisions they need to make, and they labor over for months and years, when they are not made timely, that does not protect our environment, that hurts our environment. It is a department that is too often confront-

tational, too often subjective in its decisions. It is a department that has become the champions of delay, the champions of no decision. It is a department with no clear direction. It is a department that needs to find its way. It is a department that needs a leader.

The people of Pennsylvania deserve a Department of Environmental Resources that is tough but fair. Some say, well, people will never like DER. The State Police of Pennsylvania are highly regarded and they do nothing but arrest people. They do nothing but fine people. They do nothing but put people in jail. People do not hate the State Police. People do not hate the Department of State. People do not hate the Attorney General's Office. They are all prosecutors and people would not hate, and I used the word hate, the Department of Environmental Resources if they were fair, if they got a fair hearing, if their issues were debated and taken care of in a timely fashion. The people in my district are frustrated. The people in my district are angry. We have lost thousands of jobs because of their delay. We have lost all kinds of progress because they will not or cannot make a decision. I think it is time this department of state government has a leader who will lead them out of the wilderness because they have been lost there for a long time. It is time for new leadership at DER. The people in the department deserve it. There are a lot of good people there and it is not a personal attack on their present leader. This job was not cut out for him. We need new leadership in DER and I ask you to not confirm Arthur Davis.

Senator LINCOLN. Mr. President, I am glad that the former speaker, my preceding speaker, said at the end that he was asking for a "no" vote because I was not sure by listening to his remarks just what the final conclusion and the bottom line of those remarks was going to be because it sounded more like an indictment of a system that he helped create and perpetuate over the years than something that Secretary Davis has had all that much to do with. He talked about public responsibility. During the Thornburgh Administration we had a Secretary of DER who left here with a desk full of violations and fines that had never, ever been acted upon. Every one of those had something to do with the environment and damage to the environment. Through the Thornburgh years we saw the reduction of state dollars used to pay payroll over there down to 49 percent. They were taking all the federal money and putting it into administration and cutting forces. The state park problem we have to this day is because so many wage and hour jobs have been cut out and they were cut out during the eight years of the Thornburgh Administration. It was such a disabling budgetary action that it actually has had an impact on our state parks to the magnitude that the House Democrats recognized that and passed a \$300 million bond issue, with \$100 million of that going to trying to solve our state park problems. During this administration—the preceding speaker was so critical of the guardianship of Secretary Davis—we have seen an effort made to revitalize those state parks. We have gone out and taken a look at all the problems and there have been recommendations that have come over here in each budget to do something about the maintenance

problems, particularly in the state park system. We have given this department the responsibility of handling one of the most difficult tasks that any agency has ever had, and that is to deal with solid waste according to the law we have passed here in the General Assembly. We have a low level nuclear siting problem. I stood on the floor of this Senate a couple years ago and offered a series of amendments that would have opened that process up to where with all the problems that everybody is complaining about now, there would have been a great deal more public input, and there were 27 Republican Senators who voted "no" on the amendments and there were 22 Democrats who voted "yes" on seven or eight amendments. We talk about the underground storage bill that has been put into place that is causing a great deal of havoc in the department because we have not given them the staff to handle that particular issue.

PENNVEST. Something that everybody in this room who lives in a rural area or even in some of the urban areas, PENNVEST has been the most successful program in my 19 years in this General Assembly, and Art Davis' leadership as Chairman of the PENNVEST Board and Secretary of Environmental Resources has played an outstanding part in the success of that program.

We heard a little bit of complaining about the wetlands issue. Last Session I was one of the cosponsors of a bill, and I believe it was Senate Bill No. 1310. I do not control the committee system. The Majority Party does, the party of the preceding speaker. That wetlands issue was never faced because some people wrote some letters and said they do not think we should be dealing with it, and Senate Bill No. 1310, which was an excellent start of what could have finally been an outstanding piece of legislation, was never dealt with. That is the problem with DER. Many of the issues that are difficult to deal with that have to generate from within the General Assembly are not given any attention because it is easier not to deal with them. It is easier to let them slide. It is easier to get to the microphone and complain about Art Davis or whoever may be the Secretary over there and quote anonymous employees who are discontented for some reason or another. We have all kinds of problems out there to deal with in the environmental world, and a lot of the problem is that the department has not been funded for a lot of years to the point they should be. I am saying to you that we could probably double their budget right now and it might not take care of the problem, plus getting good employees over there is a problem because of the fact that private industry pays engineers and they pay the geologists and all the other people a hell of a lot more money than state government does and they get a lot better choice, plus a lot of people work there for a while and get their training and then leave and go to work for private industry somewhere. Can that be laid at the feet of Art Davis? I think that is probably one of the most incredibly unjust things that I can see, and I have not really seen much in this General Assembly that could equal how irresponsible it is to lay at the feet of Art Davis the ills of a lot of years at DER. I think it is unfair to him personally. I cannot think of anybody



who has done a better job under the restrictions that we in the General Assembly have placed him under over the past years. I think if you are discontented with DER, fine. If you want to say it is going to be a protest vote against Art Davis because I am discontented with DER, that I cannot get a permit through or that somebody does not do what I ask him to do or one of the district offices got some jerk that I cannot stand, that is a different story because I have heard that for 19 years through a number of different secretaries and three different governors. But I do not believe we have a more outstanding individual in state government than Art Davis, and I think if he is foolish enough to want to continue to do that job, which he evidently is, I think he brings to that job the kind of credentials, the kind of determination and the openness and willingness to deal with issues on an individual basis with people in your district or with you as a Legislator. I believe it is entirely unbecoming of anyone to come before this Body and lay criticism on him for a system that he inherited and he has done a good job of running. It is a hell of a lot better now than it was in 1986. I can tell you that much. I would ask you not to listen to that kind of diatribe on the affairs of state within that department. Yes, there are bureaucrats over there, and, yes, there are things that may be done that could be done quicker, but I can tell you one thing, I have never seen them do anything that would be damaging to the environment, and that is what they are there for. They are not there to provide jobs. They are not there to provide a means of getting something done quicker. They are there to protect the environment. That is their charge. If you do not believe it, go back to the act that originated DER and you will find out that their job is to protect the environment. They just happen to have been thrown into a world created by a president in Washington who has killed our economy here in Pennsylvania, and his vice president who then got elected who has even killed it further. To try to find an excuse for getting around some of the tough environmental laws that we passed here in the General Assembly by saying they ought to just roll over and play dead over there, and that is exactly what the preceding speaker was saying, that whatever we ought to throw at them in a form of a contract, whatever we throw at them in the form of an application for a permit, they ought to just run it through and get it done because that is the important thing. There are days when I feel somewhat uncomfortable with the process over there, but I guarantee you that it is not Art Davis. Art Davis has done an outstanding job, and I believe that he deserves every vote in this Senate to give him the kind of mandate he needs to go ahead and do the job in the future.

Senator CORMAN. Mr. President, we will confirm Art Davis today for another term as Secretary of the Department of Environmental Resources, but I think many of us need to indicate our unhappiness and dissatisfaction with the time he has served as Secretary. You get the job as Secretary, or any other kind of job, I guess you apply for it on your credentials, and certainly Art Davis has fine credentials. If you talk with Art Davis you will find a very kind and compassionate and warm individual, and these are all very important things, but I

think what Art does not seem to have is that dynamic leadership to try to make something happen at DER. That is a very important part of state government, and you must have someone there who can make things happen. I cannot really point to one accomplishment of Art Davis during the period of time he has been the Secretary, and there are certainly lots of areas for him to get involved in in order to try to establish some accomplishments, but I cannot point to any.

I look at the Solid Waste Act that we passed, and under his leadership I see it spiraling ever higher and higher so that fewer and fewer companies will be able to be involved in the process, so we are going to make very, very wealthy those who can provide for the solid waste landfills, but we are going to drive all others out of the business. What is the answer? I do not know what the answer is, but then I am not the Secretary of DER. I think it is his job to try to seek out answers for us. We will eventually say we are doing a better job because we will reduce volumes of household and other solid waste that would normally go into the landfills, but do you know how we are going to reduce those volumes? We are going to reduce those volumes because it would be so expensive to use the landfills that people will not be using them. They will go to the old-fashioned midnight hauling in which they go out in their car at night and throw things out the window and continue to litter the countryside, as they did once before, and they will be back at it again. Whenever the cost of landfilling becomes so great that you are being told you are allowed so many bags of household waste to be placed at the curb, as will come, or so much weight, and beyond that you have to pay extra, and we will not be paying extra, we will go out in the midnight hauling and throw things out the window. I do not see Art Davis trying to help solve this kind of problem but only make it more difficult for anyone to be getting into that type of business.

I also find in the department a department that cannot seem to separate or to establish priorities of how you solve problems. It seems to me that in this great industrial State of Pennsylvania we have created a lot of problems that need to be attended to. They certainly were not created intentionally by anybody but they, nevertheless, were created. We need to attend to them and we need to establish priorities so the monies we have available to solve these problems can be, in fact, placed on those problems that are the most severe, letting those problems that are not nearly so severe to a later time. Yet, I find in one of my counties, Mifflin County, a very small community with a company called Whitehall, and the Whitehall Company has about 48 customers. The average income for these 48 customers is about \$18,000 a year. They have a surface system that provides water. The water is pure. There is nothing wrong with the water. It is good water, and yet they are told by DER that they have to put in a filtration system that is going to cost about a half a million dollars. These 48 people do not have a half a million dollars to put in a filtration system, but yet that does not matter. They have to anyway. When I held a public meeting there, I said to the people from DER, tell us what you are going to do to these

people if, in fact, they just do not do it? I was told, well, we may have to put them in jail. So one of the Amish farmers who was one of the 48 customers said, well, describe jail to me. I will describe what I go through every day milking cows by hand. Maybe jail is better. Obviously, jail is not better. They cannot go to PENNVEST because their water is pure, and PENNVEST monies are going first priority to those communities, and I think rightly so, that have difficulties solving their various impurities that are in the water system. So where does a company like Whitehall go? It seems to me common sense would say we tell them you do not really have a severe problem. We are not going to insist that you go into filtration but we will wait until another time and allow you additional time to solve your problem. I could talk about many Whitehalls all across the six counties I represent where DER just does not seem to have common sense to establish priorities of solving problems but jumps in there saying we are going to solve all the problems today, regardless if you have a problem.

Also, I think the Secretary has given a lot of his responsibilities to the legal staff, which must be gigantic, because it seems like you cannot really ever deal with that department in sitting down with problem solvers but you must deal with legal people who immediately want to get whomever it is who seems to be in trouble under a consent agreement before we can decide how to solve the problem. When you get into their consent agreements they really, in many instances, want to make that participant look like a very bad person or a bad group of people, and that is why we have to have these consent agreements.

Recently we had a longstanding battle between the University Area Joint Authority in the Centre Region near State College and the department over how to solve some problems they had. Finally, the University Area Joint Authority decided to succumb to the pressure of the state, but the state insisted in the agreement they would sign that they had to admit they were bad people, that they had dragged the state out far too long and they were bad people who served on this authority. How ludicrous can you be? While the University Area Joint Authority maybe disagreed on how to solve the problem, never did they disagree that the problem should be solved, and the way DER insists on pounding down people when they come up with consent agreements I think is just ludicrous.

Finally—I am not going to speak here much longer—I just want to share with you what is so very disappointing is the department is saying—and you know, you can say if you want to scream about the department, we will do that, and if you want to scream about the Secretary, we will do that. It seems to me a president once had a sign on his desk that the buck stops here, and it seems to me in DER the buck stops with the Secretary and the Secretary does not even believe in doing as he says. He says when you want to do various things that might affect the environment we will have public hearings and sort it out, but he does not even do that when he does it on his own. There is an area in Clinton County where we have a state

forest that the Secretary decided without a public hearing, without any monitoring wells, without any bonding of the people who would be involved, to just bring Philadelphia's sewage sludge and spread it in a forested area, an area that was destroyed by fire, and we are going to revegetate it much quicker with this Philadelphia sewage sludge. Well, the idea may be a good idea and I may have supported the idea, but I would think when you are talking about things like sewage sludge, bringing it into a rural area and putting it in the mountains where there was a forest fire, that, by golly, there ought to have been a public hearing. We ought to know exactly how it is going to be done. We ought to know what kind of monitoring devices the department would put in place to know things would be done right and, by God, we ought to know if it does not work right that someone is going to be there to fund whatever it is we need to do to right whatever wrong has been done, and this department did not do it that way. He just said, let us do it, and it was done. I think Arthur Davis is a warm, compassionate person who I enjoy talking with. A leader of this department, he certainly is not. I would wish we had enough colleagues who would vote "no" today and get someone else to head this very important department, but that is not going to happen. We will confirm Art today, but I wish he would think about the things I have said today and provide us with new leadership in the next term.

Senator PORTERFIELD. Mr. President, I had many difficulties with DER over the last three years, but I have also found that Secretary Davis is fully aware of the problems DER has. It is personnel. Its various departments create quite a monster as far as being able to supervise, not to mention the logistics of the department, and, as we know over the past several years, permits, lengthy process time, complaints about quality of personnel, all these things are things I have discussed with the Secretary. In the last several months I have had difficulties in my area with septic haulers. The permitting process needs much revamping.

I will be brief in my statements, Mr. President. Mr. Davis has seen fit that the Secretary knows the problems of his department and, therefore, the restructuring plan was put into place two months ago. I know the problems of DER. I think everybody in this Body and in the House knows the problems, and I think people in business in the communities and individuals know that there are problems with DER for the simple reason we have many problems with our environment. The growth of the population, air and water quality are very important things that have been brought to our attention over the past several decades. Secretary Davis is interested in addressing these very important issues, and I believe he will do so. Therefore, Mr. President, I urge the other Members of this Body to vote in the affirmative and give Mr. Davis a chance to put that restructuring plan and personnel in place.

Senator ANDREZESKI. Mr. President, I stand to encourage Members to vote for the confirmation of Secretary Arthur Davis to DER. I find it interesting that we stand here as a Body year after year and pass laws to protect the environment and then rail against the laws, pass other laws to rescind and

change the laws and then go after those whom we have empowered to enforce the laws. We have heard a variety of scenarios where things were not done, permits were not issued and at 89 days the process started again, but some of the other issues that I have seen in my district also include homeowners who have bought homes that are literally in swamps where people have been able to put a road in and drain a swamp, build the homes and every time it rains they have a stream going over their property. We have whole areas where sump pumps are working 24 hours a day because they are in wetlands with homes.

Do we need some regulation? Yes.

Do we need enforcement? Yes.

It is unpopular to do these things and it is unpopular for people to somehow accept the fact that we cannot be all things to all people all the time, but I would like to say that we do have some responsibility as a Body and as a whole to help to protect the environment. Those who do this often are not very popular. Those who do this try to act in a professional manner, in my opinion, most of the time. I would hope that we as a Body would confirm Secretary Davis.

In closing, I again find it ironic that after we pass all these bills to protect ourselves from the environment, we rail against those things we passed.

Senator FISHER. Mr. President, I hope that Secretary Davis has been listening today to the debate because I think he will find how intensely some people feel about the department and about the job which he has done over the past four years, or the past four and a half years now, as the Secretary of the Department of Environmental Resources.

I had the opportunity for four of my ten years when I served as Chairman of the Committee on Environmental Resources and Energy to serve and to work closely with Art Davis when he was the Secretary of the department. Certainly Art Davis is a true gentleman. Art Davis is a very, very decent person. He is also an environmentalist. He brings a background to the department that, perhaps, few of the recent Secretaries have brought to that department. But at the same time, although I have had few personal complaints with Secretary Davis himself about things he has done as Secretary of that department, I have had many complaints that I have voiced for myself, complaints that I have voiced for other Members, complaints that I have had from constituents about problems and particularly about policy of the Department of Environmental Resources. I have heard the complaints today that have been discussed by my colleagues, the gentleman from Venango, Senator Peterson, and the gentleman from Centre, Senator Corman. I have heard the praise that has been heaped upon the Secretary by my colleagues on the other side of the aisle, particularly the gentleman from Fayette, Senator Lincoln. I think that, clearly, when you look at the Department of Environmental Resources, it is not all black or white. The problems that we have seen under the Davis administration existed before Art Davis came and I suspect that many of those problems will continue to exist if, in fact, Art Davis leaves today or whenever Art Davis leaves. The

department was not perfect under the Thornburgh Administration, but the problems have continued. I think what you see and what Secretary Davis, if he has listened, has heard is that many of those problems, instead of getting better, have gotten worse under his stewardship as the Secretary of that department. This is not a condemnation of all the employees at the department. I think I have had, in fact, a very good working relationship with some of the employees, particularly the employees in the southwestern region around Allegheny County. The one thing I have seen in my perspective as chairman of that committee is what I would categorize as at least a partial condemnation of the policy that has been established by the department under Secretary Davis. That policy, I think, has most importantly fostered itself in what I believe would probably be a record number of vetoes of environmental legislation that passed through this General Assembly during any particular administration or any particular governor. I would be willing to bet we had more laws vetoed dealing with the environment during the last four years than any environmental laws in recent years. When you look at that, I think it points to a breakdown, if not a complete at least a partial breakdown, of a working relationship with this Chamber and the other Chamber of the General Assembly. These were not just Republican initiatives. These were initiatives in the coal area, the oil and gas area, problems we dealt with with heavy manufacturers, problems which little business people such as service station dealers face. Certainly, those kinds of policy initiatives and the wrong course of those policy initiatives are items which really have to be laid at the feet of the Secretary, but, yet, as there were failures there also were achievements. I had the opportunity as chairman to work with Secretary Davis on what I think is landmark legislation—Act 101, other legislation dealing with PENNVEST which was shaped jointly by this Chamber, the Hazardous Sites Clean-up Act, which was shaped jointly with both caucuses in this Chamber, and there have been some accomplishments. But yet there continues to be pending problems, problems in the direction of how we will enforce a wetlands policy in this Commonwealth and whether or not a wetlands policy should be enacted under policy as opposed to legislation as defined by the Senate and by the House.

Mr. President, I heard my colleague, the gentleman from Fayette, Senator Lincoln, say that Secretary Davis did an outstanding job as Secretary of this department for the past four years. I have to disagree with that. I do not think he did an outstanding job but I think Secretary Davis, a decent man, did a decent job. I think when I look at the qualifications and when I look at the position I am going to take based on my years of experience, I recognize that this Governor has the opportunity and has, under the Constitution, the prerogative of picking his Secretary. I would hope that Secretary Davis, if he is confirmed, and I suspect that he will be confirmed, will take very seriously the things that have been said here, will take very seriously, the decent man that he is and a man with unique capabilities in this region, the challenge which he will have in the next four years to truly make some changes, to



truly make a difference in this department and truly make a difference to make the kinds of changes that can bring about the kind of environmental policy that I believe many of us have tried to foster. That is a strong, clean, healthy environment with a recognition of the importance of economic development, particularly at a time in this state when all of us feel so strongly about continuing to produce jobs in Pennsylvania.

No, I do not think Secretary Davis did an outstanding job, but I think he is a decent man. I think he is a fine man. I am going to vote for him, but I certainly hope that he takes to mind and to heart those things that have been said here and the shortcomings that those of us who have spoken have tried to point out objectively.

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Bortner and Senator Dawida.

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Tilghman and Senator Loeper.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Bortner and Senator Dawida. Senator Fisher asks for temporary Capitol leaves for Senator Tilghman and Senator Loeper. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator LINCOLN. Mr. President, I have heard several speakers say they hoped that Secretary Davis is listening and will take some heed to the direction in which this debate has gone. I would say to those speakers I am here and I do not know what direction this has gone. I do not know how on one hand there can be such very serious criticism of an individual and then a well, I am going to vote for him kind of an attitude, and I think that is really more unfair than standing up and saying I am going to vote against him because I believe he has not done a good job. I think it is unfair because there are four areas that I have written down here while this debate has been going on that Art Davis has been a national leader in, and that is PENNVEST, he has been a national leader; recycling, he has been a national leader; toxic waste cleanup, he and Pennsylvania have been a national leader; hazardous waste protection, one of the few states that has the courage to take the positions we have taken. And, yes, a lot of that generated from here in the General Assembly, that legislation and the ultimate laws that were passed, but Art Davis has taken what we have given that department and done an outstanding job nationally. I also wonder when I hear about Philly sludge. Ladies and gentlemen, Philly sludge was a long time ago. It was during the Thornburgh Administration that we passed laws because of what the Thornburgh Administration allowed with Philly sludge and Baltimore sludge and all the other places. That is not a problem in any of the rural districts anymore because this administration has done something about it and Art Davis has led that fight. Also, we will talk about Act 101 which is probably the best solid waste act in this country. One aspect of that act that Art Davis had to lead as

the Secretary of Environmental Resources, there were 75 solid waste sites in this Commonwealth that had to be repermited within 24 months, and each one of those applications was anywhere from six inches to a foot thick. Over one million pages were submitted. It took one thousand hours; one thousand work hours to review that part of this process, and out of all of this we have 43 brand new permitted sites and 32 of them did not meet the law. A couple of people in this Senate were so upset that we would not allow environmentally unsound solid waste sites to continue to exist that they actually came here and passed a law that allowed two of them to continue. Do not blame Secretary Davis. He has done exactly what we have dictated and he has done it well. I do not believe anybody should say they are going to vote for him simply because he is a nice guy. The record says he has done a great job. He has been a very low-key, outstanding leader and he does not deserve to be treated like he is being treated here today, but he deserves a mandate to continue to do a very difficult job and to do it in the very good manner that he has. I personally would like to see a 50-0 vote, or however many Members are on the voting rolls today. Art Davis has done a good job. He is going to continue to do a good job, and we are going to continue to give him good legislation and good laws for him to enforce over there. I would ask that we do not let our individual dealings with certain DER people throughout the state color what we are talking about. We are talking about the Secretary, not some inspector or some reviewer, or whatever. Art Davis has done a good job and he deserves to be reconfirmed and we give him the strength that we have from within this Body to go out and do a good job for the next three and a half years.

Senator CORMAN. Mr. President, I only want to correct the record and indicate that the sewage sludge I spoke of was hauled into Clinton County, Pennsylvania, from Philadelphia during the years of 1990 and 1991.

Senator PETERSON. Mr. President, I was not going to speak again, but due to recent comments from the gentleman from Fayette, I feel compelled to. When the statement was made that Legislators here have actually passed laws to allow landfills to continue, I will challenge the gentleman from Fayette to prove that in court because that is not the truth. Those landfills have never even been cited for problems. Just because a member of the Sierra Club made those irresponsible statements to the Associated Press, I talked with the attorney who was involved in that issue just the other day, and he talked about the ridiculousness of those statements in what was said. Those two landfills were allowed to continue to take waste through September. There were a lot of good reasons for that, but I will not go into that today, but those statements were highly inaccurate. Being that I am back at the mike, the gentleman also alluded that I was angry about tough enforcement. That is not what I am angry about. I am angry about unfair enforcement. Let me give you something to show you how a department that has the wrong attitude and is not well managed does not serve us well environmentally. A couple of years ago on Easter Sunday, I got a call from a constituent

who said, I have had it. I said, sir, it is Easter Sunday. I am with my family. I am trying to have a nice day. He said, well, I have fought this problem for four or five years, and I have had it. I have a neighbor who has a tank in his basement where he collects his sewage and every so often he has a grinder and he grinds it up and pumps it out into the ditch. I said, well, he cannot do that. He said, I have had DER here, and they will not do anything about it. Well, we know what happened. I called DER and they gave me the song and dance. I told them they either fix that—they said there was no statute, they had to catch the guy. They had to see him pump it into the ditch. When I got on that agent of DER, it got fixed. That person got prosecuted and that problem was taken care of.

There is a problem presently that I think the Senator from Erie ought to be interested in, where there are two sour gas wells where people have been hospitalized several times. The only time DER comes to the scene is when we apply pressure, and they have been lackadaisical in their efforts to solve that problem. They claim they do not have the equipment and they have at times. We have actually had more help from the Health Department than we have had from DER. These are people who have been ill for almost a year now because of pollution from two gas wells where when they clean the gas they put pollutants into the air and these people have actually been hospitalized. DER has been rude to them at times, has hung up on them at times, and has as much as left these people hanging. That is not an agency that is doing its job.

I just want to share one final incident with you that happened this year. If you have not heard about the Snowman farm, you ought to. The Snowman farm in Potter County is where a disgruntled former employee of a farmer, one of the finest citizens of Potter County, came to DER after he got fired and said, my boss has had an illegal dump on his farm for years and you need to do something about it. DER did their real thorough investigation and they said, boy, this is terrible. I could not find a neighbor, a farmer or anybody in that region of soil service, no one who deals with environmental issues that had ever been interviewed by DER. They did not do an adequate investigation. What they did was enjoin the Attorney General's Office. They marched in there in unison with 20 people with guns on their sides. They walked up to the farmer and they said, we are seizing this piece of property. We are fencing it off. You cannot come on it. You cannot watch. You cannot take pictures. Yes, that happened with the Pennsylvania Department of Environmental Resources. They did not do an adequate, thorough investigation. This man went through hell. This man almost lost his health over this. In fact, the person they were dealing with was the son who had just inherited the farm from his father. A disgruntled employee—DER runs off very unwisely. I will not use the word I was going to use. It is not appropriate here—puts this family through absolute hell. They asked the advice of my staff person for split samples. Every sample you take from this farm, we want one. They have the right. That is law. They are allowed. DER only gave them one out of about 20

samples. It took six months to have the tests back, and it was only from pressure of our office that they finally completed the tests. You know what? They did not find anything significant. This family was put through hell because DER did not do an adequate investigation first, and I want to tell you the threat that was on them with pesticides and herbicides, which every farmer uses and most farmers have put in dumps over the years, the waste cans and so forth, could be challenged with the same thing. That is a department that is not serving us well. That is a department that uses fear and intimidation to scare people. That is not what enforcement is about. Those are not the big bad polluters we want DER to go out and chase, some farmer who is trying to make a living raising potatoes. I do not think so.

In conclusion, I have a friend who has been in the department for many years. He is a supervisor, and he said it is pretty common because of their lack of adequate records, because of their lack of adequate computers. Most people ought to be really doing the job, not spending their time in the caves of all of their offices, going through cardboard file boxes where their records are kept. It is a department that has lost its way. It is a department that needs a Tom Larson type of person to come in here and reorganize it, enforce our laws toughly and fairly but get the job done. Make a decision yes or no. Stamp the permit approved or disapproved. Do not take 16 months. Do not take 18 months. Do not jerk people's lives around. Do not make us in western Pennsylvania lose thousands of jobs because you will not make a decision.

Senator LINCOLN. Mr. President, very briefly, I think I heard the gentleman from Venango, Senator Peterson, say that he would like for me to prove in court whatever took place. I do not have to. It is a matter of public record. The reason why those two people, those two nonpermitted landfills in his district were denied their permits was because they refused to file the applications like the other 75 in Pennsylvania. They refused to do it on a timely basis. They refused to put any information before the department. Instead they ran to Senator Peterson and he passed a law here—and I did not say his name before, but he did—that allowed two unpermitted—questionably whether they were environmentally safe or not—landfills to continue, and he has the gall to stand up and be critical of the department for enforcing the law. Come on. What are we all about here today? I mean, that was done unabashedly and very boldly on the floor here. Instead of going through the same procedure that everybody else went through, those two landfills went to him and he was able to circumvent the law. I do not have to go to court for that. It is a matter of record here in our Journal and down at the department.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—42

Afflerbach	Fumo	Lincoln	Reibman
Andrezeski	Greenleaf	Loeper	Rhoades
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bodack	Holl	Musto	Shumaker
Bortner	Jones	O'Pake	Stapleton
Brightbill	Jubelirer	Pecora	Tilghman
Dawida	LaValle	Porterfield	Wenger
Fattah	Lemmond	Punt	Williams
Fisher	Lewis		

## NAYS—6

Bell	Hopper	Robbins	Shaffer
Corman	Peterson		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

## INSURANCE COMMISSIONER

May 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Constance B. Foster, 1079 Beech Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as Insurance Commissioner, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

Senator SALVATORE. Mr. President, for the sake of the rest of the Members, I am not going to bore them. I intend to vote "no," and I will submit my remarks for the record.

The PRESIDENT. The Chair appreciates the gesture. Without objection, the Senator's remarks will be spread upon the record at this point.

(The following prepared statement was made a part of the record at the request of the gentleman from Philadelphia, Senator SALVATORE:)

Mr. President, I rise to voice my opposition to the confirmation of Constance Foster as Pennsylvania's Insurance Commissioner. I oppose the nominee, Mr. President, because I believe during her first term as Insurance Commissioner she failed the consumers of this state by misleading them with promises of lowered insurance premiums that for too many drivers never became a reality.

Throughout our efforts to devise auto insurance reform legislation, Mr. President, the Casey Administration, through Commissioner Foster, repeatedly talked about a 10 percent reduction in premium costs for those who elected to keep their

tort option and a 22 percent reduction for those who elected to limit their tort options.

And though the legislation crafted by us and ultimately passed by us was intended to do that, the savings were lost to many consumers because the Commissioner went about granting rate increases for many of the companies selling auto insurance. This is particularly true in Philadelphia where drivers pay some of the highest auto insurance premiums in the nation.

Additionally, Mr. President, I think the Insurance Commission has failed in its efforts to enforce the state's laws which are very tough on drivers who operate vehicles that are uninsured.

In Philadelphia, alone, Mr. President, authorities estimate—and some suggest their estimates are conservative—that 50 percent of the motorists are driving uninsured vehicles. There simply is no excuse for that, Mr. President. It is costing every law-abiding driver more in premiums. In Philadelphia the cost of auto insurance for one car is often higher than the property taxes some residents pay. And until something is done to curb this problem, as well as others, the cost of auto insurance in Pennsylvania will continue to climb. I feel, Mr. President, that during her first term as Commissioner, she both misled the consumers of this state and then let them down.

I oppose her confirmation, Mr. President, and urge all of my colleagues to join with me in sending a clear message to the Governor that we will no longer tolerate Cabinet officials who cannot or will not carry out the mandates of their offices.

## LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Williams and Senator Porterfield.

Senator FISHER. Mr. President, I request a temporary Capitol leave for Senator Jubelirer.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Williams and Senator Porterfield. Senator Fisher requests temporary Capitol leave for Senator Jubelirer. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—46

Afflerbach	Fisher	Lewis	Punt
Andrezeski	Fumo	Lincoln	Reibman
Armstrong	Greenleaf	Loeper	Rhoades
Baker	Greenwood	Lynch	Robbins
Belan	Hart	Madigan	Scanlon
Bell	Helfrick	Mellow	Schwartz
Bodack	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Wenger
Dawida	LaValle	Porterfield	Williams
Fattah	Lemmond		

## NAYS—2

Salvatore Tilghman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## UNFINISHED BUSINESS

## CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Cosmopolite Herald of Girard by Senator Andrezeski.

Congratulations of the Senate were extended to Matthew Anthony Falce by Senators Belan and Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Snodgrass, Mr. and Mrs. Joseph C. Wilt, Mr. and Mrs. Gerald M. Snyder, Mr. and Mrs. Richard H. Yost, Mr. and Mrs. Leslie Clough, Jr., Mr. and Mrs. Marlin E. Inch and to Mr. and Mrs. George Mitchell by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Harold J. Bien by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. John Wilska and to the Wilkes University Debate Union by Senator Lemmond.

Congratulations of the Senate were extended to Maxine Burgeson by Senator Peterson.

Congratulations of the Senate were extended to Reverend Paul Strauch by Senator Punt.

Congratulations of the Senate were extended to Reverend and Mrs. Edward McCollough, Mr. and Mrs. Howard C. Bolam, Mr. and Mrs. Forrest Bullman, Mr. and Mrs. William E. Meehan, Mr. and Mrs. Joseph Graham and to Mr. and Mrs. Rocco Tommelleo by Senator Shaffer.

## COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR  
REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION

June 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified, vice Katherine Reese, Mendenhall, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEBANON COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Charles Tylwalk, Esquire, 231 East Penn Avenue, Cleona 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Thomas Gates, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary S. Glazer, Esquire, 7813 Winston Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Theodore S. Gutowicz, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne E. Lazarus, Esquire, 3911 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable I. R. Kremer, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Murray Lynn, Esquire, 3200 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Albert F. Sabo, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, A. John Snite, Jr., 6221 North 11th Street, Philadelphia 19141, Philadelphia County, Third Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Eugene H. Clarke, Jr., mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE STATE PLANNING BOARD

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John W. Ponds, 1040 Oranmore Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

ROBERT P. CASEY.

DISTRICT JUSTICE

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Horace Z. Davis, 1005 Elsinor Place, Chester 19013, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-1-21, to serve until the first Monday of January, 1992, vice William L. Brown, Jr., deceased.

ROBERT P. CASEY.

### ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

TUESDAY, JULY 23, 1991

10:15 A.M. APPROPRIATIONS (to Room 461  
consider Senate Bills No. 4th Floor  
899, 1131, 1132, 1133, 1134, North Wing  
1135, 1136, 1137, 1138, 1233  
and House Bills No. 185, 547,

1055, 1105, 1106, 1320, 1323,  
1536, 1607 and 1644)

### RECESS

Senator FISHER. Mr. President, at this time I would ask for a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. Senator Fisher requests a recess of the Senate to the call of the President pro tempore. Without objection, the Senate will recess to the call of the President pro tempore.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Afflerbach and his temporary Capitol leave will be cancelled.

### LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stout and his personal leave will be cancelled.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, July 23, 1991, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JULY 23, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 55

### SENATE

TUESDAY, July 23, 1991.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

God, our Heavenly Father, we call upon You this day, that in all our endeavors You may be our constant guide and the source of our understanding. May Your special blessing abide with the Senate of this Commonwealth, giving each Member wisdom, courage and insight in all their deliberations and decisions. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 22, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### GENERAL COMMUNICATION

#### DEPARTMENT OF COMMERCE

#### 1991 BI-ANNUAL BOND ALLOCATION REPORT

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF COMMERCE  
Harrisburg

July 15, 1991

Mark R. Corrigan  
Secretary of the Senate  
The Senate of Pennsylvania  
Commonwealth of Pennsylvania  
462 Capitol Building  
Harrisburg, Pennsylvania 17120

Re: 1991 Bi-Annual Allocation Report

Dear Mr. Corrigan:

As required by the Tax-Exempt Bond Allocation Act of 1985, Act 113, Section 7(3), I am providing a report on tax-exempt bond allocation during 1991, as of July 1.

This report includes:

- 1) a summary of volume cap allocations for small issue projects, exempt facility projects, housing bonds, and education bonds;
- 2) a list of small issue and exempt facility allocations, which includes the issuing authority, project name, allocation amount, and estimated jobs for each project; and
- 3) a list of exempt facility allocation requests which are pending. No allocation requests were disapproved in 1991 as of July 1.

If you have any questions concerning this report, please contact me.

Sincerely,

ANDREW T. GREENBERG  
Acting Secretary of  
Commerce

The PRESIDENT. This report will be filed in the Library.

### COMMITTEE OF CONFERENCE APPOINTED ON HB 89

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators ROBBINS, MADIGAN and PORTERFIELD as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 89.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**SB 1133 (Pr. No. 1267) (Rereported)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

**SB 1134 (Pr. No. 1403) (Rereported)**

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.



**SB 1135 (Pr. No. 1269) (Rereported)**

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**SB 1138 (Pr. No. 1272) (Rereported)**

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

**HB 547 (Pr. No. 2138) (Rereported)**

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission and the Office of Consumer Advocate.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request legislative leave for the day for Senator Salvatore and temporary Capitol leaves for Senator Peterson and Senator Hopper.

Senator STAPLETON. Mr. President, I request legislative leaves for Senator Jones, Senator Lewis and Senator Williams.

The PRESIDENT. Senator Fisher requests legislative leave for Senator Salvatore and temporary Capitol leaves for Senator Peterson and Senator Hopper. Senator Stapleton requests legislative leaves for Senator Jones, Senator Lewis and Senator Williams. The Chair hears no objection. The leaves will be granted.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 1****THIRD CONSIDERATION CALENDAR****PREFERRED APPROPRIATION BILLS ON  
THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 547 (Pr. No. 2138)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission and the Office of Consumer Advocate.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer

Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SB 1133 (Pr. No. 1267)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1134 (Pr. No. 1403)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,



Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1135 (Pr. No. 1269)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1138 (Pr. No. 1272)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SB 1053 AND HB 1020 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 1053, Printer's No. 1253, and House Bill No. 1020, Printer's No. 1554, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bills will be placed on the Calendar.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1197 (Pr. No. 1474)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to high-risk pregnancy and high-risk infant follow-up programs and services for pregnant and postpartum substance-abusing women and their newborns; defining Department of Public Welfare and county children and youth social service agency responsibilities; and making an appropriation.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator GREENWOOD. Mr. President, Senate Bill No. 1197 is the so-called drug baby bill. Every hour in Pennsylvania a baby is born after being exposed to drugs in the womb. These children face a double jeopardy. First, they are born with low birth weight. They are born addicted, suffering neurological and other medical complications. But the second strike against them is what happens next. These fragile children desperately need the very best of parental care, nurturing, medical follow-up, patience and love. Instead, too often they are taken from hospitals into homes with parents, at best, who are ill-prepared to meet their needs and, at worst, to parents who subject them to lives of chronic neglect and abuse. Eighty percent of all child abuse reports in the City of Philadelphia are drug and alcohol related. There is no problem that faces our nation that is more devastating in its human and economic costs than this one. Senate Bill No. 1197 is intended to stop this cycle of addiction and abuse at birth. It ensures that substance-exposed babies will be identified at birth and given the protection they deserve. Additionally, the measure's prenatal outreach and infant follow-up programs included yesterday in the Schwartz amendment will help to reduce the number of substance-exposed babies born in Pennsylvania in the first place and provide those who are born with an array of services intended to offer effective medical and social intervention that will reduce their impact on the health care, the children and youth and the educational systems.

Mr. President, the Senate of Pennsylvania passed this legislation unanimously two years and nine months ago. It died in the House. The Senate of Pennsylvania passed this legislation unanimously again two years and two months ago, and it died of neglect in the House. Since we first passed this bill, more than 40,000 substance-exposed children have been born in our state. For them this legislation comes too late. It comes too late for the children who have died at home from inhaling crack cocaine smoke. It comes too late for 22-month-old Kareem Garner who died from the effects of savage beatings while his mother used the diaper money to buy cocaine, and it comes too late for the fetal alcohol syndrome children born in this state mentally retarded. But it does not have to come too late for the children who will be born tomorrow or who will be born next year.

Mr. President, I urge the Senate to pass Senate Bill No. 1197 today. I urge the House to move on it as quickly as possible, and I implore the negotiators to incorporate this legislation into the 1991-92 fiscal year budget.

Senator SCHWARTZ. Mr. President, I would also like to lend my support to this Senate bill. As we all know, it was amended yesterday, and I believe that this bill, which is well-intentioned, began with the notion of identifying and doing risk assessments on substance-exposed infants. Yesterday it was made much stronger by the inclusion of an outreach program to encourage women to come into prenatal care who are substance abusers, and will, in fact, do what we need to do, and that is not only identify and do a risk assessment but to make sure we start to get services to these families, we start to give these babies a chance at a healthier life and give these

mothers a chance at stronger parenting skills and a stronger family relationship. I believe that with this appropriation in this bill, we actually have a chance to really make a difference in thousands of babies' lives in Pennsylvania. I believe it is an investment in the future of Pennsylvania for these babies, for these mothers, for these families, and will ultimately, hopefully, save money for the state as we start to see these children have a healthier, more successful life. The high-risk infant follow-up program that will be expanded under this bill will do more than just watch these families. It will provide someone to go into the home during the first year of life, help to assess the child's health status, make referrals, help those women and those children get to the kind of services they need and truly make a difference.

I will say, Mr. President, that I appreciate the responsiveness of the gentleman from Bucks, Senator Greenwood, in working out the details of the amendment and making it a much stronger bill, and I encourage my colleagues to make this truly a bipartisan effort to do something for the children of Pennsylvania.

Senator O'PAKE. Mr. President, it is very popular these days to talk about the victims of drug abuse. The truly innocent victim of drug abuse is the newborn infant who comes into this world addicted to drugs as a result of the mother's addiction during pregnancy. This bill seeks to address that problem and I urge support. As the result of the Schwartz amendments, this does many, many things. It not only creates a system for identifying and the paperwork that that involves, but it also addresses the very, very important issue of prevention in high risk areas.

I commend the gentleman from Bucks, Senator Greenwood, for his persistence. We did pass this kind of bill last year, last Session, but it died in the House of Representatives. I think as a result of the compromise on amendments, this is a much better bill, a stronger bill, a more humane bill and one that can pass the House of Representatives this year. I want to commend all those who had a role in presenting and advocating this kind of legislation that is long overdue. The expense involved in this is nothing compared to the expense involved in trying to remedy the problem after it has occurred. I urge support for this. This is a very progressive, forward looking, badly needed piece of compassionate legislation, and I hope this year the House of Representatives agrees and gets this bill to Governor Casey so we can say that, yes, we did something, not just talk about the problems of drug-addicted infants who were born addicted just because their parents were addicted. They had no choice in this matter.

Senator FUMO. Mr. President, I, too, support the bill, but I think there is another area that we have not talked about and I, quite frankly, do not have the answer to the problem, but I think it is one that we cannot let go unspoken. That is, Mr. President, what happens to the people who have perpetrated this upon these innocent victims? What happens to the irresponsible parents who are causing this problem to happen? At some point in time, Mr. President, we have an obligation to these children, these victims, to punish or do something to

prevent this from happening in the future. It is one thing to do the humane thing, to take care of these children after they are brought into the world in this fashion, but we cannot continue to allow this. We cannot just sit around and throw our hands up in despair. We have to start searching for answers as to what we can do to the parents to prevent this in the future. There is no deterrent, Mr. President, regrettably, and it is a tough issue to talk about, but each and every day more and more of these children come into the world and parents either do not care or do not have the ability to care or the intelligence to care or do not have the will power because they are on drugs. Very soon we have to start thinking about the answer to that problem because you must get at the root of this. You cannot continue to treat the symptom of the problem. You have to find a way to get a cure. I do not know what the answer is, but I would hope that my colleagues would begin thinking about that and discussing it because it is a very, very serious problem. It is one thing to take care of the ills of these children after they are brought into the world, but they should not be brought into the world in this fashion in the first place.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hopper. His temporary Capitol leave will be cancelled.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**HB 1344** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

##### BILL OVER IN ORDER

**SB 279** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL LAID ON THE TABLE

**SB 401 (Pr. No. 426)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

##### BILL OVER IN ORDER

**SB 1007** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### UNFINISHED BUSINESS

##### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Kelly McConnell, Linda Rider, Wendy Baney, Penny Williams, Renee Royer, Christin McCloskey, Diane Haldeman and to Chastidy Keen by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. James A. Tucker, Mr. and Mrs. Howard Wunsch, Mr. and Mrs. Frederick Seabright and to Advanta Corporation by Senator Greenleaf.

Congratulations of the Senate were extended to Jay Allyn Pistner by Senator Peterson.

Congratulations of the Senate were extended to Lois Wehr McLaughlin by Senator Shaffer.

Congratulations of the Senate were extended to Warren W. Snyder by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Wilson and to Mr. and Mrs. John Larko by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. George Trenary, Mr. and Mrs. Ralph Lightner, Mr. and Mrs. Charles E. Zeman, Mr. and Mrs. Robert Gamble, Mr. and Mrs. Charles Pellman and to Mr. and Mrs. Joseph J. Curnarski, Sr. by Senator Stout.

#### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Frank L. Rizzo by Senator Lynch and others.

## PETITIONS AND REMONSTRANCES

Senator STEWART. Mr. President, as we all know, the Department of Revenue employees, along with all other state employees, are not being paid. It has come to my attention that the Lottery Commission employees, even though they work side by side with many of the Department of Revenue employees, are being paid. First of all, I think that has caused a great deal of dissension in the ranks over there, but, more importantly, as we know, the senior citizens are not getting their rebate checks, yet the lottery personnel are being paid. We checked with the Governor's Office and the Budget Office, and Budget Secretary Hershock told us that they have no control over that because the lottery is structured as a separate commission. I do not know who does have control over it, Mr. President, but whoever does ought to rethink this policy of paying employees who work side by side with employees who are not being paid and, more importantly, paying employees when senior citizens are not receiving their benefits from the lottery program.

Senator FUMO. Mr. President, today again we have tabled Senate Bill No. 401. This is the second time this bill has been laid upon the table in this Session. Although I thank my colleague Senator Pecora for helping me get it off the table the last time, we are really getting nowhere as long as we continue to table this bill. Mr. President, I would urge the Majority again to not only remove this bill from the table as soon as we can when we get back, but also to pass it. This bill is probably rapidly becoming the source of many, many problems in our counties. What we must do is stop mandating programs to local counties without adequate funding for those programs. That is what Senate Bill No. 401 does. That is why Senator Pecora and myself cosponsored this piece of legislation. We cannot continue to allow this problem to fester. We must go forward. We must stand up to the pressures, mostly, I would think, from the unions and other people, but we have to do it. It is not fair to the counties. It is not fair to Pennsylvanians. Mr. President, we must recognize that those counties in Pennsylvania are not Russian states. They are Pennsylvania counties. We live in those counties when we leave this hall. We have an obligation to them, and even if you do not want to help them, you at least have an obligation not to hurt them any longer. I would urge the Majority to lift this bill off the table as soon as we can and to finally, once and for all, pass it, get it out of this Chamber and let the House deal with it.

## ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

WEDNESDAY, JULY 24, 1991

9:45 A.M.	APPROPRIATIONS (to	Room 461
	consider Senate Bills No.	4th Floor
	899, 1059, 1131, 1132,	North Wing

1136, 1137, 1233 and  
House Bills No. 185, 804,  
1055, 1105, 1106, 1320,  
1323, 1536, 1607 and 1644)

## RECESS

Senator LOEPER. Mr. President, I would now ask for a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. Senator Loeper has asked a recess of the Senate to the call of the President pro tempore. There being no objection to that request, the Senate will stand in recess.

## AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

ROBERT P. CASEY.

### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald R. Keenan, Jr., P.O. Box 247, Quincy 17247, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Weatherbee, Mechanicsburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF EASTERN STATE SCHOOL AND HOSPITAL

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

ROBERT P. CASEY.

PROTHONOTARY AND CLERK OF COURTS,  
VENANGO COUNTY

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn E. McLaughlin, 8 Gateway Drive, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as Prothonotary and Clerk of Courts, in and for the County of Venango, to serve until the first Monday of January, 1992, vice Donald F. Fischer, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony J. May, 232 Charles Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice John Scotzin, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara Garvey, 110 Overlook Drive, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

ROBERT P. CASEY.

## BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

**HB 1319 and 1322.**

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Peterson and his temporary Capitol leave will be cancelled.

**RECESS**

Senator LOEPER. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The PRESIDENT pro tempore. There being no objection, the Senate will now recess to the call of the President pro tempore.

**AFTER RECESS**

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

**ADJOURNMENT**

Senator FISHER. Mr. President, I move the Senate do now adjourn until Thursday, August 1, 1991, at 7:40 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

THURSDAY, AUGUST 1, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 56

### SENATE

THURSDAY, August 1, 1991.

The Senate met at 7:40 p.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, as we gather to continue, and hopefully complete, work on a final resolution of a state budget, we pray that You would renew our hearts and minds with a measure of Your Spirit, that we may adequately address the tasks at hand. Amen.

### JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 23, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator FISHER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### DISTRICT JUSTICE

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas E. Martin, Jr., West Baltimore Pike, P. O. Box 392, Kennett Square 19348, Chester County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-3-04, to serve until the first Monday of January, 1992, vice Eugene DiFilippo, Jr., resigned.

ROBERT P. CASEY.

#### DISTRICT JUSTICE

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David J. Murphy, Esquire, 1 Scott Lane, Aston 19014, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-2-38, to serve until the first Monday of January, 1992, vice Henry J. Silva, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE STATE PLANNING BOARD

July 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ernest M. Varhola, 264 Schwab Avenue, Munhall 15120, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Planning Board to serve until March 19, 1994 and until his successor is appointed and qualified, vice Walter W. Giesey, Harrisburg, deceased.

ROBERT P. CASEY.

#### MEMBER OF THE STATE PLANNING BOARD

July 31, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sydney Marie Avent, Esquire, 6712 Anderson Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

ROBERT P. CASEY.



**COMMUNICATIONS FROM THE GOVERNOR****RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 7, 1991 for the reappointment of C. Scott McNamara, R. D. 1, Meadville 16335, Crawford County, Fiftieth Senatorial District, as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 22, 1991 for the appointment of John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified, vice Katherine Reese, Mendenhall, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 1991 for the reappointment of James P. Gallagher, Ph.D., 3400 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Education, to serve until October 1, 1995 or until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-

third Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CHEYNEY UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

July 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 10, 1991 for the appointment of Reverend Doctor Joseph D. Patterson, Sr., 6713 Walnut Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James A. Hughes, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

July 31, 1991

**HB 200** — Committee on Public Health and Welfare.

**HB 1313** — Committee on Education.

August 1, 1991

**HB 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590** — Committee on Appropriations.

BILLS INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

July 23, 1991

Senator SALVATORE presented to the Chair **SB 1276**, entitled:

An Act amending the act of October 7, 1976 (P. L. 1090, No. 218), entitled "Protection From Abuse Act," providing for enforcement by masters in Philadelphia County.

Which was committed to the Committee on JUDICIARY, July 23, 1991.

Senator SALVATORE and ANDREZESKI presented to the Chair **SB 1277**, entitled:

An Act requiring the licensing of locators of missing persons; and regulating the practice of locators.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 23, 1991.

Senator SALVATORE presented to the Chair **SB 1278**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further regulating abandoned property.

Which was committed to the Committee on FINANCE, July 23, 1991.

Senator SALVATORE presented to the Chair **SB 1279**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further defining "private residential rehabilitative institution."

Which was committed to the Committee on EDUCATION, July 23, 1991.

Senator SALVATORE presented to the Chair **SB 1280**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for services of private residential rehabilitative institutions.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 23, 1991.

July 29, 1991

Senator SALVATORE presented to the Chair **SB 1281**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for sabbatical leaves of absence.

Which was committed to the Committee on EDUCATION, July 29, 1991.

Senators SALVATORE and ANDREZESKI presented to the Chair **SB 1282**, entitled:

An Act amending the act of December 14, 1988 (P. L. 1192, No. 147), entitled "Special Ad Hoc Municipal Police and Fire-fighter Postretirement Adjustment Act," extending the provisions of the act to include survivors of police officers and fire-fighters; and providing for a supplement from the General Fund.

Which was committed to the Committee on FINANCE, July 29, 1991.

Senator SALVATORE presented to the Chair **SB 1283**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for vandalism; and establishing penalties.

Which was committed to the Committee on JUDICIARY, July 29, 1991.

Senators AFFLERBACH, REIBMAN, JONES, WILLIAMS, LAVALLE, GREENWOOD and BRIGHTBILL presented to the Chair **SB 1284**, entitled:

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), entitled, as amended, "Fire and Panic Ac.," providing for certain safety standards for grandstands, stadiums and amphitheatres.

Which was committed to the Committee on LABOR AND INDUSTRY, July 29, 1991.

Senators GREENLEAF, FISHER, LEWIS and BORTNER presented to the Chair **SB 1285**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for guidelines for high-risk offenders; and further providing for sentencing, for presentence reports and for confinement.

Which was committed to the Committee on JUDICIARY, July 29, 1991.

Senators PORTERFIELD, SHAFFER, LAVALLE, ARMSTRONG, STOUT, STAPLETON, SCHWARTZ, MUSTO, BELAN, HART, O'PAKE, PECORA, BODACK, ROBBINS, WILLIAMS, REIBMAN, RHOADES and AFFLERBACH presented to the Chair **SB 1286**, entitled:

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), entitled "Volunteer Firemen's Relief Association Act," further providing for the purposes for which funds may be expended; and making an editorial change.

Which was committed to the Committee on FINANCE, July 29, 1991.

Senators SALVATORE, LAVALLE, HOPPER, MUSTO, PECORA, TILGHMAN, HART, SCHWARTZ, HELFRICK, PUNT, BELAN and ANDREZESKI presented to the Chair **SB 1287**, entitled:

An Act providing for low-interest loans to eligible municipal fire departments; establishing rules and regulations relating to such loans; and imposing duties on the Pennsylvania Emergency Management Agency.

Which was committed to the Committee on STATE GOVERNMENT, July 29, 1991.

Senator BELL presented to the Chair **SB 1288**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for continuing education requirement of district justices.

Which was committed to the Committee on JUDICIARY, July 29, 1991.

Senator BELL presented to the Chair **SB 1289**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for appointing power.

Which was committed to the Committee on EDUCATION, July 29, 1991.

Senators GREENWOOD, TILGHMAN, BAKER and WENGER presented to the Chair **SB 1290**, entitled:

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," providing for the assessment and taxation of real property subject to agricultural conservation easements.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, July 29, 1991.

July 31, 1991

Senators GREENWOOD, REIBMAN, TILGHMAN, BAKER and AFFLERBACH presented to the Chair **SB 1291**, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," further providing for the number of acres required for a preferential assessment; and providing for penalties for failure of an owner of property to give notification of a change of use.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, July 31, 1991.

Senators GREENWOOD, LOEPER, AFFLERBACH, REIBMAN and HELFRICK presented to the Chair **SB 1292**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing school districts to grant certain persons authorization to defer their property tax liabilities.

Which was committed to the Committee on EDUCATION, July 31, 1991.

Senators GREENWOOD, PORTERFIELD, AFFLERBACH, REIBMAN and ANDREZESKI presented to the Chair **SB 1293**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," authorizing exemptions by school districts.

Which was committed to the Committee on EDUCATION, July 31, 1991.

## GENERAL COMMUNICATION

### LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDING OFFICER laid before the Senate the following communication, which was read by the Clerk as follows:

#### SENATE OF PENNSYLVANIA

August 1, 1991

To the Honorable, the Senate of the  
Commonwealth of Pennsylvania

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from July 1, 1991 through July 31, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN

Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

### REPORT FROM COMMITTEE

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

#### HB 1470 (Pr. No. 2277)

An Act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals.

### BILL ON FIRST CONSIDERATION AND REREFERRED

Senator FISHER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### HB 1470.

And said bill having been considered for the first time and agreed to,

Senator FISHER. Mr. President, I move that House Bill No. 1470 be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, House Bill No. 1470 will be rereferred to the Committee on Appropriations.

### REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

#### SB 1059 (Pr. No. 1494) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing an amnesty program for the payment of delinquent taxes.

#### HB 1551 (Pr. No. 2384) (Amended)

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several States, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

#### HB 1552 (Pr. No. 2385) (Amended)

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), known as the "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

#### HB 1553 (Pr. No. 2386) (Amended)

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), known as the "Temple-University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

#### HB 1554 (Pr. No. 2387) (Amended)

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), known as the "Lincoln University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

#### HB 1555 (Pr. No. 2349)

An Act making appropriations to the Trustees of the University of Pennsylvania.

#### HB 1556 (Pr. No. 2350)

An Act making appropriations to the Hahnemann University, Philadelphia.

#### HB 1557 (Pr. No. 2351)

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

#### HB 1558 (Pr. No. 2352)

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

#### HB 1559 (Pr. No. 2353)

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

**HB 1560 (Pr. No. 2354)**

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

**HB 1561 (Pr. No. 2355)**

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

**HB 1562 (Pr. No. 2356)**

An Act making an appropriation to the University of the Arts, Philadelphia.

**HB 1563 (Pr. No. 2357)**

An Act making an appropriation to the Philadelphia College of Textiles and Science.

**HB 1564 (Pr. No. 2358)**

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

**HB 1565 (Pr. No. 2359)**

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown.

**HB 1566 (Pr. No. 2360)**

An Act making an appropriation to the Johnson Technical Institute of Scranton.

**HB 1567 (Pr. No. 2361)**

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

**HB 1568 (Pr. No. 2362)**

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

**HB 1569 (Pr. No. 2363)**

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

**HB 1570 (Pr. No. 1838)**

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

**HB 1571 (Pr. No. 1839)**

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

**HB 1572 (Pr. No. 1840)**

An Act making an appropriation to the Central Penn Oncology Group.

**HB 1573 (Pr. No. 1841)**

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

**HB 1574 (Pr. No. 1842)**

An Act making an appropriation to the St. Francis Hospital, Pittsburgh.

**HB 1575 (Pr. No. 1843)**

An Act making appropriations to the St. Christopher's Hospital, Philadelphia.

**HB 1576 (Pr. No. 1844)**

An Act making an appropriation to the Lancaster Cleft Palate.

**HB 1577 (Pr. No. 1845)**

An Act making an appropriation to the Pittsburgh Cleft Palate.

**HB 1578 (Pr. No. 1846)**

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

**HB 1579 (Pr. No. 1847)**

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

**HB 1580 (Pr. No. 1848)**

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

**HB 1581 (Pr. No. 1849)**

An Act making an appropriation to the Arsenal Family and Children's Center.

**HB 1582 (Pr. No. 1850)**

An Act making an appropriation to the Beacon Lodge Camp.

**HB 1583 (Pr. No. 1851)**

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

**HB 1584 (Pr. No. 1852)**

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1585 (Pr. No. 1853)**

An Act making an appropriation to the Franklin Institute Science Museum.

**HB 1586 (Pr. No. 1854)**

An Act making an appropriation to the Academy of Natural Sciences.

**HB 1587 (Pr. No. 1855)**

An Act making an appropriation to the Trustees of the Buhl Science Center.

**HB 1588 (Pr. No. 1856)**

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1589 (Pr. No. 1857)**

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

**HB 1590 (Pr. No. 1858)**

An Act making an appropriation to the Everhart Museum in Scranton.

**BILLS ON FIRST CONSIDERATION  
AND RECOMMITTED**

Senator FISHER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**HB 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590.**

And said bills having been considered for the first time and agreed to,

Senator FISHER. Mr. President. I move that said House Bills be recommitted to the Committee on Appropriations.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, said House Bills will be recommitted to the Committee on Appropriations.

**RECESS**

Senator FISHER. Mr. President, I would request a recess of the Senate to the call of the President pro tempore, with the expectation that the Senate will return no earlier than 11:00 o'clock a.m. on Friday, August 2, 1991.

The PRESIDING OFFICER. Senator Fisher requests that the Senate recess to the call of the President pro tempore, with the expectation that call not occur before 11:00 a.m., Friday, August 2, 1991. The Senate now stands in recess.

**AFTER RECESS**

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Public Health and Welfare to convene in the Rules room during today's Session to consider House Bill No. 1143.

**LEGISLATIVE LEAVE**

Senator FISHER. Mr. President, I request legislative leave for the day for Senator Baker.

The PRESIDENT pro tempore. Senator Fisher requests a legislative leave for today's Session for Senator Baker. The Chair hears no objection. That leave will be granted.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED**

**SB 1059 (Pr. No. 1494)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing an amnesty program for the payment of delinquent taxes.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of himself and Senator MELLOW, by unanimous consent, offered the following amendment No. A2342:

Amend Title, page 1, lines 1 through 11, by striking out all of said lines and inserting:

Amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," providing an amnesty program for the payment of delinquent taxes.

Amend Bill, page 5, lines 27 through 30, by striking out all of said lines and inserting:

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding an article to read:

**ARTICLE II-A**

Amend Sec. 1 (Sec. 3001-A), page 6, line 2, by striking out "3001-A" and inserting: 201-A

Amend Sec. 1 (Sec. 3002-A), page 6, line 25, by striking out "3002-A" and inserting: 202-A  
 Amend Sec. 1 (Sec. 3003-A), page 7, line 4, by striking out "3003-A" and inserting: 203-A  
 Amend Sec. 1 (Sec. 3004-A), page 7, line 19, by striking out "3004-A" and inserting: 204-A  
 Amend Sec. 1 (Sec. 3005-A), page 7, line 30, by striking out "3005-A" and inserting: 205-A  
 Amend Sec. 1 (Sec. 3006-A), page 8, line 7, by striking out "3006-A" and inserting: 206-A  
 Amend Sec. 1 (Sec. 3007-A), page 8, line 12, by striking out "3007-A" and inserting: 207-A  
 Amend Sec. 1 (Sec. 3008-A), page 8, line 15, by striking out "3008-A" and inserting: 208-A  
 Amend Sec. 1 (Sec. 3009-A), page 8, line 21, by striking out "3009-A" and inserting: 209-A  
 Amend Sec. 1 (Sec. 3010-A), page 8, line 26, by striking out "3010-A" and inserting: 210-A  
 Amend Sec. 1 (Sec. 3011-A), page 10, line 2, by striking out "3011-A" and inserting: 211-A  
 Amend Sec. 1 (Sec. 3012-A), page 10, line 5, by striking out "3012-A" and inserting: 212-A  
 Amend Sec. 1 (Sec. 3013-A), page 10, line 18, by striking out "3013-A" and inserting: 213-A  
 Amend Sec. 1 (Sec. 3014-A), page 10, line 23, by striking out "3014-A" and inserting: 214-A  
 Amend Sec. 1 (Sec. 3015-A), page 10, line 25, by striking out "3015-A" and inserting: 215-A

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

#### BILLS OVER IN ORDER

**SB 1053 and HB 1344** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

##### BILL OVER IN ORDER

**SB 279** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 1007 (Pr. No. 1456)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," eliminating the requirement that two-thirds of a savings bank's directors be residents of this Commonwealth.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**HB 1020 (Pr. No. 1554)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," further providing for the entry, extension and discharge of tax claims.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1059 (Pr. No. 1496)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1919 (P.L. 343, No. 176) entitled as amended, "The Fiscal Code," providing an amnesty program for the payment of delinquent taxes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

#### LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I would ask for a temporary Capitol leave for Senator Fumo.

The PRESIDENT pro tempore. Senator Stapleton requests temporary Capitol leave for Senator Fumo. The Chair hears no objection. The leave will be granted.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Fumo and his temporary Capitol leave is hereby cancelled.



**HB 840 TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I move that House Bill No. 840, Printer's No. 1589, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a brief recess of the Senate, first for a meeting of the Committee on Public Health and Welfare in the Rules room at the rear of the Senate Chamber, then to be followed by a meeting of the Committee on Rules and Executive Nominations, and then returning to the floor to complete our action of yesterday's Session.

The PRESIDENT pro tempore. Senator Loeper requests a brief recess of the Senate for purposes of holding two committee meetings: First, the Committee on Public Health and Welfare and second, the Committee on Rules and Executive Nominations. Both will meet in the Rules Committee room to the rear of the Senate Chamber. For purposes of those two committee meetings, the Committee on Public Health and Welfare first and then the Committee on Rules and Executive Nominations, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Game and Fisheries to convene in the Rules Room during today's Session to consider House Bill No. 1107.

**UNFINISHED BUSINESS  
REPORTS FROM COMMITTEES**

Senator ROBBINS, from the Committee on Game and Fisheries, reported the following bill:

**HB 1107 (Pr. No. 2252)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

**HB 1143 (Pr. No. 1935)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for training for family day-care providers; providing for an annual State plan for

child-care services; further providing for powers and duties of the Department of Public Welfare; and making repeals.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE STATE  
CONSERVATION COMMISSION**

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George B. Wolff, 486 Houtztown Road, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 1995 and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James P. Gallagher, Ph.D., 3400 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John C. Pittenger, Esquire, Pittwillow Farm, 85 Willow Road, Nottingham 19362, Chester County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1996 or until his successor is appointed and qualified, vice Dr. Fred E. Bryan, Wormleysburg, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF FARVIEW STATE HOSPITAL**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond Hamill, 421 Ridge Street, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edythe Bossert, R. D. 2, Box 36, Beech Creek 16822, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlyn R. Smith, Box 129-A, R. D. 2, Mill Hall 17751, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald S. Kelly, R. R. 4, Box 334, Valencia 16059, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James M. Campbell, Pulaski, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January, 1994, vice Arthur Sabulsky, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to William Shufesky by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Wilbur Leed, Mr. and Mrs. Carl Ripple, Mr. and Mrs. Joseph P. Gochenauer, Mr. and Mrs. Harry H. Kauffman, Mr. and Mrs. Clair G. Sellers, Mr. and Mrs. Mark E. Myer, Mr. and Mrs. Robert A. Gray, Mr. and Mrs. Charles Greybill, Reverend and Mrs. Benjamin Thuma, Mr. and Mrs. Paul K. Zook, Sr., Mr. and Mrs. Paul E. Balmer, Mr. and Mrs. Homer B. Metzler, Mr. and Mrs. Park J. Wiker, Mr. and Mrs. Sidney D. Lindenberg, Mr. and Mrs. H. Clyde Bortzfield, Mr. and Mrs. Earl Byers, Mr. and Mrs. David H. Neff, Mr. and Mrs. Menno Sell, Mr. and Mrs. Henry S. Lehman, Mr. and Mrs. Parke M. Eshleman, Thomas J. Manley, Jr. and to Noah Gibble by Senator Armstrong.

Congratulations of the Senate were extended to Stephen J. Fodor by Senator Baker.

Congratulations of the Senate were extended to Saint Mary's Ukrainian Orthodox Church of Chester by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent Chelkowski, Mr. and Mrs. Clarence Dietrich, Mr. and Mrs. George Barrowman, Brigadier General John McAllister, Reverend Joseph F. Rengers, Joe Parrotto, Jr., Mark Wolosik and to Donald R. O'Connor by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Paul O. Glatfelter, Mr. and Mrs. G. Bruce Wagner, Mr. and Mrs. Paul R. Huffman, Mr. and Mrs. Lester Tome, Mr. and Mrs. Paul Aldinger, Mr. and Mrs. Vernon S. Morris, Mr. and Mrs. David J. Myers, Mr. and Mrs. Lawrence Horner, Mr. and Mrs. George Shenberger, Mr. and Mrs. Norman Frey, Mr. and Mrs. Walter Short, Mr. and Mrs. David A. Frantz, Dave Riedel and to the Jefferson Square Restoration Committee and the citizens of the Jefferson community by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence E. Zulick by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. J. Filmore Miller, Mr. and Mrs. Franklin H. Rossman, Mr. and Mrs. Donald Richards and to Mr. and Mrs. Joseph Allison by Senator Corman.

Congratulations of the Senate were extended to the students of the Art Institute of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Turk Kane and to John R. Woodruff by Senator Fumo.

Congratulations of the Senate were extended to Beverly R. Blackway by Senator Greenleaf.

Congratulations of the Senate were extended to H. Lee Stratton and to Michael A. Engler by Senator Greenwood.

Congratulations of the Senate were extended to Jamie Lowers by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Harold G. Boyer, Mr. and Mrs. Ray C. Shiner, Mr. and Mrs. Edward Zablocky, Mr. and Mrs. Max Sharrow, Mr. and Mrs. Frank Bankoski, Mr. and Mrs. Vincent A. Vedral, Mr. and Mrs. Robert G. Ruhl, Mr. and Mrs. Sam Rhoades, Mr. and Mrs. Paul Heimbach, Mr. and Mrs. Lloyd J. Johnson, Mr. and Mrs. Avon Minier, Mr. and Mrs. Ernest M. Bower, Jr., Mr. and Mrs. Alvin C. Rothermel, Linda Michelle Churm, Bradley Klinger and to Stan Seksinsky by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Levi Troup and to Bowmansdale Church of God by Senator Hopper.

Congratulations of the Senate were extended to Bruce G. Bistline, Sr. by Senators Hopper and Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Weaton, Mr. and Mrs. Francis Snyder, Mr. and Mrs. George Mateer and to Mr. and Mrs. Emmett Mateer by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. William H. Bergstrasser by Senator Lemmond.

Congratulations of the Senate were extended to Suzanne Willever and to the Bristol Township Lucky Ladies Girls Softball Team by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard A. Kieta by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. William E. Garrett, Mr. and Mrs. Carl G. Cott, Mr. and Mrs. Harry D. Shemery, Mr. and Mrs. Edward D. Molyneux, Mr. and Mrs. Winfield R. Galetti, Mr. and Mrs. Glen Jelliff, Mr. and Mrs. Leland Robbins, Mr. and Mrs. Edward Mitchell, Mr. and Mrs. Ralph S. Tebbs, Mr. and Mrs. Angelo J. Incitti, Mr. and Mrs. Harold Ebright, Mr. and Mrs. Charles D. Groover, Mr. and Mrs. Edward Rosenberger, Mr. and Mrs. Neil Shatto, Mr. and Mrs. Eugene May, Mr. and Mrs. Gerald R. Walker, Mr. and Mrs. Ransom DeLong, Mr. and Mrs. Lawrence Frey, Mr. and Mrs. Edward Snyder, Erling and Lois Johnson and to Elsie M. Peard by Senator Madigan.

Congratulations of the Senate were extended to Richard Reed Bresser and to Richard Grabowski by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Leo F. Murphy, Linda O'Boyle, Helen Zahay and to Dolores F. Grosskettler by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Henry J. Kroner and to Mr. and Mrs. Roy Roth by Senator Pecora.

Congratulations of the Senate were extended to Angela Juliano and to Scott A. Cross by Senator Peterson.

Congratulations of the Senate were extended to Robert H. Maxwell and to the Greensburg Volunteer Fire Department by Senator Porterfield.

Congratulations of the Senate were extended to Local Union No. 367 of the International Brotherhood of Electrical Workers of Easton by Senator Reibman.

Congratulations of the Senate were extended to Tracy James Ward, Gene Greathouse and to Stony Point Grange No. 1694 of Mercer County by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Amiel Attisano, Mr. and Mrs. Homer K. Browne, Mr. and Mrs. Jack L. Rieger, Mr. and Mrs. Paul L. Hutchison, Mr. and Mrs. Rodney Peterson, Mr. and Mrs. Donald Ray Jessop, Mr. and Mrs. Harold V. Orr, Mr. and Mrs. Tobias F. Miller and to Kenneth DeRoy Blystone, Jr. by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. George Hickernell by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Martillotti, Mr. and Mrs. Stanley Skarbek, Mr. and Mrs. Robert Frantz, Mr. and Mrs. Lawrence Frailey, Mr. and Mrs. Clifton Dobson, Mr. and Mrs. Dick Starr and to First Christian Church of Big Run by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Alvin Miller by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Ben Christy, Mr. and Mrs. John Buchak, Mr. and Mrs. Jack Manon, Mr. and Mrs. Kent Bell, Mr. and Mrs. Paul Mong, Mr. and Mrs. Samuel H. Johnson, Mr. and Mrs. Roy Hetrick, Mr. and Mrs. Stephen Dzubay and to Mr. and Mrs. Frank A. Willhoft by Senator Stout.

### CONDOLENCE RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Robert A. Hanisits by Senators Afflerbach and Brightbill.

### BILLS ON FIRST CONSIDERATION

Senator SHUMAKER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**HB 1107 and 1143.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

**BILL IN PLACE**

Senator STOUT presented to the Chair a bill.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Friday, August 2, 1991, at 2:47 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

FRIDAY, AUGUST 2, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 57

### SENATE

FRIDAY, August 2, 1991.

The Senate met at 2:47 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

God, our Father, as this Body of lawmakers begins its deliberations and discussions today, we pray that this Senate of Pennsylvania will enjoy the support and the prayers of the people of this Commonwealth as they strive toward completion of their fiscal duties. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of August 1, 1991.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with, and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request legislative leaves for today for Senator Baker and Senator Pecora.

The PRESIDENT pro tempore. Senator Fisher requests legislative leaves for Senator Baker and Senator Pecora. The Chair hears no objection. Those leaves are granted.

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Andrezeski, Senator Porterfield and Senator Williams.

The PRESIDENT pro tempore. Senator Stapleton requests temporary Capitol leaves for Senator Andrezeski, Senator Porterfield and Senator Williams. There being no objection, the leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. The Journal is approved.

### COMMUNICATION FROM THE GOVERNOR

#### RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

#### MEMBER OF THE STATE BOARD OF EDUCATION

August 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 1991 for the appointment of Lydia Hernandez Velez, Esquire, 2010 Parrish Street, Philadelphia 19130, Philadelphia County, Second Senatorial District, as a member of the State Board of Education, to serve until October 1, 1994 or until her successor is appointed and qualified, vice Elizabeth J. Harper, Monroeville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### APPOINTMENT BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointment:

Ms. Gloria Sue Westlund as a member of the Board of Directors of the Lawyers Trust Account.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Agriculture and Rural Affairs to meet in the Rules room during today's Session to consider Senate Bill No. 1238.

### RECESS

Senator LOEPER. Mr. President, before we would continue with today's Calendar, I would ask for a recess of the Senate, first for a meeting of the Committee on Agriculture and Rural Affairs to take place immediately upon the recess in the Rules room, to be followed by a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room, to be followed immediately by a Republican caucus in the first floor caucus room.

Senator MELLOW. Mr. President, I would request upon conclusion of the committee meetings that are going to be held that the Democratic Members report immediately to our caucus room. We have some things of extreme importance to discuss.

The PRESIDENT pro tempore. There has been a request for a recess for purposes of a meeting of the Committee on Agriculture and Rural Affairs first in the Rules Committee room to the rear of the Senate Chamber, followed by a meeting of the Committee on Rules and Executive Nominations in the same room, followed by Republican and Democratic caucuses in their respective caucus rooms. For those purposes, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

THE SECRETARY. Consent has been given for the Committee on Appropriations to meet imminently in the Rules room to consider House Bills No. 185, 1105, 1106, 1470, 1536 and 1551 through and including 1590.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Porterfield and Senator Baker. Their temporary Capitol leaves will be cancelled.

### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 7, 1991 for the reappointment of C. Scott McNamara, R. D. 1, Meadville 16335, Crawford County, Fiftieth Senatorial District, as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

#### ROBERT P. CASEY. MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of John Hohenwarter (Public Member), 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

#### ROBERT P. CASEY. MEMBER OF THE BRANDYWINE BATTLEFIELD PARK COMMISSION

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 22, 1991 for the appointment of John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Brandywine

Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified, vice Katherine Reese, Mendenhall, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CHEYNEY UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

July 25, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 10, 1991 for the appointment of Reverend Doctor Joseph D. Patterson, Sr., 6713 Walnut Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James A. Hughes, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Jonathan Bigley, 24 Aqueduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PODIATRY

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

COMMUNICATION FROM THE GOVERNOR  
TAKEN FROM THE TABLE

Senator SALVATORE, by unanimous consent, called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE STATE BOARD  
OF EDUCATION

August 2, 1991.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 1991 for the appointment of Lydia Hernandez Velez, Esquire, 2010 Parrish Street, Philadelphia 19130, Philadelphia County, Second Senatorial District, as a member of the State Board of Education, to serve until October 1, 1994 or until her successor is appointed and qualified, vice Elizabeth J. Harper, Monroeville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

#### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE STATE CONSERVATION COMMISSION

June 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George B. Wolff, 486 Houtztown Road, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 1995 and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sister M. Lawreace Antoun, Ph.D., Villa Maria College, Erie 16505, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1996 or until her successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward R. Donley, 326 North 27th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified, vice Henry C. Messinger, Allentown, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John C. Pittenger, Esquire, Pittwillow Farm, 85 Willow Road, Nottingham 19362, Chester County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Education to serve until October 1, 1996 or until his successor is appointed and qualified, vice Dr. Fred E. Bryan, Wormleysburg, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William R. Smith, 1079 Meadowlark Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1996 or until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF EDUCATION

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, S. Keith Spalding, P. O. Box 206, Hopeland 17533, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1994 or until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF FARVIEW STATE HOSPITAL

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond Hamill, 421 Ridge Street, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert L. Ryan, Waymart, deceased.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edythe Bossert, R. D. 2, Box 36, Beech Creek 16822, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

June 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlyn R. Smith, Box 129-A, R. D. 2, Mill Hall 17751, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination of John C. Pittenger as a member of the State Board of Education?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

NAYS—1

Tilghman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

On the question,

Will the Senate advise and consent to the remainder of the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

DISTRICT JUSTICE

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January, 1994, vice Arthur Sabulsky, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

## NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## CALENDAR

## HB 1020 CALLED UP OUT OF ORDER

**HB 1020 (Pr. No. 1554)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1020 (Pr. No. 1554)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," further providing for the entry, extension and discharge of tax claims.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**HB 185 (Pr. No. 2410) (Amended) (Rereported)**

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exclusions from sales and use tax; and further providing for the imposition of the gross receipts tax.

**HB 1105 (Pr. No. 1255) (Rereported)**

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), known as the "Site Development Act," extending the expiration of approval authority.

**HB 1106 (Pr. No. 1256) (Rereported)**

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

**HB 1470 (Pr. No. 2277) (Rereported)**

An Act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals.

**HB 1536 (Pr. No. 2411) (Amended) (Rereported)**

An Act to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

**HB 1551 (Pr. No. 2384) (Rereported)**

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several States, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1552 (Pr. No. 2385) (Rereported)**

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), known as the "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1553 (Pr. No. 2386) (Rereported)**

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), known as the "Temple-University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1554 (Pr. No. 2387) (Rereported)**

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), known as the "Lincoln University-Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1555 (Pr. No. 2349) (Rereported)**

An Act making appropriations to the Trustees of the University of Pennsylvania.

**HB 1556 (Pr. No. 2350) (Rereported)**

An Act making appropriations to the Hahnemann University, Philadelphia.

**HB 1557 (Pr. No. 2351) (Rereported)**

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

**HB 1558 (Pr. No. 2352) (Rereported)**

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

**HB 1559 (Pr. No. 2353) (Rereported)**

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

**HB 1560 (Pr. No. 2354) (Rereported)**

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

**HB 1561 (Pr. No. 2355) (Rereported)**

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

**HB 1562 (Pr. No. 2356) (Rereported)**

An Act making an appropriation to the University of the Arts, Philadelphia.

**HB 1563 (Pr. No. 2357) (Rereported)**

An Act making an appropriation to the Philadelphia College of Textiles and Science.

**HB 1564 (Pr. No. 2358) (Rereported)**

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

**HB 1565 (Pr. No. 2359) (Rereported)**

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown.

**HB 1566 (Pr. No. 2360) (Rereported)**

An Act making an appropriation to the Johnson Technical Institute of Scranton.

**HB 1567 (Pr. No. 2361) (Rereported)**

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

**HB 1568 (Pr. No. 2362) (Rereported)**

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

**HB 1569 (Pr. No. 2363) (Rereported)**

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

**HB 1570 (Pr. No. 1838) (Rereported)**

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

**HB 1571 (Pr. No. 1839) (Rereported)**

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

**HB 1572 (Pr. No. 1840) (Rereported)**

An Act making an appropriation to the Central Penn Oncology Group.

**HB 1573 (Pr. No. 1841) (Rereported)**

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

**HB 1574 (Pr. No. 1842) (Rereported)**

An Act making an appropriation to the St. Francis Hospital, Pittsburgh.

**HB 1575 (Pr. No. 1843) (Rereported)**

An Act making appropriations to the St. Christopher's Hospital, Philadelphia.

**HB 1576 (Pr. No. 1844) (Rereported)**

An Act making an appropriation to the Lancaster Cleft Palate.

**HB 1577 (Pr. No. 1845) (Rereported)**

An Act making an appropriation to the Pittsburgh Cleft Palate.

**HB 1578 (Pr. No. 1846) (Rereported)**

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

**HB 1579 (Pr. No. 1847) (Rereported)**

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

**HB 1580 (Pr. No. 1848) (Rereported)**

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

**HB 1581 (Pr. No. 1849) (Rereported)**

An Act making an appropriation to the Arsenal Family and Children's Center.

**HB 1582 (Pr. No. 1850) (Rereported)**

An Act making an appropriation to the Beacon Lodge Camp.

**HB 1583 (Pr. No. 1851) (Rereported)**

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

**HB 1584 (Pr. No. 1852) (Rereported)**

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1585 (Pr. No. 1853) (Rereported)**

An Act making an appropriation to the Franklin Institute Science Museum.

**HB 1586 (Pr. No. 1854) (Rereported)**

An Act making an appropriation to the Academy of Natural Sciences.

**HB 1587 (Pr. No. 1855) (Rereported)**

An Act making an appropriation to the Trustees of the Buhl Science Center.

**HB 1588 (Pr. No. 1856) (Rereported)**

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1589 (Pr. No. 1857) (Rereported)**

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

**HB 1590 (Pr. No. 1858) (Rereported)**

An Act making an appropriation to the Everhart Museum in Scranton.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 2**

**HB 1105 CALLED UP OUT OF ORDER**

**HB 1105 (Pr. No. 1255)** — Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**HB 1105 (Pr. No. 1255)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), known as the "Site Development Act," extending the expiration of approval authority.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**HB 1106 CALLED UP OUT OF ORDER**

**HB 1106 (Pr. No. 1256)** — Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**HB 1106 (Pr. No. 1256)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," repealing expiration dates for approval of loans or other aid.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**HB 1470 CALLED UP OUT OF ORDER**

**HB 1470 (Pr. No. 2277)** — Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER.

**BILL ON SECOND CONSIDERATION  
AND RECOMMITTED**

**HB 1470 (Pr. No. 2277)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1**

**SECOND CONSIDERATION CALENDAR**

**NONPREFERRED APPROPRIATION BILLS ON  
SECOND CONSIDERATION AND RECOMMITTED**

**HB 1551 (Pr. No. 2384)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several States, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1552 (Pr. No. 2385)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), known as the "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1553 (Pr. No. 2386)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), known as the "Temple-University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1554 (Pr. No. 2387)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), known as the "Lincoln University-Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1555 (Pr. No. 2349)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1556 (Pr. No. 2350)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1557 (Pr. No. 2351)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1558 (Pr. No. 2352)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1559 (Pr. No. 2353)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1560 (Pr. No. 2354)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1561 (Pr. No. 2355)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1562 (Pr. No. 2356)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1563 (Pr. No. 2357)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Textiles and Science.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1564 (Pr. No. 2358)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1565 (Pr. No. 2359)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1566 (Pr. No. 2360)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1567 (Pr. No. 2361)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1568 (Pr. No. 2362)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1569 (Pr. No. 2363)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1570 (Pr. No. 1838)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1571 (Pr. No. 1839)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1572 (Pr. No. 1840)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1573 (Pr. No. 1841)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.



Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1574 (Pr. No. 1842)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the St. Francis Hospital, Pittsburgh.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1575 (Pr. No. 1843)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the St. Christopher's Hospital, Philadelphia.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1576 (Pr. No. 1844)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1577 (Pr. No. 1845)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1578 (Pr. No. 1846)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1579 (Pr. No. 1847)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1580 (Pr. No. 1848)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1581 (Pr. No. 1849)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1582 (Pr. No. 1850)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1583 (Pr. No. 1851)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1584 (Pr. No. 1852)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1585 (Pr. No. 1853)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1586 (Pr. No. 1854)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1587 (Pr. No. 1855)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the Buhl Science Center.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1588 (Pr. No. 1856)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1589 (Pr. No. 1857)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

**HB 1590 (Pr. No. 1858)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

## CONSIDERATION OF CALENDAR RESUMED

### HB 840 CALLED UP OUT OF ORDER

**HB 840 (Pr. No. 1589)** — Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL ON SECOND CONSIDERATION

**HB 840 (Pr. No. 1589)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for funeral processions.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

### HB 1107 CALLED UP OUT OF ORDER

**HB 1107 (Pr. No. 2252)** — Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER.

### BILL ON SECOND CONSIDERATION

**HB 1107 (Pr. No. 2252)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

### HB 1143 CALLED UP OUT OF ORDER

**HB 1143 (Pr. No. 1935)** — Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER.

### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 1143 (Pr. No. 1935)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for training for family day-care providers; providing for an annual State plan for child-care services; further providing for powers and duties of the Department of Public Welfare; and making repeals.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

## SENATE RESOLUTIONS

### MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO MAINTAIN THE HIGH PRIORITY OF THE ISSUE OF AMERICA'S PRISONERS OF WAR AND MISSING IN ACTION, TO INVESTIGATE THE LIVE SIGHTINGS OF PRISONERS OF WAR AND MISSING IN ACTION, AND TO INVESTIGATE OUR NATIONAL POLICY IN THIS AREA

Senators RHOADES, BELL, CORMAN, TILGHMAN, SHUMAKER, MADIGAN, SALVATORE, SHAFFER, O'PAKE, ANDREZESKI, JONES, STAPLETON, LaVALLE, WENGER, MUSTO, FISHER, HART, ROBBINS, LEMMOND, JUBELIRER, PETERSON, PUNT, ARMSTRONG and BRIGHTBILL offered the following resolution (Senate Resolution No. 92), which was read as follows:

In the Senate, August 2, 1991.

#### A RESOLUTION

Memorializing the President and the Congress of the United States to maintain the high priority of the issue of America's prisoners of war and missing in action, to investigate the live sightings of prisoners of war and missing in action, and to investigate our national policy in this area.

WHEREAS, Seventeen years after the Vietnam War, there currently remain more than 2,272 Americans still missing or otherwise unaccounted for in Indochina; and

WHEREAS, The families of servicemen and civilians missing in Indochina still suffer untold grief and uncertainty due to the lack of an adequate accounting; and

WHEREAS, The President has declared the issue of America's missing or otherwise unaccounted for in Indochina a matter of high national priority and has had high level dialogue with the governments of the Lao Peoples' Democratic Republic and the Socialist Republic of Vietnam on this issue; and

WHEREAS, In February 1984, the Socialist Republic of Vietnam promised to accelerate the resolution of this humanitarian issue and, in February 1985, indicated it was interested in normal relations with the United States; and

WHEREAS, Despite these assurances, there is a growing body of evidence that Americans continue to be held captive in Indochina; and

WHEREAS, 114 Pennsylvanians who served in Vietnam are still unaccounted for; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania support the President's pledge of high national priority to resolve the status of more than 2,272 Americans still missing and unaccounted for in Indochina; and be it further

RESOLVED, That the strongest signal that can be sent to the governments of Vietnam and Laos is the united voice of the American people, demanding that the United States Government and Congress take more decisive and aggressive action to secure the freedom of our POW's and MIA's; and be it further

RESOLVED, That the Senate urge the President and the Congress of the United States to ensure that this issue remains one of highest national priority and to accelerate efforts in every possible way to obtain the immediate release of Americans who are still being held captive in Indochina; and be it further

RESOLVED, That the Senate memorialize the Congress of the United States to investigate the live sightings of POW's and MIA's in Southeast Asia and to investigate the current policy of the United States regarding the sightings of POW's and MIA's; and be it further

RESOLVED, That copies of this resolution be transmitted to the Honorable George Bush, President of the United States, to the presiding officers of each house of Congress, and to each member of Congress from Pennsylvania.

Senator RHOADES asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 92, ADOPTED

Senator RHOADES. Mr. President, I move that the Senate do adopt Senate Resolution No. 92.

On the question,

Will the Senate agree to the motion?

Senator RHOADES. Mr. President, the resolution in essence, I think, addresses something which we are all aware of. In fact, 17 years after the Vietnam War, there currently remain more than 2,272 Americans still missing or otherwise unaccounted for in Indochina and 114 of that number are Pennsylvanians. What the resolution does is offer our support to the President's pledge of a high national priority to resolve the status of the more than 2,272 Americans still missing. It is intended to send the strongest signal that we can to the Congress to send to Vietnam and Laos demanding more decisive and aggressive action is taken to secure the freedom of our POWs and MIAs. I think this issue has to remain one of our highest national priorities and that we have to accelerate every effort that we possibly can to obtain their immediate release. We also call upon the Congress to investigate the live sightings of the POWs and MIAs in southeast Asia. That is what the resolution in essence does, but I think the bottom line of all the things we do, even going through this budget process and whatever it brings, the essence is that no American should ever be held hostage, prisoner or unaccounted for anywhere in the world, or else we lose faith with them and lose purpose of all we are doing.

Senator PUNT. Mr. President, I would just like to echo the remarks of the gentleman from Schuylkill, Senator Rhoades, but in addition I would also just like to point out for the record, and I sincerely hope that the United States government continues to pursue its effort here, that there are still 6,000 POWs/MIAs from the Korean War who have been unaccounted for. I would hope we would place the same diligence and commitment in ascertaining the whereabouts, location and disposition of those 6,000 brave Americans who are still unaccounted for today.

And the question recurring,  
Will the Senate agree to the motion?  
The motion was agreed to and the resolution was adopted.

**DESIGNATING DECEMBER 15, 1991, AS  
"BILL OF RIGHTS DAY" IN PENNSYLVANIA  
AND HONORING PATRICK HENRY FOR HIS  
EFFORTS IN MAKING THE BILL OF RIGHTS  
A FUNDAMENTAL PART OF THE  
CONSTITUTION OF THE UNITED STATES**

Senator LOEPER offered the following resolution (**Senate Resolution No. 93**), which was read, considered and adopted:

In the Senate, August 2, 1991.

**A RESOLUTION**

Designating December 15, 1991, as "Bill of Rights Day" in Pennsylvania and honoring Patrick Henry for his efforts in making the Bill of Rights a fundamental part of the Constitution of the United States.

WHEREAS, December 15, 1991, is the Bicentennial of the Bill of Rights; and

WHEREAS, On that day in 1791 the first ten amendments to the United States Constitution became binding upon the Federal Government and several states; and

WHEREAS, The Bill of Rights protects individual freedoms such as the right to peaceably assemble, the freedoms of speech and of the press, the free exercise of religion, the right to trial by jury and the right to be secure against unreasonable searches and seizures; and

WHEREAS, The Bill of Rights also provides for protection against excessive bail, fines, or cruel and unusual punishment and for protection against being deprived of life, liberty or property without due process of law; and

WHEREAS, The United States Constitution was originally ratified by the several states without this enumeration of the fundamental principles of liberty; and

WHEREAS, Patrick Henry, a noble patriot and statesman, was strongly opposed to the ratification of the Constitution until there was such an enumeration of these rights; and

WHEREAS, Patrick Henry was most singularly influential in having the Bill of Rights ratified by the states as the first ten amendments to the Constitution; and

WHEREAS, The Bicentennial of the Bill of Rights is a most appropriate time to honor Patrick Henry, one of our Nation's true patriots, for his efforts in making the Bill of Rights a fundamental part of the Constitution and to be grateful to God for the blessings of civil and religious liberty as expressed by our forefathers in the Bill of Rights; therefore be it

RESOLVED, That the Senate of Pennsylvania designate December 15, 1991, as "Bill of Rights Day" in Pennsylvania and honor Patrick Henry for his efforts in making the Bill of Rights a fundamental part of the Constitution of the United States; and be it further

RESOLVED, That the Senate of Pennsylvania encourage all Pennsylvanians to appreciate the role the Bill of Rights has played in protecting our individual rights and to learn more about Patrick Henry's significant contributions to our history.

**DESIGNATING AUGUST 5 THROUGH 11, 1991,  
AS "ADIOS WEEK" IN PENNSYLVANIA**

Senators STOUT, FISHER, BELAN, PORTERFIELD, STEWART, WILLIAMS, BORTNER, AFFLERBACH, REIBMAN, O'PAKE, BODACK, MELLOW, FUMO,

JONES, LaVALLE, SCHWARTZ and MUSTO offered the following resolution (**Senate Resolution No. 91**), which was read, considered and adopted:

In the Senate, August 2, 1991.

**A RESOLUTION**

Designating August 5 through 11, 1991, as "Adios Week" in Pennsylvania.

WHEREAS, Ladbroke at The Meadows is a harness track located 25 miles south of Pittsburgh in Washington County; and

WHEREAS, Ladbroke at The Meadows has been a major part of the southwestern Pennsylvania sports and entertainment community; and

WHEREAS, The Meadows has been in existence since 1963, and The Adios Pace has been raced at The Meadows every year since 1967; and

WHEREAS, 1991 is the Silver Anniversary of the \$500,000 Adios "Pace For The Orchids," the richest race in Pennsylvania; and

WHEREAS, The Adios was founded by The Meadows' Founder Delvin Miller and was named after the greatest sire of his time; and

WHEREAS, The Adios has become an annual tradition in southwestern Pennsylvania; and

WHEREAS, The Adios and Adios Week have helped to promote the horsebreeding industry in Pennsylvania; and

WHEREAS, The Adios and Adios Week have generated millions of dollars for the Commonwealth of Pennsylvania through pari-mutuel wagering; and

WHEREAS, The Adios and Adios Week have generated millions of dollars in additional tax revenue and additional business for other local businesses in and around The Meadows; therefore be it

RESOLVED, That the Senate designate August 5 through 11, 1991, as "Adios Week" in Pennsylvania.

**HONORING THE CITY OF NEW KENSINGTON  
ON ITS 100TH ANNIVERSARY**

Senators HART, BELAN, PORTERFIELD and BELAN offered the following resolution (**Senate Concurrent Resolution No. 94**), which was read as follows:

In the Senate, August 2, 1991.

**A CONCURRENT RESOLUTION**

Honoring the City of New Kensington on its 100th Anniversary.

WHEREAS, The City of New Kensington traces its roots to the earliest settlements in western Pennsylvania; and

WHEREAS, The Burrell Improvement Company purchased a large tract of land situated 18 miles south of Pittsburgh in July 1890 and set down the boundaries of the town of Kensington; and

WHEREAS, The first sale of land in the town attracted 15,000 potential buyers and resulted in the first plot being sold on June 10, 1891; and

WHEREAS, By 1892, 500 homes had been built in the town and the Westmoreland County Courts issued an order to incorporate the Borough of New Kensington; and

WHEREAS, In 1932 local residents voted to become a third class city to realize the many advantages associated with that form of government, and New Kensington officially became a third class city on January 1, 1934; and

WHEREAS, Industry has always found a special home in New Kensington, and the establishment of the mother plant of the aluminum industry earned the city the appellation "The Aluminum City"; and

WHEREAS, New Kensington has, throughout its history, grown and prospered through the skills and labors of its residents, embracing and exemplifying the energy, dedication and diversity from which this Commonwealth and this nation draw their strength; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly honor the City of New Kensington on its 100th Anniversary; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Mayor and City Council of New Kensington.

Senator HART asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION  
NO. 94, ADOPTED**

Senator HART. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 94.

On the question,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**REQUEST FOR RECESS**

Senator LOEPER. Mr. President, at this time I do not expect any further slow roll call votes today. It is my understanding we are still waiting for two bills to come down which can be dispatched in about a half hour. In light of that, I would suggest to the Members that there is no need for them to be on the floor for an actual vote, and at this point I would ask for a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. If the gentleman does not object, the Chair would suggest that we clear the desk of a few informational items before the recess request.

**COMMUNICATION FROM THE GOVERNOR**

**NOMINATION BY THE GOVERNOR  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

August 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edith Isacke, 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1995 or until her successor is appointed and qualified, vice Dr. Paul R. Vochko, Ambridge, whose term expired.

ROBERT P. CASEY.

**HOUSE MESSAGES**

**HOUSE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE SENATE  
TO HB 89, AND APPOINTS  
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 89**, and has appointed Messrs. GRUITZA, STABACK and GRUPPO as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 175** and **547**.

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 1133**, **1134**, **1138** and **1217**, with the information the House has passed the same without amendments.

**HOUSE NONCONCURS IN SENATE  
AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 221**.

The PRESIDENT. The bill will be placed on the Calendar.

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1135**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**SB 1133, 1134, 1138, 1217, HB 175 and 547.**

**REPORT FROM COMMITTEE**

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported the following bill:

**SB 1238 (Pr. No. 1422)**

An Act amending the act of June 23, 1978 (P. L. 537, No. 93), entitled "Seasonal Farm Labor Act," further providing for declaration of intent; adding and amending definitions; further providing for minimum wages, piece rates, employment of minors, prohibition on account of sex, required records, notice to workers, wage payment, hours of labor, rules and regulations, inspections and entry, permit to operate seasonal farm labor camp, enforcement orders, tenancy rights, annual registration requirement, qualifications of registrants, exemption of agents from registration, employment agencies, farm labor contractors and agents, prohibited activities, powers and duties of secretary, administrative procedure, pending proceedings and criminal penalties; and providing for lack of affirmative duty, interference with access and right of privacy, and civil remedies and penalties.

**RECESS**

The PRESIDENT. Senator Loeper has requested that the Senate do now recess to the call of the President pro tempore. There being no objection to that request, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDING OFFICER (Richard A. Tilghman) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 2  
RESUMED****THIRD CONSIDERATION CALENDAR****PREFERRED APPROPRIATION BILL  
REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1536 (Pr. No. 2411)** — The Senate proceeded to consideration of the bill, entitled:

An Act to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year

July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 185 (Pr. No. 2410)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exclusions from sales and use tax; and further providing for the imposition of the gross receipts tax.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate to the call of the President pro tempore.

The PRESIDING OFFICER. Senator Loeper asks for a recess of the Senate to the call of the President pro tempore. The Senate will stand in recess.

**AFTER RECESS**

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS****ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations and Senate Bills No. 405 and No. 1135.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Andrezeski and his temporary Capitol leave is cancelled.

**EXECUTIVE NOMINATION****EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to.

**NOMINATION TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

June 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James P. Gallagher, Ph.D., 3400 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Education to serve until October 1, 1995 or until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Pecora and his legislative leave is hereby cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has requested that the Senate briefly recess for the purpose of a meeting of the Committee on Rules and Executive Nomi-



tions to be held immediately in the Rules Committee room to the rear of the Senate Chamber. Without objection, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### REPORTS FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bills on concurrence in House amendments:

#### SB 405 (Pr. No. 1405)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, amending certain definitions; adding and amending certain definitions relating to military service; adding provisions relating to credited service as a retirement incentive; further providing for special early retirement, accrued liability, termination of annuities, creditable nonschool service and retirement counseling services; including enforcement officers and investigators in the Office of Attorney General within the definition of "enforcement officer" for retirement purposes; providing for credit for service with another state government; and authorizing purchases of certain creditable nonstate service by justices of the peace

#### SB 1135 (Pr. No. 1493)

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

### SPECIAL ORDER OF BUSINESS

#### SUPPLEMENTAL CALENDAR NO. 3

#### BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

#### SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE

**HB 221 (Pr. No. 2322)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of a summer foreign language academy program for secondary school students throughout this Commonwealth; and providing for powers and duties of the Department of Education.

Senator LOEPER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 221, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1135 (Pr. No. 1493)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1135.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE NONCONCURS IN HOUSE AMENDMENTS

**SB 405 (Pr. No. 1405)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, amending certain definitions; adding and amending certain definitions relating to military service; adding provisions relating to credited service as a retirement incentive; further providing for special early retirement, accrued liability, termination of annuities, creditable nonschool service and retirement counseling services; including enforcement officers and investigators in the Office of Attorney General within the definition of "enforcement officer" for retirement purposes; providing for credit for service with another state government; and authorizing purchases of certain creditable nonstate service by justices of the peace

Senator LOEPER. Mr. President, I move the Senate do not concur in the amendments made by the House to Senate

Bill No. 405, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## CONSIDERATION OF CALENDAR RESUMED

### HB 1344 CALLED UP OUT OF ORDER

**HB 1344 (Pr. No. 2096)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 1344 (Pr. No. 2096)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to agriculture and rural youth; creating an Agriculture and Rural Youth Organization Grant Program; imposing duties on the Department of Agriculture; and making an appropriation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A2207:

Amend Title, page 1, lines 3 and 4, by striking out "making an appropriation." and inserting: providing for funding.

Amend Sec. 3, page 2, line 28, by striking out "majority"

Amend Sec. 4, page 3, lines 23 and 24, by striking out "IN CONSULTATION WITH the" and inserting: , with the approval of the

Amend Sec. 6, page 4, line 19, by striking out "thresholds" and inserting: limits

Amend Sec. 7, page 4, line 23, by inserting after "authorized": , with the approval of the board,

Amend Sec. 7, page 4, line 23, by striking out ", adopt and enforce" and inserting: and adopt

Amend Sec. 10, page 5, line 4, by striking out "in 60 days" and inserting: immediately

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

## RECESS

Senator LOEPER. Mr. President, at this time, before I make a request, I would just like to apologize to the Members for the way the delays have been going today, but, unfortunately, when we get to this time of year there are many things which seem to take some time to try and get a program straightened out to follow forward. I would just ask all Members to try and bear with us as we move through this process for the next day or two, or whatever it takes.

At this time I would ask for a recess of the Senate, first for the purpose of a Republican caucus to begin immediately in

the first floor Majority caucus room. It is my understanding, Mr. President, that the Democrats have already caucused today. It would be the Majority's intent to reconvene at 7:00 p.m. this evening here on the Senate floor. With that in mind, I would ask for a recess of the Senate at this time.

The PRESIDENT pro tempore. Senator Loeper requests a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, and for that purpose, and with the intent of returning to the floor at approximately 7:00 p.m. this evening, the Senate will stand in recess.

## AFTER RECESS

**The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## CONSIDERATION OF CALENDAR RESUMED

### RECONSIDERATION OF HB 840

#### BILL ON SECOND CONSIDERATION AMENDED

**HB 840 (Pr. No. 1589)** — Senator LOEPER. Mr. President, I move to reconsider the vote by which House Bill No. 840, Printer's No. 1589, was agreed to on second consideration.

The motion was agreed to.

The Senate proceeded to consideration of the bill entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for funeral processions.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment No. A2000:

Amend Title, page 1, line 2, by inserting after "Statutes,"; defining "farm equipment"; further providing for the responsibilities of vehicle transferees, for exemptions from registration and certificates of title, for the use of dealer plates, multipurpose dealer plates and farm equipment plates; and

Amend Bill, page 1, by inserting between lines 4 and 5:

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read: § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\*\*\*

"Farm equipment." A vehicle designed or used exclusively for agricultural operations and only incidentally operated or moved upon highways, including, but not limited to, farm tractors, choppers and balers.

\*\*\*

Section 2. Section 1102 of Title 75 is amended by adding a paragraph to read:

§ 1102. Vehicles not requiring certificate of title.

No certificate of title is required for:

\*\*\*

(11) A tow dolly.

Section 3. Section 1113(a) of Title 75 is amended to read:

§ 1113. Transfer to or from manufacturer or dealer.

(a) Transfer to manufacturer or dealer.—When the purchaser or transferee of a vehicle is a manufacturer or registered dealer who holds the vehicle for resale, a certificate of title need not be applied for as provided for in section 1111 (relating to transfer of ownership of vehicle) [for a period of six months from the date of the assignment], but the transferee shall, within seven days from the date of assignment of the certificate of title to the manufacturer or dealer, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the vehicle. Notification as authorized in this section may not be used in excess of three consecutive transactions after which time an application shall be made for a certificate of title. Notwithstanding the foregoing, a transferee of a motor vehicle shall apply for a certificate of title no later than six months from the date of the assignment.

\*\*\*

Section 4. Section 1302 of Title 75 is amended by adding a paragraph to read:

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

\*\*\*

(19) A tow dolly.

Section 5. Section 1335(c) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1335. Registration plates for manufacturers and dealers.

\*\*\*

(a.2) Exemption.—The following types of dealers and manufacturers are exempt from posting of the bond specified in subsection (a):

- (1) Farm equipment dealers.
- (2) Mobile home dealers and manufacturers.
- (3) Modular housing manufacturers.

\*\*\*

(c) Exemption from individual registration.—Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of [section] sections 1336 (relating to use of dealer registration plates) and 1336.1 (relating to use of multipurpose dealer registration plates).

\*\*\*

Section 6. Section 1336 of Title 75 is amended to read:

§ 1336. Use of dealer registration plates.

(a) General rule.—

(1) Dealer registration plates may be used on any vehicle owned or in possession of a dealer or manufacturer, but only if the vehicle is being held for sale[, is]. The vehicle shall be unladen except for safety equipment, jumper cables and similar items [or] and is being used for [any] either of the following purposes:

[(1)] (i) for the personal use of the dealer or members of his immediate family, or when the dealer is a corporation, for the personal use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer[.]; or

(ii) for transit to or from a location from which it is purchased or offered for sale or inspected.

(2) Dealer registration plates may be used on any laden or unladen vehicle owned or in possession of a dealer or manufacturer, but only if the vehicle is being held for sale and is being used for any of the following purposes:

[(2)] (i) For teaching students enrolled in an approved driver education course how to operate a

vehicle and for the new driver to take an examination for a driver's license.

[(3)] (ii) For testing vehicles in the possession of the dealer or manufacturer within a radius of 25 miles of the place of business of the dealer or manufacturer.

[(4)] (iii) For demonstrating vehicles in the possession of the dealer or manufacturer at no cost to a prospective purchaser.

[(5)] (iv) For loaning to customers whose vehicles are being repaired.

[(6)] (v) For loaning to prospective purchasers for a period not exceeding five days for the purpose of demonstrating vehicles.

(b) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as provided in subsection (a)(2), (5) and (6). The records shall be open to inspection by representatives of the department and police officers.

Section 7. Title 75 is amended by adding sections to read:

§ 1336.1. Use of multipurpose dealer registration plates.

Subject to the requirement that the vehicles on which multipurpose dealer registration plates are used, conform to, or are lower than, the weight limits for which the plates were purchased, the multipurpose dealer registration plates may be used on vehicles owned by or in possession of a dealer or manufacturer. All vehicles utilizing the multipurpose dealer registration plate shall be titled in the name of the business or family member and sales and use tax must be paid.

§ 1336.2. Farm equipment dealer registration plates.

Upon submission of an application accompanied by the appropriate fee and information on a farm equipment dealer that a truck or truck tractor with a registered gross weight of 11,001 pounds or over is used solely in the business of the dealer, the department shall issue a farm equipment dealer registration plate for the vehicle.

§ 1344.1. Use of farm equipment dealer registration plates.

A truck or truck tractor bearing farm equipment dealer registration plates shall be used solely in the business of the dealer and operated exclusively by the dealership or its employees only when the vehicle is used:

(1) for delivering farm equipment to a farm for the purpose of sale, demonstration, loaning to customers whose farm equipment is being repaired or loaning to prospective purchasers;

(2) for pickup of new farm equipment from the manufacturer or distributor;

(3) for pickup of used farm equipment for the purpose of resale; or

(4) for inspection, repair or servicing the vehicle.

Section 8. Section 1926 of Title 75 is amended by adding a subsection to read:

§ 1926. Dealers and miscellaneous motor vehicle business.

\*\*\*

(d) Multipurpose dealer registration plate.—The annual fee for a multipurpose dealer registration plate shall be the appropriate fee specified in section 1913 (relating to motor homes) for motor homes, the appropriate fee specified in section 1916 (relating to trucks and truck tractors) for trucks and truck tractors and the appropriate fee specified in section 1920(a) (relating to trailers) for trailers.

Section 9. Title 75 is amended by adding a section to read:

§ 1926.1. Farm equipment vehicle dealers.

The annual fee for registration of a farm equipment dealer truck or truck tractor shall be one-half of the regular fee or \$162, whichever is greater.

Section 10. Section 2306 of Title 75 is amended to read:

§ 2306. Exemptions.

No person who acts solely as either a notary or messenger for motor vehicle forms or a farm equipment dealer, mobile home dealer and manufacturer or modular housing manufacturer shall be bound by the provisions of this chapter.

Amend Sec. 1, page 1, line 5, by striking out "1" and inserting: 11

Amend Sec. 1, page 1, lines 5 and 6, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Sec. 2, page 1, line 14, by striking out "2" and inserting: 12

Amend Sec. 3, page 2, line 21, by striking out "3" and inserting: 13

Amend Bill, page 3, line 2, by striking out all of said line and inserting:

Section 14. This act shall take effect as follows:

(1) The amendment or addition of sections 1335(c), 1336, 1336.1, 1336.2, 1344.1, 1926(d) and 1926.1 of this act shall take effect in 120 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

Senator CORMAN offered the following amendment No. A2338 and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 2, by removing the period after "processions" and inserting: ; further providing for a restricted receipts fund and for registration for snowmobiles and ATV's; and establishing the Snowmobile Trail Advisory Committee.

Amend Sec. 3, page 2, line 21, by striking out all of said line and inserting:

Section 3. Sections 3310(c), 7706 and 7712(c) of Title 75 are amended to read:

Amend Bill, page 3, line 2, by striking out all of said line and inserting:

§ 7706. Restricted receipts fund.

(a) Deposit and use of moneys.—The department shall deposit all moneys received from the registration of snowmobiles and the registration and issuance of certificates of title for ATV's, the sale of snowmobile and ATV registration information, snowmobile and ATV publications and other services provided by the department, and all fees and fines assessed and collected under this chapter in a restricted receipts fund, from which the department shall draw moneys for use in carrying out the registration and the issuance of certificates of title, safety education and enforcement requirements of this chapter as well as the establishment, construction and maintenance of trails and any equipment and supplies necessary to carry out the purposes of this chapter. All moneys in said fund not heretofore paid into the General Fund shall remain in said restricted receipts fund to be used as specified in this chapter and any increases in moneys previously paid to the General Fund shall remain in said restricted receipts fund to be used as specified in this chapter.

(b) Grant-in-aid.—The department shall also, upon written application and subsequent approval, disperse moneys to municipalities, nonprofit snowmobile clubs and organizations for construction, maintenance and rehabilitation of snowmobile trails or any other facilities for the use of snowmobiles, including plans and specifications, engineering surveys and supervision and land

acquisition where necessary. The department shall promulgate such rules and regulations it deems necessary for the administration of this subsection.

[(b)] (c) Audit of moneys.—The restricted receipts fund shall be audited every two years.

§ 7712. Registration of snowmobiles and registration and issuance of certificates of title for ATV's.

\*\*\*

(c) Fees.—Fees for registration of snowmobiles and registration and issuance of certificates of title for ATV's to be collected by the department under this chapter are as follows:

(1) Each individual resident registration for two years, [§10] \$20 for a snowmobile and \$20 for an ATV.

(2) Each individual nonresident registration for two years, [§10] \$20 for a snowmobile and \$20 for an ATV.

(3) Each dealer registration for one year, \$25.

(4) Replacement of a lost, mutilated or destroyed certificate or decal, \$1.

(5) Transfers of snowmobile and ATV registrations as described in section 7713 (relating to certificates of registration and decals), \$3.

(6) Certificate of title for an ATV, \$15.

\*\*\*

Section 4. Title 75 is amended by adding a section to read:

§ 7717. Snowmobile Trail Advisory Committee.

(a) Establishment.—There is hereby established under the jurisdiction of the department a board known as the Snowmobile Trail Advisory Committee.

(b) Composition.—The Snowmobile Trail Advisory Committee shall be appointed within three months of the effective date of this section and biannually thereafter. The membership shall be composed of three members from the Pennsylvania State Snowmobile Association, one of whom shall have experience in trail creation on public land, one of whom shall have experience in trail creation on private land and one of whom shall be a member at large. In addition, one member shall be appointed from each of the following organizations: Pennsylvania Travel Council, Pennsylvania State Association of Township Supervisors, Pennsylvania State Association of Township Commissioners, Pennsylvania State Association of Boroughs, Pennsylvania State Association of County Commissioners, Pennsylvania Association of Realtors, Pennsylvania Landowners Association, Pennsylvania Vacation Land Developers Association, Department of Commerce and Department of Community Affairs. The name of the representatives shall be submitted to the secretary within ten days of the receipt of the request for them.

(c) Responsibilities.—The committee shall review existing and proposed regulations, standards and procedures for all trail acquisition, construction, development and maintenance. The committee may also make recommendations on trail sites, trail site acquisition and the allocation of fees collected pursuant to this chapter regarding acquisition, construction and maintenance of trails for snowmobile use.

(d) Advisory committee actions.—The recommendations of the advisory committee shall be submitted to the secretary who shall give due consideration to them.

Section 5. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

### REMAINING CALENDAR OVER IN ORDER

All remaining bills on today's Calendar not considered were passed over in their order at the request of Senator LOEPER.

### BILL ON FIRST CONSIDERATION

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### SB 1238.

And said bill having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Reverend Aaron W. Fox and to Edward James Galgon by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer Brandis and to Mr. and Mrs. Kermit Bittner by Senators Afflerbach and Brightbill.

Congratulations of the Senate were extended to Senator Jeanette F. Reibman by Senators Afflerbach, Mellow and O'Pake.

Congratulations of the Senate were extended to Brenda A. Pundt, Mary Hope Wilson, Margaret Karaish and to Gregory D. Lessig by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond R. Miller, Mr. and Mrs. Victor J. Koser, Mr. and Mrs. Robert B. Koch, Mr. and Mrs. Harvey Nixdorf, Mr. and Mrs. Lee M. Good, Mr. and Mrs. LeRoy Brubaker, Mr. and Mrs. Roman Musser, Mr. and Mrs. Christ B. Koehler, Mr. and Mrs. John C. Fink, Mr. and Mrs. Robert E. Knoll, Mr. and Mrs. George Martin, Mr. and Mrs. Herbert Book, Mr. and Mrs. Charles Robert Heaps, Mr. and Mrs. Charles L. McCulley, Mr. and Mrs. George A. Katchmer, Mr. and Mrs. Carl R. Chillias, Mr. and Mrs. Walter Stetter, Mr. and Mrs. Edwin W. Cook, Jr., Mr. and Mrs. Lloyd E. Sauder, Mr. and Mrs. E. William Ely, Mr. and Mrs. Clarence H. Martin, Mr. and Mrs. Amos S. Harnish, Mr. and Mrs. John F. Gantz, Mr. and Mrs. Bernard W. Thies, Mr. and Mrs. J. Roger Lawrence, Mr. and Mrs. John N. Pelen, Mr. and Mrs. George W. McFarland, Mr. and Mrs. William J. Sandago, Mr. and Mrs. Joseph G. Sahd, Mr. and Mrs. Abram M. Barley, Mr. and Mrs. LeRoy J. Neideigh, Mr. and Mrs. Roy K. Duke, Mr. and Mrs. William Magaro, Mr. and Mrs. Herbert Creter, Mr. and Mrs. George Birkenbine, Patrick R. Strickler, Sergeant Robert Barton III, Elizabeth Foerster, Bryan D. Kulakowsky,

Ella Mae, David W. Work, Jr., Mae Elizabeth Flinchbaugh Detwiler, Magdalin Helen Kraemer, Edna Schreiber and to Elizabeth Miesse by Senator Armstrong.

Congratulations of the Senate were extended to Derek P. Mims, Michael A. McErlean, David Smith, Tim Doering, Lee Clifton Edwards, Rita E. Reves, Charles N. Gibson, Donald J. Miller, Jonathan H. Moyer, Republic of China and to the King of Prussia Chamber of Commerce by Senator Baker.

Congratulations of the Senate were extended to Clifford L. Jones by Senators Baker and Tilghman.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Marksteiner, Mr. and Mrs. George Rose, Kenneth Stickel, citizens of the City of Duquesne and to the Mon Valley Education Consortium of McKeesport by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony DiGioia by Senators Belan and Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Julius Matera, Mr. and Mrs. Peter J. Rohana, Sr., Mr. and Mrs. Dominic Iannucci, Mr. and Mrs. Howard Ayars and to Mr. and Mrs. Stanley Stanowski by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Schultz, Reginald B. Young, Mayor Regis J. McCarthy, Sister Helen Elizabeth McElwain, Antoinette Zangrille, Nied's Hotel of Pittsburgh and to the Progressive National Baptist Convention, Incorporated by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. John Morton, Mr. and Mrs. Clyde L. Sterner, Mr. and Mrs. Ellery Crone, Mr. and Mrs. Earl Walker, Mr. and Mrs. Carroll Reeser, Mr. and Mrs. Ervin E. Ness, Mr. and Mrs. Waldo Gladfelter, Mr. and Mrs. James Hively, Mr. and Mrs. Dale Paules, Mr. and Mrs. Jacob Moul, Mr. and Mrs. Roger Lang, Mr. and Mrs. Eugene Shaffer, Mr. and Mrs. Allen F. Bollinger, Mr. and Mrs. Philip Baker, Mr. and Mrs. Richard W. Erdman, Mr. and Mrs. Luther Eveler, Mr. and Mrs. Raymond MacDonald, Mr. and Mrs. Elmer Sechrist, Mr. and Mrs. William Horn, Mr. and Mrs. Leon Cooper, Mr. and Mrs. Franklin Minnich, Mr. and Mrs. Donald Norbeck, Mr. and Mrs. Willard Saltzgiver, Mr. and Mrs. William Lowell, Mr. and Mrs. C. Raymond Toal, Mr. and Mrs. Ralph C. Woolley, Mr. and Mrs. Ralph Gable, Mr. and Mrs. Charles Groft, Mr. and Mrs. Floyd E. Sterner, Mr. and Mrs. Joseph H. Ernst, Mr. and Mrs. Norman Anderson, Mr. and Mrs. George W. Ames, Mr. and Mrs. Lewis Grossi, Mr. and Mrs. Harold Gross, Mr. and Mrs. Thomas A. Wilson, Mr. and Mrs. George Gladfelter, Mr. and Mrs. Paul Heindel, Mr. and Mrs. Martin Yohe, Russell C. Pierce, Scott Presswood, Lura May Seifert, Ruthe Craley, citizens of Dallastown Borough and to Penn Laurel Girl Scout Council of York by Senator Bortner.

Congratulations of the Senate were extended to Penn Laurel Girl Scout Council of York by Senator Brightbill.

Congratulations of the Senate were extended to Patriotic Order Sons of America, Washington Camp No. 113 of Robesonia by Senators Brightbill and O'Pake.



Congratulations of the Senate were extended to Mr. and Mrs. Dallas L. Winegardner, Mr. and Mrs. Paul L. Haubert, Mr. and Mrs. Oliver P. Smith, Mr. and Mrs. John R. Hughes, Mr. and Mrs. M. Ned Lunger, Mr. and Mrs. James McNeish, Mr. and Mrs. Glenn A. Jacobs, Judge and Mrs. Paul Lehman, Mr. and Mrs. Paul Strawser, Mr. and Mrs. Thomas E. Yoder, Mr. and Mrs. Paul A. Harshbarger, Mr. and Mrs. H. Lewis Rodgers, Mr. and Mrs. Richard E. Luse and to the Bellefonte VFW Teener League All-Stars by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Cieslak, John Wehner, Arnold H. Lazarus, Sande Deitch, His Eminence Joseph Cardinal Glemp and to Saint John the Baptist Ukrainian Catholic Church of Pittsburgh by Senator Dawida.

Congratulations of the Senate were extended to Reverend Emerson Talmadge by Senator Fattah.

Congratulations of the Senate were extended to Mr. and Mrs. George Haffner, Cynthia Iannarelli, Lucian Caste, Mt. Lebanon Junior and Senior High Schools and to the Medical Rescue Team South of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to Josh Deakin and to Eric Vaupel by Senators Fisher and Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. Joe Keene, Mr. and Mrs. John Massimilla, Mr. and Mrs. Carroll Mills, Todd Brinton Cooper, D. James Reed, Alexander J. Schmerling, Valentine Jakovlevs, Jr., Carl Christiansen, Lord Mayor Michael Brueckner, citizens of Upper Gwynedd Township, Gwynedd-Mercy Academy High School of Gwynedd Valley, Keith Valley Middle School of Horsham and to the Hatboro-Horsham School District by Senator Greenleaf.

Congratulations of the Senate were extended to Monsignor Robert P. Maginnis by Senators Greenleaf, Holl and Tilghman.

Congratulations of the Senate were extended to Mr. and Mrs. Austin Conant, Peter Alan Geipel, Russell F. Dorn, Timothy R. McKinney, George T. Lomas and to the citizens of Riegelsville Borough by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Horton, Mr. and Mrs. Harry J. O'Hare, Mr. and Mrs. Ken Johnson, Mr. and Mrs. Rudolph J. Celko, Sr., Mr. and Mrs. Carroll Gray, Charles J. and Kathryn E. Gephardt, Richard Heuser, Clifford D. Thompson, Barry Rothwell, Erma Ballone, John Cieslinski, William T. Larkin, Robert Thimons, Jr., Ann Roenigk, C. Fred Fetterolf, Janet Schultzer, Helen Stauffer, Rose Coll, Elizabeth Huth, Lillian Carney, Aldo Monti, Bernard Adams and to Mario DiGirolamo by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Tesla Ricker, Mr. and Mrs. Andrew Wagner, Mr. and Mrs. John Romei, Mr. and Mrs. Robert Bingaman, Reverend and Mrs. Harold Smith, Sr., Mr. and Mrs. Adam Milton Umbenhowe, Mr. and Mrs. Herbert Wolfe, Mr. and Mrs. Calvin Bredbenner, Mr. and Mrs. Isaac Beaver, Mr. and Mrs. Kenneth C. Watts, Mr. and Mrs. Carl E. Varner, Sr., Mr. and Mrs. Bruce L. Keller, Mr. and Mrs. Paul W. Lauver, Mr. and

Mrs. John S. Thomas, Mr. and Mrs. J. Andrew Myers, Mr. and Mrs. Reed Henry, Mr. and Mrs. Edward Pryzie, Mr. and Mrs. Frank Buffone, Mr. and Mrs. Carl T. Johnson, Mr. and Mrs. Carl V. Hinkle, Mr. and Mrs. Roy Firestone, Mr. and Mrs. John Meckley, Mr. and Mrs. Charles Malinowski, Mr. and Mrs. Darwood Laubach, Mr. and Mrs. Rick Fruet, Michael Sargent, Anthony Scala, Richard Prezlowski, Reverend Paul E. Dershem, Kay Price, Matthew Richard Snyder, Edith Irene Davis Oman, Aaron Prah, Janet Hutchinson, Randy Mayernick, Kevin S. Hummel, Bradley Davis, Allison Yoder, Mary Jane Filarski, Steven J. Bisbee, Donald Eugene Miller II, Dr. James C. Gehris, Cedar Lodge No. 378 of the Free and Accepted Masons of Mount Carmel, Transfiguration of Our Lord Ukrainian Catholic School of Shamokin, Saint John's United Methodist Church of Sunbury and to Ukrainian Catholic Church of the Assumption of the Blessed Virgin Mary of Centralia by Senator Helfrick.

Congratulations of the Senate were extended to Mark D. Magee, Paul Martino, Joseph D. Hamilton, Winfield R. Lynch, Jr., Peter Stout, Reverend Monsignor Joseph W. Murray, Highway Home for the Aged of Hatfield, citizens of Upper Hanover Township, citizens of Upper Salford Township and to the citizens of Marlborough Township by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. William Herman Comp, Lizzie Zartman, A. John Smither and to Vernie Hurst Halliday by Senator Hopper.

Congratulations of the Senate were extended to Dr. George D. Sauers and to Augustus Spagnolo by Senators Hopper and Shumaker.

Congratulations of the Senate were extended to Claudia Allen, Peggy Jones, Nellie Reynolds, Marian F. Bell, Doris L. Morris Clinkscale, Gwendolyn Tunewald, Men of BACA, Incorporated of Philadelphia and to the Philadelphia Martin Luther King, Jr. Association for Nonviolence, Incorporated by Senator Jones.

Congratulations of the Senate were extended to Ruth Wills Haversteine, Florence Miles and to Saint Mary's Holy Assumption Orthodox Church of Altoona by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. John O. Bianchi, Ethan Conte, Michael Selley, Police Chief George Kyrargyros, John Marchetti and to Nick Nedzelski by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Angelovich, Mr. and Mrs. Kermit Latimer, Mr. and Mrs. Arthur W. Parker, Joseph Jones, Michael Petrowski, John Burkhart, Kevin Fruck, Brian Fitzgerald, Shawn Murphy, Lottie Talmon, Scott T. McNear, John C. McNear, Donald D. Smith, Thomas D. Jenkins, Lookout United Methodist Church of Equinunk and to Proctor and Gamble Paper Products Plant of Mehoopany by Senator Lemmond.

Congratulations of the Senate were extended to Joseph J. Savitz and to Luzerne County Community College of Nanticoke by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mary H. Ference and to Sheldon I. Cutler by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Schiffbauer, Margaret Yankovich and to Charles M. Maher by Senator Lincoln.

Congratulations of the Senate were extended to Tom Luke, Thi Tran, Colwyn Fire Company, Scott Paper Company's Chester Operations and to East Lansdowne Fire Company No. 1 by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. George Harkness, Mr. and Mrs. Laurence McKee, Mr. and Mrs. Joseph Lutz, Mr. and Mrs. Walter Goodspeed, Mr. and Mrs. Arthur F. Hamm, Mr. and Mrs. Donald W. Strouble, Mr. and Mrs. Norman F. Zinck, Mr. and Mrs. Henry Bowers, Mr. and Mrs. Alfred H. Knapp, Mr. and Mrs. John Morral, Mr. and Mrs. Norbert J. Haefner, Mr. and Mrs. James A. Beck, Mr. and Mrs. Kenneth R. LeVan, Mr. and Mrs. Sherman Doeblor, Mr. and Mrs. Joseph W. Coup, Sr., Mr. and Mrs. Earl Brainard, Mr. and Mrs. David N. Thomas, Mr. and Mrs. Cleveland Russell, Mr. and Mrs. Sterling L. Thompson, Mr. and Mrs. Joseph Garfield, Mr. and Mrs. Mahlon Northrop, Mr. and Mrs. Blair Dillon Phelps, Mr. and Mrs. Jack F. Webster, Mr. and Mrs. Jesse Bryant, Mr. and Mrs. Meylert M. Van Dyke, Mr. and Mrs. Charles S. Munro, Mr. and Mrs. Charles Southworth, Mr. and Mrs. Paul Ulmer, Mr. and Mrs. John C. Staje, Sr., Mr. and Mrs. Robert J. Glosser, Mr. and Mrs. Paul I. Montgomery, Mr. and Mrs. John Osipovitch, Mr. and Mrs. Edward Moore, Mr. and Mrs. Duane Wilcox, Catherine Tigue, Maude E. Neidig, Gertrude M. Sterner, Brian Clayton Stiber, Abbie Collister Ling, Idabelle M. Atkinson and to Christopher Chacona by Senator Madigan.

Congratulations of the Senate were extended to Mansfield University by Senators Madigan and Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Donato J. Rinaldi, Mr. and Mrs. Walter Rosiecki, Albert Wilson, Earl J. Coccetti, Joseph P. Farley, Wendell R. Hunt, Ralph F. Tscheu, Edward J. Bardzel, Wayne B. Miller, George A. Steinmetz, Michael Nazarenko, Alexander Kowalako, Geraldine M. McCawley, Thomson Consumer Electronics, Incorporated of Dunmore, Scranton Area Chapter of the Deborah Hospital Foundation and to Saint Michael's Russian Orthodox Church of Old Forge by Senator Mellow.

Congratulations of the Senate were extended to Tony Giglio by Senators Mellow and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Guy T. Brigido, Mr. and Mrs. Joseph Formulak, Mr. and Mrs. Adam Gayeski, David P. Marcus, Reverend Father Valentine R. Plevyak, Alex Brogna, James J. McCabe and to Keystone Job Corps by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard Black, Mr. and Mrs. Alf Bergstrom, Donald H. Eaton and to Joseph R. Valentino by Senator Pecora.

Congratulations of the Senate were extended to Harold F. Johnson, Sr., Ethel Helen Holm Matheson, Mark David

Murphy, Bryan J. Hawkins, Eric Jay Hasbrouck, Robert J. Zimmerman, Betts Industries, Incorporated of Warren and to the Lutheran Home at Kane by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Gilbert Zaronsky, Dennis Michael Petrosky, Rudolph Prohaska, Donald E. Crago, Sr., citizens of Adamsburg Borough and to the Adamsburg and Community Volunteer Fire Department by Senator Porterfield.

Congratulations of the Senate were extended to Roger Heyser, Sandra Waybrant, Dr. Gwendolyn Evans Jensen, Charles G. Freeman, Asbury United Methodist Church of Duncannon and to Marine Wing Support Squadron 473, Detachment Bravo 64 of the Motor Transport Battalion of Wyoming by Senator Punt.

Congratulations of the Senate were extended to Frank Darcey, Jr. by Senators Punt and Helfrick.

Congratulations of the Senate were extended to George R. Hoch by Senators Punt and Peterson.

Congratulations of the Senate were extended to Irene Gross, Jason Walton, Michael Kolodrub and to Louis Pizzolatto III by Senator Reibman.

Congratulations of the Senate were extended to Good Shepherd of Allentown by Senators Reibman and Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. John Sisak, Jr., Marian A. Styk, J. Terry Roeber, Anthony M. Farda, Charles M. Hannig, Joseph Carnish, Gregory M. Volkay, Edwin Harrison Stickler, Rafaela Gonzalez, Alan M. Murray, Frances E. Adams, citizens of the Borough of Gordon, Zion Evangelical Lutheran Church of Minersville and to Blessed Virgin Mary Ukrainian Catholic Church of McAdoo by Senator Rhoades.

Congratulations of the Senate were extended to Blaze J. Gusic by Senators Rhoades and Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Gargas, Mr. and Mrs. Art Raschke, Elizabeth Keisel, Alice Shaffer, Matthew L. McClimans, citizens of the City of Titusville, Mercer County Community Action Agency and to the citizens of the City of Sharon by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Abramson, Mr. and Mrs. Andrew Dockwell, Ryan Kabanoff, Roger M. Ulshafer, Joshua Adam Brown, Matthew Everett DeCoste, David Felice, Honorable Hector Luis Acevedo, Gene Bracewell, Honorable Rafael Hernandez-Colon and to Chief Inspector Robert A. Wolfinger by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Lewis I. Davidson, Mr. and Mrs. Paul C. Randig, Mr. and Mrs. George Yount, Mr. and Mrs. Joseph O. Youngblood, Mr. and Mrs. William L. Lanterman, Mr. and Mrs. George Bender, Mr. and Mrs. Harold S. Blauser, Mr. and Mrs. Edward M. de Rosset, Mr. and Mrs. Stanley Rowan, Mr. and Mrs. John A. Rice, Mr. and Mrs. Frank Koch, Sr., Mr. and Mrs. Andrew A. Esposito, Sr., Mr. and Mrs. Stanley Gargas, Mr. and Mrs. Fred B. Linn, Mr. and Mrs. David Hollis Locke, Mr. and Mrs. Fred Finch, Sr., Mr. and Mrs. Clifford D. Miller, Mr. and Mrs. Elmer H. Wick, Mr. and



Mrs. Edward J. Geibel, Mr. and Mrs. Leroy S. Frederick, Mr. and Mrs. Donald C. Patterson, Mr. and Mrs. John R. Trent, Mr. and Mrs. George F. Horne, Mr. and Mrs. Norman E. Keller, Mr. and Mrs. Elmer Fiely, Mr. and Mrs. Wilbur W. Richards, Mr. and Mrs. Alfred Landgraf, Mr. and Mrs. Edward W. Orth, Mr. and Mrs. Joseph F. Houten, Mr. and Mrs. Walter Kadunce, Mr. and Mrs. Carmen Amabile, Mr. and Mrs. Edward J. Novak, Mr. and Mrs. Louis R. DiMatteo, Mr. and Mrs. H. Eugene Johnston, Mr. and Mrs. Maynard W. Riggans, Mr. and Mrs. Michael Nard, Mr. and Mrs. Thomas Williams, Mr. and Mrs. Clarence Wiard, Mr. and Mrs. Robert Cochran, Mr. and Mrs. Paul Musko, Mr. and Mrs. Frank R. Gillis, Sr., Mr. and Mrs. James Preto, Mr. and Mrs. F. Daryl Hall, Mr. and Mrs. Charles Maxwell, Mr. and Mrs. Kenneth Croll, Mr. and Mrs. Howard Greenawalt, Mr. and Mrs. Floyd J. Smith, Mr. and Mrs. Joseph E. Panko, Mr. and Mrs. Charles Richard Philips, Mr. and Mrs. Paul Miller, Mr. and Mrs. Cecil Mershimer, Mr. and Mrs. Robert E. Oesterling, Reverend and Mrs. Elwood Hannold, Mr. and Mrs. Samuel Pidro, James E. Markle, W. Robert Jackson, Brian Christopher Rensel, Clayton Thomas Rozic, Thomas H. Copeland, District Justice Robert L. Watson, Nathan Frazier, Richard Hardt, Garick Newtzie, John F. Luppe, Murray R. Cohn, Anthony V. Murdick, New Castle City Rescue Mission and to the Portersville-Prospect Rotary Club by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Bigham, Mr. and Mrs. Neal W. Manning, Jr., Mr. and Mrs. Harold L. Hoke, Mr. and Mrs. John Milkovich, Jr., Mr. and Mrs. Harry R. Schreffler, Mr. and Mrs. Paul K. Zook, Sr., Mr. and Mrs. Melvin Spotts, Mr. and Mrs. Clifton E. Wiley, Mr. and Mrs. Kenneth Beard, Mr. and Mrs. John F. Nicholas, Mr. and Mrs. Joseph G. Nemetz, Dominic DiFrancesco, Thomas L. Reider, Marion C. Ober, Dr. James B. Nesbit, LeGree S. Daniels, Amy Drotar, Jennifer Dean, Frederick L. Washington, Sr., Darlene L. Cox, Derrick Collins, William R. Fisher, Ben F. Mader, Sara Jane Craft, Specialist Stacey L. Akra, United Jewish Community of Greater Harrisburg, Saint Paul Missionary Baptist Church of Harrisburg, Tri-County Commission for Community Action of Harrisburg, AMP Incorporated of Harrisburg, Paxton Street Home of Harrisburg, United Primitive Baptist Church of Harrisburg, citizens of the Borough of Royalton and to the Keystone State Games by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Craig E. Hileman, Mr. and Mrs. Floyd Stoughton, Jr., Mr. and Mrs. George Wranich, Mr. and Mrs. Carlisle Sheesley, Mr. and Mrs. James L. Russell, Sr., Mr. and Mrs. Fred Bowser, Mr. and Mrs. Edward Hochrein, Mr. and Mrs. Roid McKay, Mr. and Mrs. Ervin E. Soltis, Mr. and Mrs. Arthur Bailey, Mr. and Mrs. Clark Lewis, Mr. and Mrs. Clarence Sink, Mr. and Mrs. Robert Botzer, Mr. and Mrs. Edgar Scott, Mr. and Mrs. Emmet Reefer, Mr. and Mrs. Charles A. Furer, Mr. and Mrs. Carl A. Master, Mr. and Mrs. Arthur I. Lott, Scott Peterson, Trooper Bernard T. Rhodes, Chuck Rowe and to Rayburn Township Volunteer Fire Company of Kittanning by Senator Stapleton.

Congratulations of the Senate were extended to Frank J. Pasquerilla and to Reverend Father Richard Rogan by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph N. Gloady, Mr. and Mrs. Carmen Palumbo, Mr. and Mrs. Warren Merryman, Mr. and Mrs. Alfred Costanza, Mr. and Mrs. Amos Lynch, Mr. and Mrs. Nicholas Petro, Mr. and Mrs. William J. Ruse, Mr. and Mrs. George R. Kubovcik, Mr. and Mrs. Emil Charriere, Mr. and Mrs. Lee E. Boyle, Mr. and Mrs. G. Albert Cole, Mr. and Mrs. Joseph H. Rodgers, Mr. and Mrs. Paul Hickson, Mr. and Mrs. Harold Comedy, Mr. and Mrs. Glenn H. Durbin, Mr. and Mrs. Frank Bane, Mr. and Mrs. Norman W. Wilson, Mr. and Mrs. Gaylord Murray, Mr. and Mrs. Joseph Lonski, Flora Masnovi, Bernice Mae Holland, Andrew Bystry and to the PONY Baseball League by Senator Stout.

Congratulations of the Senate were extended to Jonathan Hales Moyer, Cory L. Ober and to the Glen Moore Fire Company by Senator Wenger.

Congratulations of the Senate were extended to James Stewart and to Hickman Temple AME Church of Philadelphia by Senator Williams.

## CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Douglas H. Martin by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Timothy M. Stine by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Dr. Walter M. Greissinger by Senator Hart.

Condolences of the Senate were extended to Martin Weinberg on the death of Frank L. Rizzo by Senator Lynch.

Condolences of the Senate were extended to the family of the late Navy Commander Philip F. Palmatier, Jr. by Senator Peterson.

Condolences of the Senate were extended to the family of the late Honorable G. Harold Watkins and to the family of the late William K. Klingaman, Sr. by Senator Rhoades.

Condolences of the Senate were extended to the family of the late Benjamin Pickard by Senator Schwartz.

Condolences of the Senate were extended to the family of the late William L. Roenigk by Senator Shaffer.

Condolences of the Senate were extended to the family of the late James H. Rowland, Sr. by Senator Shumaker.

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Saturday, August 3, 1991, at 7:50 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

SATURDAY, AUGUST 3, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 58

### SENATE

SATURDAY, August 3, 1991.

The Senate met at 7:50 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, bless this Chamber and give the Members of this Body a strong sense of obligation to the people whom they represent and a determination to protect and promote their interest. May they complete the tasks before them with honor and dignity, that the good of all the people will be served. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of August 2, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### SPECIAL ORDER OF BUSINESS

#### BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

SB 1135.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider the following House Bills: No. 804, 1055, 1143, 1470, 1551 through and including 1590, 1607 and 1644.

### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator ROBBINS submitted the Report of Committee of Conference on **HB 89**, which was laid on the table.

### RECESS

Senator LOEPER. Mr. President, before we begin with the consideration of today's Calendar, I would ask for a recess of the Senate for the purpose of a meeting of the Committee on Appropriations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**HB 1055 (Pr. No. 1198)** (Rereported)

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," increasing the debt authorization.

**HB 1143 (Pr. No. 2415)** (Amended) (Rereported)

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for reimbursements to counties for certain services for children and youths.

**HB 1551 (Pr. No. 2416)** (Amended) (Rereported)

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several States, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1552 (Pr. No. 2417) (Amended) (Rereported)**

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), known as the "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1553 (Pr. No. 2386) (Rereported)**

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), known as the "Temple-University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1554 (Pr. No. 2387) (Rereported)**

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), known as the "Lincoln University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**HB 1555 (Pr. No. 2349) (Rereported)**

An Act making appropriations to the Trustees of the University of Pennsylvania.

**HB 1556 (Pr. No. 2418) (Amended) (Rereported)**

An Act making appropriations to the Hahnemann University, Philadelphia.

**HB 1557 (Pr. No. 2351) (Rereported)**

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

**HB 1558 (Pr. No. 2352) (Rereported)**

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

**HB 1559 (Pr. No. 2353) (Rereported)**

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

**HB 1560 (Pr. No. 2354) (Rereported)**

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

**HB 1561 (Pr. No. 2355) (Rereported)**

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

**HB 1562 (Pr. No. 2356) (Rereported)**

An Act making an appropriation to the University of the Arts, Philadelphia.

**HB 1563 (Pr. No. 2357) (Rereported)**

An Act making an appropriation to the Philadelphia College of Textiles and Science.

**HB 1564 (Pr. No. 2419) (Amended) (Rereported)**

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

**HB 1565 (Pr. No. 2359) (Rereported)**

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown.

**HB 1566 (Pr. No. 2360) (Rereported)**

An Act making an appropriation to the Johnson Technical Institute of Scranton.

**HB 1567 (Pr. No. 2361) (Rereported)**

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

**HB 1568 (Pr. No. 2362) (Rereported)**

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

**HB 1569 (Pr. No. 2363) (Rereported)**

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

**HB 1570 (Pr. No. 2420) (Amended) (Rereported)**

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

**HB 1571 (Pr. No. 1839) (Rereported)**

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

**HB 1572 (Pr. No. 1840) (Rereported)**

An Act making an appropriation to the Central Penn Oncology Group.

**HB 1573 (Pr. No. 1841) (Rereported)**

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

**HB 1574 (Pr. No. 1842) (Rereported)**

An Act making an appropriation to the St. Francis Hospital, Pittsburgh.

**HB 1575 (Pr. No. 1843) (Rereported)**

An Act making appropriations to the St. Christopher's Hospital, Philadelphia.

**HB 1576 (Pr. No. 1844) (Rereported)**

An Act making an appropriation to the Lancaster Cleft Palate.

**HB 1577 (Pr. No. 1845) (Rereported)**

An Act making an appropriation to the Pittsburgh Cleft Palate.

**HB 1578 (Pr. No. 1846) (Rereported)**

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

**HB 1579 (Pr. No. 2421) (Amended) (Rereported)**

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

**HB 1580 (Pr. No. 1848) (Rereported)**

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

**HB 1581 (Pr. No. 1849) (Rereported)**

An Act making an appropriation to the Arsenal Family and Children's Center.

**HB 1582 (Pr. No. 1850) (Rereported)**

An Act making an appropriation to the Beacon Lodge Camp.

**HB 1583 (Pr. No. 1851) (Rereported)**

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

**HB 1584 (Pr. No. 1852) (Rereported)**

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1585 (Pr. No. 1853) (Rereported)**

An Act making an appropriation to the Franklin Institute Science Museum.

**HB 1586 (Pr. No. 1854) (Rereported)**

An Act making an appropriation to the Academy of Natural Sciences.

**HB 1587 (Pr. No. 1855) (Rereported)**

An Act making an appropriation to the Trustees of the Buhl Science Center.

**HB 1588 (Pr. No. 1856) (Rereported)**

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1589 (Pr. No. 1857) (Rereported)**

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

**HB 1590 (Pr. No. 1858) (Rereported)**

An Act making an appropriation to the Everhart Museum in Scranton.

**HB 1607 (Pr. No. 1881) (Rereported)**

An Act providing for the capital budget for the fiscal year 1991-1992.

**HB 1644 (Pr. No. 1941) (Rereported)**

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

**EXECUTIVE NOMINATION****EXECUTIVE SESSION**

Motion was made by Senator BRIGHTBILL,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to.

**NOMINATION TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

June 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald S. Kelly, R. R. 4, Box 334, Valencia 16059, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James M. Campbell, Pulaski, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

**LEGISLATIVE LEAVES**

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Lynch, Senator Williams, Senator O'Pake and Senator Fattah.

Senator LOEPER. Mr. President, I request legislative leaves on behalf of Senator Bell and Senator Salvatore.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Bell and Senator Salvatore. Senator Mellow requests temporary Capitol leaves for Senator Lynch, Senator Williams, Senator O'Pake and Senator Fattah. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator BRIGHTBILL and were as follows, viz:

**YEAS—24**

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

**NAYS—26**

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator BRIGHTBILL. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### CALENDAR

##### HB 1105 CALLED UP OUT OF ORDER

**HB 1105 (Pr. No. 1255)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1105 (Pr. No. 1255)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), known as the "Site Development Act," extending the expiration of approval authority.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

##### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

##### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fattah. His temporary Capitol leave will be cancelled.

#### CONSIDERATION OF CALENDAR RESUMED

##### HB 1344 CALLED UP OUT OF ORDER

**HB 1344 (Pr. No. 2412)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1344 (Pr. No. 2412)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to agriculture and rural youth; creating an Agriculture and Rural Youth Organization Grant Program; imposing duties on the Department of Agriculture; and providing for funding.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

##### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

##### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

##### SB 1238 CALLED UP OUT OF ORDER

**SB 1238 (Pr. No. 1422)** — Without objection, the bill was called up out of order, from page 3 of the Second Consideration Calendar, by Senator LOEPER as a Special Order of Business.

#### BILL REREFERRED

**SB 1238 (Pr. No. 1422)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1978 (P. L. 537, No. 93), entitled "Seasonal Farm Labor Act," further providing for declaration of intent; adding and amending definitions; further providing for minimum wages, piece rates, employment of minors,

prohibition on account of sex, required records, notice to workers, wage payment, hours of labor, rules and regulations, inspections and entry, permit to operate seasonal farm labor camp, enforcement orders, tenancy rights, annual registration requirement, qualifications of registrants, exemption of agents from registration, employment agencies, farm labor contractors and agents, prohibited activities, powers and duties of secretary, administrative procedure, pending proceedings and criminal penalties; and providing for lack of affirmative duty, interference with access and right of privacy, and civil remedies and penalties.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Labor and Industry.

### HOUSE MESSAGES

#### HOUSE INSISTS UPON ITS NONCONCURRENCE IN SENATE AMENDMENTS TO HB 221 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in amendments made by the Senate to **HB 221**, and has appointed Messrs. DeWEESE, EVANS and HAYES as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

#### HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1536**.

The PRESIDENT. The bill will be placed on the Calendar.

#### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 405, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 405**, and has appointed Messrs. DeWEESE, EVANS and RYAN as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

#### COMMITTEE OF CONFERENCE APPOINTED ON HB 221

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators LOEPER, RHOADES and LINCOLN as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 221.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### COMMITTEE OF CONFERENCE APPOINTED ON SB 405

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators TILGHMAN, LOEPER and MELLOW as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 405.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 2

#### BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

#### SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 1536

**HB 1536 (Pr. No. 2411)** — The Senate proceeded to consideration of the bill entitled:

An Act to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991.

Senator LOEPER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1536, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### COMMITTEE OF CONFERENCE APPOINTED ON HB 1536

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators LOEPER, TILGHMAN and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 1536.



Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**HB 1020.**

### RECESS

Senator LOEPER. Mr. President, at this time, if I may have the attention of the Members for a moment, we have dispatched the business that was at hand to do and I would suggest that we now have a recess of the Senate until 11:30 p.m. this evening. We would return here to the Senate floor at 11:30 p.m., and then we will proceed, depending on deliberations in the House.

The PRESIDENT. To reiterate the information for the Members of the Senate, Senator Loeper has requested that the Senate do recess until 11:30 p.m. this evening. There being no objection to the request, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator O'Pake. His temporary Capitol leave will be cancelled.

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 840 (Pr. No. 1589)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for funeral processions.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Hopper and Senator Armstrong have been called from the floor to their offices and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Hopper and Senator Armstrong. The Chair hears no objection. Those leaves will be granted.

Senator MELLOW. Mr. President, I would like to place Senator Lewis on temporary Capitol leave.

The PRESIDENT. Senator Mellow asks for temporary Capitol leave for Senator Lewis. The Chair hears no objection. That leave will be granted.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### REMAINING CALENDAR OVER IN ORDER

All remaining bills on today's Calendar not considered were passed over in their order at the request of Senator LOEPER.

### SPECIAL ORDER OF BUSINESS

#### SUPPLEMENTAL CALENDAR NO. 1

#### HB 1143 CALLED UP OUT OF ORDER

**HB 1143 (Pr. No. 2415)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1143 (Pr. No. 2415)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for reimbursements to counties for certain services for children and youths.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### HB 1644 CALLED UP OUT OF ORDER

**HB 1644 (Pr. No. 1941)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1644 (Pr. No. 1941)** — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

#### HB 1055 CALLED UP OUT OF ORDER

**HB 1055 (Pr. No. 1198)** — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1055 (Pr. No. 1198)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," increasing the debt authorization.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

#### HB 1607 CALLED UP OUT OF ORDER

**HB 1607 (Pr. No. 1881)** — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1607 (Pr. No. 1881)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1991-1992.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lewis. His temporary Capitol leave will be cancelled.

### RECESS

Senator LOEPER. Mr. President, at this time we have completed about as much business as we can transact until further action occurs in the House of Representatives. In discussions with the Majority Leader of the House, he indicates to me that he believes it will be about one more hour before they will be ready to go on the floor of the House. I would at this time, in light of that, suggest a recess of the Senate until approximately 1:30 a.m., or thereafter, if Members could be in their offices subject to recall at that time.

Senator PECORA. Mr. President, I rise for the purpose of making a recommendation for an adjournment until 10:00 o'clock tomorrow morning. I feel that working here this evening and waiting for a tax proposal that we have no obligation or knowledge of, that by 10:00 o'clock tomorrow morning we would have more information, we can vote more intelligently and we do not look like we are sneaking bills

through in the middle of the night again. I have been embarrassed in previous times when we passed budgets at three or four in the morning. No one knew what we were voting for. Everybody was talking. No one paid attention because they had no time to read the legislation.

The PRESIDENT. If the gentleman would yield. Is the gentleman making a motion to adjourn?

Senator PECORA. Mr. President, I am making a motion for adjournment until 10:00 o'clock tomorrow morning.

The PRESIDENT. Senator Pecora moves that the Senate do now adjourn until 10:00 o'clock tomorrow morning. All those in favor of the motion say "aye," all those opposed "no." In the opinion of the Chair, the "noes" have it.

Senator PECORA. Mr. President, I request a roll call.

The PRESIDENT. The Clerk will call the roll.

The Senate will be at ease.

(The Senate was at ease.)

### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Andrezski, Senator Scanlon, Senator Bodack, Senator Fumo, Senator Stout and Senator Jones.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for the following Senators: Senator Andrezski, Senator Scanlon, Senator Bodack, Senator Fumo, Senator Stout and Senator Jones. There being no objection, those leaves will be granted.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Salvatore. His leave will be cancelled.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I would simply ask for a "no" vote on the motion.

Senator LOEPER. Mr. President, I, additionally, would also ask for a "no" vote on the motion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PECORA and were as follows, viz:

#### YEAS—5

Afflerbach	Holl	Pecora	Reibman
Greenleaf			

#### NAYS—45

Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Rhoades	Wenger
Fattah	Lincoln	Robbins	Williams
Fisher			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT. Senator Loeper has requested a recess at this time with the anticipation of returning at approximately 1:30 a.m. There being no objection to that request, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee of Conference on Senate Bill No. 405 to convene during today's Session at 3:20 a.m. in the Majority caucus room. Also, for the information of the Members, at the same time the Committees of Conference on House Bills No. 221 and 1536 will convene in the Majority caucus room.

### RECESS

The PRESIDENT. Without objection, the Senate will now recess to the call of the President pro tempore.

### AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

#### HB 804 (Pr. No. 2441) (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for membership of the board of The Pennsylvania Industrial Development Authority, for crime victims' compensation and assistance and for the rights of crime victims; providing for the continuation of medical insurance coverage for survivor-spouse annuitants; and providing for costs for offender supervision programs and for the deposit of certain surplus; further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly; providing for electronic access to certain information provided by the Governor; authorizing the Department of Environmental Resources to indemnify and hold harmless PermaGrain Products, Inc. from and against certain damages related to personal injury and property damage at Quehanna, Pennsylvania; permitting the drilling of water wells on State lands under certain conditions; further providing for municipal notices relating to certain permits issued by the Department of Environmental Resources; and providing for the expiration of the health-care facilities certificate of need process.

#### HB 1470 (Pr. No. 2445) (Amended) (Rereported)

An Act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals.

### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND PLACED ON THE CALENDAR

Senator TILGHMAN submitted the Report of Committee of Conference on SB 405, which was placed on the Calendar.

### HOUSE MESSAGE

#### HOUSE INSISTS UPON NONCONCURRENCE IN SENATE AMENDMENTS TO HB 1536 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to HB 1536, and has appointed Messrs. DeWEESE, EVANS and PITTS as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

### REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator LOEPER submitted the Reports of Committees of Conference on HB 221 and HB 1536, which were laid on the table.

### BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

HB 1055, 1105, 1607 and 1644.

### RECESS

Senator FISHER. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The PRESIDENT pro tempore. The motion is carried.

### AFTER RECESS

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo. His temporary Capitol leave will be cancelled. Also, Senator Salvatore is with us. His temporary Capitol leave will be cancelled as well.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1  
RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**NONPREFERRED APPROPRIATION BILLS  
REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1551 (Pr. No. 2416)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several States, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1552 (Pr. No. 2417)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), known as the "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1556 (Pr. No. 2418)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1564 (Pr. No. 2419)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1570 (Pr. No. 2420)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1579 (Pr. No. 2421)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1553 (Pr. No. 2386)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), known as the "Temple-University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1554 (Pr. No. 2387)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), known as the "Lincoln University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer

Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1555 (Pr. No. 2349)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1557 (Pr. No. 2351)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:



## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Scanlon. His temporary Capitol leave will be cancelled.

SUPPLEMENTAL CALENDAR NO. 1  
RESUMED

## THIRD CONSIDERATION CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS ON  
THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1558 (Pr. No. 2352)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1559 (Pr. No. 2353)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1560 (Pr. No. 2354)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1561 (Pr. No. 2355)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1562 (Pr. No. 2356)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart

Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1563 (Pr. No. 2357)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Textiles and Science.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1565 (Pr. No. 2359)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton

Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1566 (Pr. No. 2360)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1567 (Pr. No. 2361)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker

Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1568 (Pr. No. 2362)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1569 (Pr. No. 2363)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer

Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1571 (Pr. No. 1839)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1572 (Pr. No. 1840)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz

Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1573 (Pr. No. 1841)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1574 (Pr. No. 1842)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the St. Francis Hospital, Pittsburgh.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1575 (Pr. No. 1843)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the St. Christopher's Hospital, Philadelphia.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1576 (Pr. No. 1844)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1577 (Pr. No. 1845)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1578 (Pr. No. 1846)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1580 (Pr. No. 1848)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1581 (Pr. No. 1849)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1582 (Pr. No. 1850)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1583 (Pr. No. 1851)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1584 (Pr. No. 1852)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1585 (Pr. No. 1853)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1586 (Pr. No. 1854)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0



A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1587 (Pr. No. 1855)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the Buhl Science Center.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1588 (Pr. No. 1856)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1589 (Pr. No. 1857)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1590 (Pr. No. 1858)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart

Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

### NAYS—0

A constitutional two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 3

### REPORT OF COMMITTEE OF CONFERENCE

#### REPORT OVER TEMPORARILY

**SB 405 (Pr. No. 1502)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the Public School Employees' Retirement System and the State Employees' Retirement System; adding and amending certain definitions; further providing for membership in the systems, for creditable nonschool and nonstate service and the purchase of credit, for incentives for special early retirement, for contributions to the retirement funds, for annuities and the rights and duties of annuitants, for health insurance premium assistance, for board membership and for the re-amortization and management of the retirement funds.

Senator FISHER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 405.

On the question,

Will the Senate agree to the motion?

Senator CORMAN. Mr. President, I am going to be voting "no" on this bill. It has just arrived on my desk. It is rather thick. I have no knowledge of all the things that are in it. So for those who may be a beneficiary of this piece of legislation and wonder why I voted against it, it is not that I am necessarily opposed to all the things that are in here, it is just that I do not know what all is in here.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Loeper and Senator Jubelirer.

Senator LINCOLN. Mr. President, I would request a temporary Capitol leave for Senator Lewis.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Loeper and Senator Jubelirer. Senator Lincoln requests temporary Capitol leave for Senator Lewis. The Chair hears no objection. The leaves will be granted.

Senator LINCOLN. Mr. President, I request temporary Capitol leave for Senator Fumo.

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Fumo. The Chair hears no objection. That leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

Senator GREENLEAF. Mr. President, I just received a synopsis of this bill a minute ago, and it is the first time that I have seen it so I would ask that we go over it so we have an opportunity to review it. I am not prepared to vote for this bill without at least some study, without just a one minute notification.

The PRESIDENT. Senator Greenleaf has asked that we take the conference report to Senate Bill No. 405 over temporarily. Is there any objection to that request?

Without objection, the bill will go over temporarily.

## SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 7

### THIRD CONSIDERATION CALENDAR

#### BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 804 (Pr. No. 2441)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for membership of the board of The Pennsylvania Industrial Development Authority, for crime victims' compensation and assistance and for the rights of crime victims; providing for the continuation of medical insurance coverage for survivor-spouse annuitants; and providing for costs for offender supervision programs and for the deposit of certain surplus; further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly; providing for electronic access to certain information provided by the Governor; authorizing the Department of Environmental Resources to indemnify and hold harmless PermaGrain Products, Inc. from and against certain damages related to personal injury and property damage at Quehanna, Pennsylvania; permitting the drilling of water wells on State lands under certain conditions; further providing for municipal notices relating to certain permits issued by the Department of Environmental Resources; and providing for the expiration of the health-care facilities certificate of need process.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator CORMAN. Mr. President, would someone summarize the various things that are in this bill? It is another one of those that just arrived on the desk and I would like to know what I am voting for or against.

Senator LINCOLN. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.  
(The Senate was at ease.)

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1470 (Pr. No. 2445)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## RECESS

Senator FISHER. Mr. President, I would request a recess of the Senate to the call of the President pro tempore, with the expectation that we will return to the floor around noontime today.

The PRESIDENT. Senator Fisher has requested a recess of the Senate at this time until approximately noon today. There being no objection to the request, the Senate will stand in recess.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## HOUSE MESSAGES

## SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1059**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 185**.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

### HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **HB 89, 221 and 1536**, which were placed on the Calendar.

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1143, 1344 and 1470**.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**HB 1143, 1344 and 1470.**

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 4****REPORT OF COMMITTEE OF CONFERENCE****REPORT ADOPTED**

**HB 221 (Pr. No. 2442)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949, further providing for annual budgets of school districts, transferred programs and classes, funding programs for exceptional children and payments to intermediate units; providing for foreign language academies; further providing for definitions, for payments to school districts, for small district assistance and for payments on account of instruction, tuition, adult program travel, certain vocational education expenses and transportation; providing for equipment grants; making a repeal; and making editorial changes.

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 221.

On the question,

Will the Senate agree to the motion?

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Bell. His legislative leave will be cancelled. Senator Lynch is with us. His temporary Capitol leave will be cancelled. Senator Lewis' temporary Capitol leave will be cancelled. The Chair recognizes Senator Stout on the floor. His temporary Capitol leave will be cancelled. Senator Loeper was on temporary Capitol leave. His leave will be cancelled as well.

**LEGISLATIVE LEAVE**

Senator LOEPER. Mr. President, Senator Shaffer has been called from the floor to his office and I would ask for a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Shaffer. The Chair hears no objection. That leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker

Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 405 CALLED UP**

**SB 405 (Pr. No. 1502)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of Supplemental Calendar No. 3, under Report of Committee of Conference, by Senator LOEPER.

**REPORT ADOPTED**

**SB 405 (Pr. No. 1502)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the Public School Employees' Retirement System and the State Employees' Retirement System; adding and amending certain definitions; further providing for membership in the systems, for creditable nonschool and nonstate service and the purchase of credit, for incentives for special early retirement, for contributions to the retirement funds, for annuities and the rights and duties of annuitants, for health insurance premium assistance, for board membership and for the re-amortization and management of the retirement funds.

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 405.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for an unusually brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules Committee room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a very brief meeting of the Committee on Rules and Executive Nominations, the Senate will stand in recess. Would the Members of the Committee on Rules and Executive Nominations please report to the Rules room at the rear of the Chamber.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hopper, Senator Armstrong, Senator Jubelirer and Senator Fumo and their temporary Capitol leaves will be cancelled.

**REPORTS FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bills on concurrence in House amendments:

**SB 1059 (Pr. No. 1504)**

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," providing an amnesty program for the payment of delinquent taxes; providing for the examination of books and records by the Department of Revenue; further providing for certain interest payments and the rates of interest, for the settlement of taxes and for the filing of liens and writs of revival; providing certain subpoena powers to the Department of Revenue; providing for unfair sales of cigarettes; and making a repeal.

**HB 185 (Pr. No. 2444)**

An Act Amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the imposition of sales and use tax on certain services and for the reissuance of sales and use tax licenses; providing for the increase of personal income tax, for poverty exemptions to the tax, for notice of certain sales and transfers and for the withholding of certain tax on shares; further providing for the imposition, rate and collection of corporate net income tax and capital stock and franchise tax; further providing for the collection of bank shares tax, insurance premiums tax, and title insurance and trust companies tax; extending the utilities gross receipts tax; further providing for the collection of the public utility realty tax; increasing the rate of the cigarette tax; imposing a cigarette floor tax; further providing for commissions for cigarette tax agents, and dedicating a portion of the revenues for agricultural farmland preservation and children's health care; further providing for imposition, collection and administration of tax on property passing upon death; further providing for the reports and payments of certain estimated taxes; and making repeals.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR NO. 8****BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS TO SENATE AMENDMENTS****SENATE CONCURS IN HOUSE AMENDMENTS**

**HB 185 (Pr. No. 2444)** — The Senate proceeded to consideration of the bill, entitled:

An Act Amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the imposition of sales and use tax on certain services and for the reissuance of sales and use tax licenses; providing for the increase of personal income tax, for poverty exemptions to the tax, for notice of certain sales and transfers and for the withholding of certain tax on shares; further providing for the imposition, rate and collection of corporate net income tax and capital stock and franchise tax; further providing for the collection of bank shares tax, insurance premiums tax, and title insurance and trust companies tax; extending the utilities gross receipts tax; further providing for the collection of the public utility realty tax; increasing the rate of the cigarette tax; imposing a cigarette floor tax; further providing for commissions for cigarette tax agents, and dedicating a portion of the revenues for agricultural farmland preservation and children's health care; further providing for imposition, collection and administration of tax on property passing upon death; further providing for the reports and payments of certain estimated taxes; and making repeals.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 185.

On the question,

Will the Senate agree to the motion?

Senator FISHER. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator FISHER. Mr. President, there is a question that has arisen regarding the interpretation of the taxability of dividends between corporations and their subsidiaries. It was my understanding that foreign dividends or dividends from corporations outside the United States would not, in fact, be taxable under this Tax Code. I would like to know if the Majority Leader, as one of those who helped to craft this amendment, knows whether it is the intent of this section, which can be found on page 61 of the bill, Section 401, (3)(B), to treat all dividends, regardless of origin, according to the federal method of taxing dividends received from United States corporations?

Senator LOEPER. Mr. President, yes. In the negotiations it was in fact the intent, and I think the simple answer to the gentleman's question is yes.

**PARLIAMENTARY INQUIRY**

Senator BRIGHTBILL. Mr. President, I rise to a question of parliamentary inquiry.



The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I believe this bill provides for the taxation of storage units. Is that correct? Sales tax on storage unit rentals?

The PRESIDENT. The Chair is advised that the gentleman is correct.

Senator BRIGHTBILL. Mr. President, I am the proprietor of storage units. Does that fact create any kind of conflict which would prohibit me from voting?

The PRESIDENT. The Chair would rule that the gentleman is, in fact, a member of a class and not benefiting directly from the language of this bill and, therefore, is not only allowed to vote but required to vote if he is present on the floor.

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator PECORA. Mr. President, this has a tax pertaining to storage units. Are any counties exempt from this tax or is it all counties of Pennsylvania?

Senator LOEPER. Mr. President, could the gentleman indicate to me what section of the bill he is referring to?

Senator PECORA. Mr. President, I do not have the bill here. I just have a Supplemental Calendar.

Senator LOEPER. Mr. President, could the gentleman repeat the question?

Senator PECORA. Mr. President, is there any county in this Commonwealth that is exempt from this tax? It has been brought to my attention that one county is exempt.

Senator LOEPER. Mr. President, my understanding is there is an exemption for the port district of warehouses where, in fact, merchandise may be stored that would be related to a port exemption.

Senator PECORA. Mr. President, is the port exemption in Philadelphia?

Senator LOEPER. Mr. President, the language dealing with the port storage issue specifically indicates that the term excludes storage of such property which is unloaded from maritime vessels and which is stored and then later loaded on maritime vessels when such a storage or loading takes place within 25 miles of a port district, and a port district is defined as that in the Philadelphia Regional Port Authority Act.

Senator PECORA. Mr. President, I thank the gentleman.

Mr. President, I rise in opposition to House Bill No. 185. I feel that a one percent increase in the personal income tax is outrageous. I feel it is a tremendous burden to the working people of this Commonwealth. I feel that the sales tax increase is also an additional burden, and other taxes, and the expansion of that sales tax to other items which the average working person will be hurt the most. We sit up here and give the impression that we are representing our constituents, and we are providing taxes and voting for these taxes to give a tremendous tax increase in this Commonwealth which could be

the highest tax increase that Pennsylvania has ever had. Mr. President, I feel that is a very bad move on the part of this Senate. We are trying to get out of a recession in this country. We cannot blame that recession on Pennsylvania alone, but we can help not create this recession to extend beyond the Commonwealth and other states. We must do our best to keep a lower budget. I was expecting a much lower budget than this, comparable to the budget that was first initiated by the Governor. Mr. President, it has been brought to my attention after the Governor also initiated his budget, he sent down additional expenditures and increases in his own budget. Then our four leadership groups of the House and Senate put in additional revenues, revenues that give you the impression that everybody has their own agenda, and that agenda is not the people of this Commonwealth.

Mr. President, I can only request a negative vote upon this legislation and believe that we should start over and do a better job for our constituents.

Senator GREENLEAF. Mr. President, I rise in opposition to this legislation. For weeks I have been advocating a more balanced approach and, unfortunately, there have been some cuts in the budget, but as compared to this tax increase, which is the largest tax increase in the history of this state, I do not believe we have accomplished our purpose. States such as Michigan, and others, when they have dealt with this problem, have at least had it half and half—half cuts and half taxes. This budget does not reach that level. We have a situation where the average wage earner is going to be hurt by these income tax increases. The consumer is going to be hurt by the sales taxes that have been expanded and, of course, business and industry are going to be hurt in regard to creating more jobs in commerce. I think, unfortunately, we have engaged in a spending frenzy rather than a cutting frenzy. I think this is unfortunate for Pennsylvania and obviously unfortunate for the citizens of this Commonwealth.

Senator HOLL. Mr. President, not having had an opportunity to participate in the preparation of this legislation and having been denied an opportunity to offer amendments on the floor to change this legislation and having had little or no time to properly study the budget, I will vote "no." This experience in 1991 makes it incumbent on this legislative Body to find a better way to enact future budgets, a better way to develop legislation on a vital item to all taxpayers and Pennsylvanians, such as a budget. The public will care little nor long remember the rhetoric heard on the floor here today or in the House of Representatives, but the public will remember those who are responsible for this budget and these taxes. Certainly no one can ignore the recent reaction of the taxpayers in New Jersey after the ill-fated tax increases. You will recall that Senator Bradley almost lost his election because he did not oppose the Florio tax package. No one here can forget the reaction in Pennsylvania to the ill-fated CAT Fund, and that was only \$5.00. For these reasons and others, I intend to vote "no." This legislation also contains an item taxing premiums on insurance providing for annuities. The proposers and originators of this tax call it a tax on non-retirement annuities.

The proposers say that if an annuity is purchased for retirement, it will not be taxed under the plan. This is not true. The only exempted annuities by the language of the bill will be those exempted under the Internal Revenue Code such as IRA and the 401K plans. This means that if you buy an annuity for your retirement, it will be taxed. It provides a double burden upon small Pennsylvania insurance companies, and we can expect to see an exodus of these companies to other states.

Let me give you one example of an insurance company—the Protected Home Mutual of Sharon, Pennsylvania. Under this proposal, they would pay Pennsylvania \$320,000 a year in premium tax returns, but to other states \$2 million a year. So what we are doing with this legislation is causing a Pennsylvania domiciled insurance company to pay other states, through their retaliatory tax situations, millions of dollars, and this is only one insurance company.

Senator SHUMAKER. Mr. President, in business it is bad business and bad practices when you have deficits to just throw money at them. In effect, here we have not tried or used any business practices such as seeing where cost savings could be effected before raising taxes. Too often we have solved problems in the General Assembly by just raising money, throwing it at the problem, and coming back again the next year and the next year and the next year and throw more money at it. Therefore, this is not a good business bill. This is an anti-business bill, and I would urge a negative vote because we are doing nothing except throwing money and not going back to the core of seeing where we can save money. I think we must do that first.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Andrezeski and Senator Williams and their temporary Capitol leaves will be cancelled.

And the question recurring,  
Will the Senate agree to the motion?

Senator ARMSTRONG. Mr. President, I was hoping this year things would be a little different. Things are so bad in Pennsylvania perhaps we could start looking at some of the programs that are useless or some of the programs we should cut back and we could actually start saving some money and cutting expenses. I think that is what the people of Pennsylvania want. You would think in a recession the worst case scenario is that we would increase our budget maybe two or three percent, like other states are doing, but, no, we are increasing our budget 12 percent. Now we have to raise the taxes to match it. I think if you go in your local diner and have a cup of coffee and start talking to people, you get a feel of what is really going on out there. They feel very, very strongly about raising taxes and they feel very strongly about cutting expenses, and we are doing just the opposite. I think this has far-reaching implications on businesses in Pennsylvania, and it is going to be months and maybe years before we really see how bad this really is. It is going to make Pennsylvania so uncompetitive that other states and other countries are going to be beating us out of jobs. When you lose a job—you talk

about a tax on that person—that is 100 percent tax. It does not get any worse than that. I feel very strongly that this is perhaps the last straw, and the voters of Pennsylvania will remember this for quite a long time.

Senator LOEPER. Mr. President, we probably have before us today one of the most controversial pieces of legislation of this Session of the General Assembly. I would just like to take a moment to reflect on it and speak a little bit about it because I guess I have spent quite a bit of time in the last eight weeks at a negotiating table with fellow leaders of our respective caucuses trying to hammer out a spending plan as well as considering a revenue proposal in order to match that spending plan. I think to characterize it, when I came to my caucus this week and we started to distribute the highlights of the spending plan and also those of the revenue proposal, I indicated to the caucus that what we are going to talk about today and what I am showing you is certainly not pretty. It is not nice. There are a lot of things about it that are not nice or are not pretty, but I believe it is the best example of a responsible proposal that the negotiators could put forward. I think, Mr. President, if we were just to take a moment and reflect upon the process and really look at the options that were available to us in trying to put a spending plan together for Pennsylvania for fiscal 1991-92, sure there was the option, number one, of a no-tax-increase budget, and I think all of us realize what the implications of a no-tax-increase budget would be. That would be approximately a 20 percent cut in our school funding formulas to each one of the school districts. It would force a massive county increase in taxes to cover human services that have not been funded properly for at least the last year or payments not made in a timely manner. It would have hurt all of our institutions of higher learning, all the programs we had so diligently fought for in past years. That was option one.

Option two was to take a look at a deficit that was approaching the neighborhood of about \$1.5 billion, and we could have enacted last year's budget. However, just to enact last year's budget, and if we looked at that spending level we also see that there are certain things we really have no control over as far as escalating costs from that budget are concerned, costs such as mandated services, an increase in medical assistance recipients, an increase in cash welfare assistance, increases in court settlements that are mandated by the courts for the state to pay for services rendered, settlements of certain suits, and I think, Mr. President, if we were to look at that and say, well, why do we not enact last year's budget, we would be looking at trying to fill a hole in the neighborhood of about \$2 billion. That means we would have to put up our tax votes in order to fill that hole of \$2 billion. I think each one of us in this Chamber is very concerned about the votes we are about to make, not only on this particular bill before us, but also on a General Appropriations bill which we will be considering in this Chamber later this afternoon. When you look at the options, Mr. President, none of them are pretty, none of them are very nice. But you know, Mr. President, it is now August 4th. We are already 34 days or 35 days past the



date of putting into passage a spending plan for fiscal 1991-92. There are many hard decisions that have to be made, but I believe that I am going to be a tax vote today in order to fund the plan we have before us. There are many Members of my caucus who feel very strongly that we should have tried to cut as much as we could and then try to deal with revenues that were needed to balance that budget. I think in the case of the negotiators, and we talked about it, we tried to cut in many cases, but yet there were issues that were out on the table that we felt very strongly about, that the House Republicans felt very strongly about, and yet in a negotiated compromise there is give and take and some of those issues were included and some were not. I believe, Mr. President, that the plan that is before us today represents an adequate revenue proposal, one that will fund the General Fund spending plan that is before us also today. I would just like to take this opportunity to indicate that I am going to vote for this in the text that I believe it is the best job we can do under the circumstances.

Senator BRIGHTBILL. Mr. President, we have before us a revenue plan but what we do not have before us is a revenue plan that exists in a vacuum. I remember sitting here several months ago and watching the YMCA students debate various proposed laws and I remember sitting over on the other side of the aisle where the staff of the Democratic caucus is sitting today and thinking that this was a great experience for these young people but that it lacked a certain element of realism in the sense that there is no real world constituency out there. Everything that they did they did in a vacuum. Today, Mr. President, we do not have that benefit, we are here in a real world. There are people out in the street today who are out in that street, one way or another, a lot worse off because of the kind of debate, the length of debate, the inability of the Pennsylvania General Assembly and Pennsylvania government to get itself moving forward. There is a real constituency out there in the real world. We are hurting people by being here today, Mr. President. We are hurting people by being indecisive. We are hurting people by not coming up with a solution. I agree very much with the gentleman from Delaware, Senator Loeper. I do not like the solution. There is much in this bill that philosophically I have real difficulty with. There was a time that I would have said that I would never vote for the kinds of things that are in this bill, never vote for the kinds of taxes that are represented in this bill. I am going to do that today, Mr. President, because I know that the time for debate has come and gone and the time for decision is here and the time to exercise political courage and responsibility is right here today in this Chamber. We need to end the chaos. We need to end the debate and we need to end the perception of the public that we cannot do our job. Mr. President, I am a proud Member of this General Assembly, and I am a proud Member of this Senate and I am proud of the people who I serve with. I think the process that we have is a great process and I do not think there is anything wrong with this process, but I do think the time comes when some people have to get up and say we have had enough talk, we have had enough rhetoric. The time has come to cast a vote and make this gov-

ernment move forward. I plan to vote "aye" and do that here today. We also have to remember, Mr. President, that this is a plan which after hours and hours of debate and backroom negotiations, passed the Pennsylvania House of Representatives with only 103 votes. Give it another five hours and those 103 votes may have been 101 or 100 votes. Give it another 30 days, and there may only be 50 votes there. Mr. President, my judgment is that the longer this goes the worse it is going to get, not only for the public we are supposed to serve, but also for this government. We have two choices. We can move forward or we can move backward. I believe an "aye" vote is a motion to move forward. I would not be surprised if we come back here and change some of these taxes. I hope we do. I would not be surprised, as these taxes take effect and there is public debate, that we modify these taxes, and I hope we do that. The time has come to put up our votes and to say what kind of a person we are. Politically, Mr. President, we are all expendable. The time comes in each of our political lives when we have to do what is right. That time is here today.

Senator FATTAH. Mr. President, as a Member of the Senate, a freshman Member of this Body, I stand and rise in support of House Bill No. 185. I think the previous speaker said much of what I would like to say inasmuch as we can all be opposed to these taxes if we want, but we cannot be opposed to what our real mission is—to help the people who have elected us, to respond to the needs of 501 school districts, to make sure that our state universities are adequately funded and to provide for the health and welfare of the citizens of this Commonwealth. In order to adequately do that we need to have the revenues available. Tax votes are going to be tough votes, but I remember as a Member of the Legislature over the last 8 years many a vote in which we decreased taxes here in the State of Pennsylvania when it was felt in the collective wisdom of the General Assembly that we had appropriate revenues to respond to the needs of the people in this state. If, on one hand, we can do that in an hour where we think we have the needed revenue, then we should be able to stand up and be counted to respond to the real needs that exist now and raise revenues. There is a real constituency out there, a constituency that understands the real issues of life, that costs do rise, that needs are sometimes greater at certain times than at other times. Across this country we see other states—California, New York, we saw New Jersey last year and this year—tussling with major budget issues. We had to act like we are what we are. We are a major state in this country. We have our own needs and we have to be as responsible as we pledged we would be when we ran for election. I have heard a couple of the previous speakers say, well, the public will remember this. I would hope that they would, for I believe that when it is all said and done they will understand what we should have understood a month ago, that there is a need for additional revenues to continue to respond to the real needs of real people in this state, that we have to think a little bit more about the next generation than the next election. So I rise in favor of House Bill No. 185 and I would hope for favorable consideration of this bill today.

Senator PECORA. Mr. President, I appreciate some of the comments made, but when I spoke previously I did not say the budget was bad. I was talking about the taxes being bad. I talked about the one percent tax increase, that one percent personal tax increase that I have been receiving calls back home about. State employees of AFSCME signed a contract with no pay increase. Now they are calling my home and complaining: We did not get a pay increase but, boy, you are sure taking it from us and I only make \$20,000 a year. You are taking one percent, \$200, out of my paycheck; you are taking an increased sales tax out of my paycheck; you are taxing my cable TV service; you are taxing everything that walks and everything that does not move. Mr. President, I know the needs of this Commonwealth. I know that we need a budget. I did not say that we went from one extreme to the other like one of my fellow Senators said here. I said that we should have a more responsible budget, a budget that represents the people who elected us to be here, not all this bull we are giving the public at this microphone. I looked at the Governor's budget. The Governor, for grants for the arts organization, the National Endowment of the Arts, recommended \$9 million. Our leaders came up with \$11 million. We increased what the Governor projected.

For government operations in the Commerce Department, the Governor said he only needed \$7,494,000. We in the Senate and House raised it to \$13,324,000. We are saying the Governor does not know what he is doing. We add on, add on and add on. We are not representing our constituents. We are representing ourselves, our own agenda, which I said earlier. I could go on and on where the Governor recommended other expenditures and we put in increases of \$45 million, increases of \$46 million.

We bloated this budget to the Legislative Body. We over-bloated it. We can talk about our responsibility for the future. We are going into the future by bankrupting our working people in this Commonwealth and by additional burdens on our unemployed in this Commonwealth. There are many good things in the budget and there are expenditures that are needed, Mr. President, and I am willing to support them, but do not bloat our special agendas. We should look out for the priority and that is the people in this Commonwealth and not ourselves.

Senator FISHER. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator FISHER. Mr. President, there are a number of items in here which expand the sales tax, and I look at the effective date section and the last two pages of the bill, and I do not see any specific reference to those sales tax issues. I was wondering, Mr. President, if Senator Loeper could indicate what the intent was regarding the implementation of the changes in the Sales Tax Act?

Senator LOEPER. Mr. President, it was the intent of the drafters to follow the statutory construction principles, which means a 60-day effective date.

Senator HOPPER. Mr. President, I would like to reflect a minute on the retirement aspect of this bill. Before being elected as a Senator, back in 1976, I worked as an attorney in the field of estate planning. In the 1960s the federal government passed what we called the PBGC, that means Pension Benefit Guaranty Corporation. That provided that anybody installing a pension plan had to pay an extra dollar or two—I think it was a dollar for each participant under a pension plan—into the Pension Benefit Guaranty Corporation. This corporation was to guarantee people their retirement, whether it be through an annuity or whether it be through an endowment policy or whether it be through a retirement income policy, or whatever. With the failure of the Executive Life Company and the failure of the Mutual Benefit of New Jersey, the rest of the companies that survived, like Prudential, Aetna and the rest of them—I am not going to name a lot of them—were nailed pretty heavily by the Pension Benefit Guaranty Corporation in order to completely fund people's retirement benefits. In those days if you had a qualified pension plan under the Revenue Code or 401-type pension plan, you were exempt, and the point of my observation is that in addition to the Pension Benefit Guaranty Corporation really nailing the surviving insurance companies in the industry that are providing retirement to individuals, this bill puts an extra two percent tax on it. It is going to drive business out of Pennsylvania because a lot of people were funding their retirements through Executive Life and through Mutual Benefit of New Jersey, and the Pension Benefit Guaranty Corporation, as I just mentioned, nailed them pretty heavily to help make up for the losses of pension benefits in Executive Life and Mutual Benefit. I rise to say that I am going to vote against this plan. It has a lot of other problems in it, but on that problem alone I am going to vote against this bill.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones. Her temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, I said months ago in order to get through this budget crisis it was going to take one human trait and none other, and that was the trait of courage. That is true today as it was when I said it before. Yes, this tax increase is a big tax increase. It is always difficult to vote for tax increases, particularly in the light of the media bombardment that we have been receiving in presidential campaigns for the last 12 years. It does not make it easy for us who are in government, who want to be responsible to do that job, when we are told day in and day out that there is a free lunch and the public is entitled to it.

Mr. President, I heard people on this floor tonight talk about cutting the budget. In our caucus we showed our Members a no-tax budget. That pretty well ended that discussion in our caucus, and I thought it ended in the Republican caucus as well. The fact of the matter is that in this tax

increase there is almost \$2 billion devoted just to handling deficits. We can talk for hours and hours and hours about whose fault that is, and certainly I have talked often on this floor about that. Mr. President, we did not do what we probably should have done last year, and that was to raise taxes to meet last year's deficit and at least take away the deficit this year that only grew almost geometrically. But I see the problems we are having tonight in doing it a year late and not in an election year. I can easily see what happened last year when it was an election year. But all of those problems and all of that lack of courage does not change the reality that government has a function in our lives, and it is a function that is clearly defined in Pennsylvania in this budget and in the programs we have in this state. They have been negotiated and fought for, both from a liberal point of view and a conservative point of view. Mr. President, I was asked many times during this crisis, why can we not only raise taxes \$2 billion or \$2.4 billion or \$2.6 billion? The answer to that question is that the art of this budget, as is the art of politics, is the art of compromise. In the House we saw the very close majority that this passed by. Yes, there are some things in this budget that if I were the only one writing it, I would take out. I would not put money in here for affluent school districts just because they have to get something, and I know full well if there were other Members in this Chamber who had the right to vote this just as one vote and write it themselves, they would take out programs from my county and everybody else's county. But the fact of the matter is that in order to get a constitutional majority, you have to accommodate people. The distasteful part about this to me is that there are a lot of people who are going to be helped and know they are going to be helped but absolutely refuse to share the responsibility of that aid. Mr. President, I know that some leaders who were negotiating this package received calls from Members, and the Members chastised them and said, make sure you do not spend a lot of money, make sure you do a lot of cuts and oh, by the way, do not forget my program. Make sure it is in. I say let he who is among us without sin cast the first stone. As I look around this Chamber, I do not see many people who told those negotiators, do me a favor, I am not going to vote for taxes so why do you not save a little money and stick it to my county because it will make the tax bill a little smaller. I never got a phone call like that and I know that the House Democratic Leader never did, and from my conversation with the Republican negotiators, ironically, they did not get any either. But yet, if and when we pass this, that money will be pumped into those districts. Yes, Mr. President, state workers will be paid. I have very few in my district. The overwhelming majority live in the Harrisburg area. They are constituents of other Senators. Their constituents will be paid.

Mr. President, I have heard about useless programs. Why do we not cut some things? Well, let me ask, where shall we cut? Shall we cut prisons? Can we afford to cut prisons when we got wrapped up in the Willie Horton politics of the day, when we passed mandatory sentence upon mandatory sentence saying to put people in jail for anything you can think

of? We all demagogued it to death and now what do we have? A prison crisis. We cannot build cells fast enough. And has the crime rate gone down? No, but guess what. Every time we snatch a member from society and live up to the rules that we adopted, it costs us \$35,000 a year for every one of those turkeys, \$35,000 a year. Well, maybe we should cut that and then we will have a Camp Hill crisis, and then we will have Members here complaining that we are not doing enough, that we need more security. Maybe we should bump that cost up to \$50,000 a year and hire more guards to protect us. So I doubt very much, Mr. President, if we could cut prison costs, but they are rising through the roof.

Maybe we should cut basic education. Certainly in this budget we put over a quarter of a billion dollars in new money into that program. Is that one of the cuts that somebody who is not going to vote for taxes wants to propose? And if we did that, do we really think we would be helping our constituents at home, or do we not realize that the equation must balance and those costs must be paid and local taxes will go up? Mr. President, do we cut federally mandated programs? Certainly for some people in this room that would be the easiest thing to do. Let us cut medical assistance. Let us cut cash grants. Let us cut AFDC. I submit to you, though, many of you have constituents who need that aid, but even if you want to say that, you cannot do it because the federal courts will not let you.

I do not like taxing insurance companies. I do not like taxing any companies, but I like taxing consumers less. I have heard the wrath and cry from the business community what a horrendous tax this is because they are going to pay their fair share, maybe a little bit more than their fair share because the problem is so big. Mr. President, we have had a history in this state of raising taxes when they are necessary and then lowering them when we can. There is no one in this Chamber, whether he is a "yes" vote or a "no" vote today, who harbors deep in his heart the vendetta to never lower taxes. In fact, I submit everyone would like to do it as quickly as we raise them. We cannot afford the luxury in Pennsylvania of saying no new taxes because our budgets have to be balanced. Does it impress anyone that Pennsylvania is 43rd in government spending for \$1,000 of personal income? Does it impress anyone that we rank 39th in combined state and local taxes per \$100 in personal income? Does anyone listen when we know that we are 50th, dead last, in the number of state employees per 1,000 citizens? Is that a bloated budget that we have to cut? If so, why has that logic and that light not appeared to the 49 states ahead of us? Mr. President, this income tax that we currently pay today, not the increase but the one we currently pay today, is actually lower than it was 20 years ago when it was enacted. It was enacted at 2.3 percent, and it went down and it went up and it went down and it went up. It even went up during a conservative Governor's term, Dick Thornburgh, and I will not belabor the record by reading back to the Members on that side of the aisle who then felt an obligation to defend their Governor and said why we have to raise taxes during a recession. Mr. Presi-

dent, this recession we are suffering in Pennsylvania and America is far worse than any recession we have seen before, and I fully suspect if it would not cause a panic we could probably almost cause a depression. But I know a little bit about economics and I know a little bit about political economics, and one of the things that keeps the economy going is hope. I fully expect our President to say every day that the recession is over. I want him to say that. I want him to make people feel good. I wish he had started to say it earlier and I wish he were more convincing. Mr. President, the fact of the matter is when you look at the economic indicators in Pennsylvania and you look at the money we are receiving in taxes, et cetera, the economy has not even begun yet to shift. So what are we to do? Are we to stand here like a three-year-old child who says I want to spend but I do not want to tax? I want my cake and I want to eat it too. Mr. President, how do we do that? Is that a good business practice I heard somebody talk about? I do not know. No one in this Chamber was forced to be here. We all ran voluntarily. Maybe one or two of us, and not me certainly, have had the luxury of being drafted by someone, although I only see that in movies, but no one is here because they do not want to be. When you come here, your obligation was stated the day you were sworn in, to defend this Constitution and to live by it and to obey it. This Constitution requires a balanced budget. It does not require demagogic statements. It does, however, require courage. Today will be the test of that courage.

Mr. President, I want to thank the Republican leadership for the efforts that they put through in trying to help us today and the efforts they put through in the Senate, particularly in light of the pressures they received from some of their more conservative colleagues in the House. That took courage. Mr. President, I want to thank the gentleman from Delaware, Senator Loeper, who helped move these negotiations along so many times when they were stalled, who knew, as we all knew, that this has to get done. There is no escape. I want to thank the other Members who helped negotiate this budget and this tax program. It was not easy. It was long and it was hard and it was difficult. I want to thank the staffs of the Committees on Appropriations and the leadership who have been here with us day and night. I want to thank those staff members who stood up for 24 hours, and we finally sent some of them home at 10:00 o'clock this morning and they are back again, people who have not been paid in this Chamber, people who have families and people, in many cases, who truly live paycheck to paycheck, but they did not walk away. They stayed and did their job, as tough as it was and as long as it was.

Mr. President, I do not know where the votes will come out on this. I would only hope that people would put aside some petty ego problems they may have, and granted, that is on my side of the aisle much more than the other, and that people would recognize that courage is what makes the difference between a politician and a statesman, and I would hope that tonight this Chamber will be filled with statesmen and not with politicians.

Senator STOUT. Mr. President, I do not know what famous American said this—maybe it was Casey Stengel or maybe it was Yogi Berra—I think it is *deja vu* all over again.

I have literally come full circle in the 20 years I have been privileged to serve in the General Assembly. I came in 1971 as a freshman Legislator, full of idealism and maybe I could do a lot to change Pennsylvania, because when I got elected in November of 1970 Pennsylvania was then in a budget crisis. We had gone through stopgap budgets before that for 18 months, and I came in and not only once, not only twice, but three times as a freshman House Member I put up a vote for then the Governor Shapp Administration for the first personal income tax in Pennsylvania. We passed that bill because we had court challenges and we passed it again and we struggled. My reward as then a candidate as a sophomore Member was redistricting. You saw five of my colleagues around go down. My opponent put my picture on the first state income tax, which, incidentally, was filed April 15, 1972, which was not a good year for Democrats because you guys had Nixon and we had George McGovern. But I survived by 197 votes, and I spent six years at the other end of this building. In 1977 I came into this Body, along with my good friend, the gentleman from Centre, Senator Corman, as a freshman Senator, and lo and behold, the tax crisis of 1977. Ladies and gentlemen, you are looking at vote number 26 on August 10th in this Chamber to pass that tax bill, the good old down country boy J. Barry. In the 1978 Primary Election my own party went after me. They drowned but I survived because I told people the truth. If you are going to be responsible and fund state government, be it for your senior citizens, for the young people we need to educate, for the people for higher education, for the roads, for the economic development things all of us know we have to have here in Pennsylvania, and I voted and I survived. I will vote for this bill in 1991. Twenty years I have supported that. I have supported every tax measure, not only for Democratic governors but for Republican governors, and I have survived because I have told people the truth. If you are going to be for a program, then you need to support it. There should be a lot more than 26 votes on this floor. There should at least be 27 because you know what your opponent will use. If so-and-so had not voted for it, it would not have passed. We know that is not fair to those of us who have to put those votes up.

I argue and I joke with my colleagues here about the whole hog sausage, and I do not want to see Philadelphia get all the loins and Allegheny County get the hams and the rest of us get the sow belly, just grind it up. I know Philadelphia and Allegheny County, because they are bigger, will get more. But we have to be responsible to those people. We are nearly 35 days late. We have literally caused chaos in this Commonwealth, and if we do not do that we are going to have chaos and everybody in this Chamber knows it. Those Members who are not going to vote for that—I am sure their printing presses and the fax machines will be sending all those good increases in school subsidies back to their districts—how is that going to reduce taxes, kaput. We put a clause in there to cause the reopener



and to show people where their money is going to go. But, as I like to use a lot of old country sayings, I think the one that is really appropriate is what my grandmother Grace used to say. You know everybody here wants the good things, the good life, the money for education, the money for higher education, the money for roads, for senior citizens, for all the human services programs. Just like grandma Grace used to say, everybody wants to go to heaven; ain't nobody wants to die. Do the right thing, both sides of the aisle.

Senator ARMSTRONG. Mr. President, I realize voting for taxes is no easy thing for anyone in politics. I voted for them and I voted against them, but I think the frustrating part is that there are ways that we could cut and it seems that we never address those because politically, I guess, it is very unpopular. Just a few things popped into my head. I think we are the only state that has a no-waiting period for welfare recipients from other states. You can come in here from New York, come right into my hometown, go into Lancaster City, and that day you are on welfare grants and you can go and get free medical care. Most states have a 30-day waiting period. That would save tens of millions of dollars. I do not think we should be beholden to anyone from any other state to come in here and abuse our system, but that is what they do. This is what was told to me by welfare workers at Manor Street in Lancaster. They are fed up with the system because it just gives people a free ride in Pennsylvania. A welfare recipient can go into an emergency ward and charge \$125 to \$200 to come in for anything at all, whether it is serious or not serious, whether it is a headache or a hangnail or something very serious. Why not go to a family practitioner for \$25 to \$30 a visit?

True story. My son last summer was 19 years old. He got out of high school. We have a backhoe on the farm so he learned how to operate a backhoe. He got a job for a local contractor in Lancaster. He was making \$9.00 an hour, not a bad wage for a 19-year-old boy. He got into a prevailing wage job. We have to pay artificially high wages to build our schools. His wages went from \$9.00 an hour to \$28.22. He was bringing home more money per week than I was with my Senate pay. Something is wrong with a system like that, that pays someone three times their salary from one day to get into a prevailing wage job to build a school, or whatever it is. We are paying people for votes is what it is. It is wrong. Maybe we should sell the liquor stores, that is another thing that is not paying its way but that is something we have talked about. Bond counsel. We do not want to touch bond counsel. We could probably have our own group of lawyers up here and do all the bond counsel work in Pennsylvania and save tens of millions of dollars. We do not want to do that because we defend those people who send checks for campaigns. It is wrong. Architect fees, 6 percent of a school in Lancaster, a \$30 million school, \$1.8 million for an architect fee. Why do we not have standard architect drawings here for schools, you know, maybe 10 or 12 that we could use? Six percent fee, that is exorbitant. I think the thing that really frustrates me is that we always say we are going to do something about it but every

year it gets worse. But the thing is, it is even worse this year than it has ever been. I have been up here 15 years. I do not know of one year during the entire time we have had an increase in the budget this high. We are talking 12 percent. Most years it is 3 or 4 or 5 percent, the cost of living. Now we are at 12 percent and it is a recession. It is not business as usual, it is worse than usual.

Senator LINCOLN. Mr. President, as in every debate, I believe there are issues that have to be dealt with that sometimes end up being part of the record that are not quite accurate. The gentleman from Lancaster, Senator Armstrong, made reference to residency requirements for welfare recipients, and as far back as the 1930s, with a very conservative Supreme Court in the United States, decisions were made that prohibited states from extending their laws to their borders to keep individuals out who needed that type of assistance. A very important Supreme Court decision took place in 1969 in the Shapiro v. Thompson decision when durational residency laws were ruled unconstitutional and it is under the 14th amendment. So there are some things that we just do not have any control over, and I believe that is such a minor part of what we are dealing with today that I had to make some remarks that I was not prepared to do in regard to some of the reasons why we are facing the vote we are facing right now. I have been part of the negotiating team that started sometime back in June. We have explored every option available. We have allowed each caucus to see what a scorched-earth budget produced. We have looked at every particular issue as far as the taxes we are recommending to become part of the law, and we did everything possible to make that tax burden as less onerous as we could. There are times in every government's history when a number of factors come together that cause problems. Other speakers have spoken to those issues such as a receding federal commitment to state and local and county and city governments, an increasing burden of education, a very large increase in medical assistance payments due to the downturn in the economy which has caused a lot of working men and women in this state to not have employment, and basic health care is then provided. For the first time in my 19 years in the General Assembly, I personally believe we have addressed the funding of basic education throughout Pennsylvania in a manner that we should be proud and pleased with. Many of the changes in basic education are going to reduce the burden of the local property taxpayer for our most important and vital service we provide and that is education to our young people. We are also doing something that cannot be measured in the tax vote or the budget vote in that we have changed the law to reduce the school districts' contribution for retirement for their teachers. Many of the school districts, if not all of them, have incorporated into the budget we are now funding for them a much higher rate for retirement. That total is \$123 million statewide to the 501 school districts. They are going to be able to keep that money in their hands. They are going to be able to adequately fund the next year's budgets with the savings we are providing by that action alone, absent the tremendous increases in the ESBE formula. We also have,

during this budget session, faced one of the most difficult issues we have ever had to face, and that was the escalating, out-of-control costs in special education. The balance that had to be struck in that issue was one of the most difficult that I have had to deal with, along with the other Members of the General Assembly, in a lot of years because there had to be a need, there was a need, and there had to be action taken to restrict the outrageous growth caused by excess spending. The core of that whole issue was the student who absolutely cannot have interruption in his or her education. We have addressed that issue to the point that there will be a transition from one system of funding to another system and there will not even be a heartbeat missed. I believe the time involved in bringing this particular budget to today and this tax vote—which, believe me, I have just as much concern with the vote I am about to cast as any Member of this General Assembly—and my responsibilities to everybody who I represent, and then I extend that to the other 49 Senate districts, goes beyond my concern for my personal political future. Whether this is going to be damaging or not, I think only time will tell. I believe my responsibility goes beyond any of the issues that you can attribute to what you personally feel, one way or the other, about the tax in front of us. I believe we have an obligation. I believe it is a fair assessment of those necessary tax increases. I believe we have come to this conclusion after some very agonizing, long nights. I believe we have tested the waters in every way we could possibly do to come to this particular bottom line of where we are. I am going to vote with a number of other Members on both sides of the aisle to pass this particular bill today. I do that with a heavy heart because I know it is going to inflict some measure of repression on people who are going to pay those taxes, but I also know that without this very difficult task being performed, that two months or two weeks or two days from now it would be worse. We have to fund government. We have to get it back on track. We have to start things going in the right direction, and this is the first step in bringing about that step in the right direction. I would urge my colleagues who have sat through this debate and maybe are not quite sure which direction they are going to go on the vote, to give some very serious consideration to supporting this effort.

Senator ARMSTRONG. Mr. President, just a point of clarification, the gentleman from Fayette, Senator Lincoln, was referring to the waiting period of the Shapiro decision which was stricken down. That was a one-year waiting period for welfare recipients. I agree with that decision. I think one year is entirely too long. We are talking 30 days, not one year. So we are talking apples and oranges.

Senator LINCOLN. Mr. President, I think the gentleman misses the point entirely. It is not a year or 30 days that is the issue, it is the action of denying, based on residency requirements, that the Constitution is being violated by the Supreme Court's decision in 1969 in *Shapiro v. Thompson*. It very clearly says that it does not make any difference if it is 30 days or a year, it is unconstitutional for that kind of a test to be applied to anyone in need of that particular type of help.

The PRESIDENT. The Chair would intervene at this point and thank the gentlemen for the colloquy and remind the gentlemen that it is a bit afield from the issue of the tax vote. I would appreciate the forbearance of both speakers.

Senator SCHWARTZ. Mr. President, I rise to join my colleagues who have spoken for this tax package, and as a first term Senator it is certainly not easy to put forward a tax vote. But listening to my colleagues it is clear that it is never easy to put forward a tax vote, but I think none of us can deny the financial situation of this Commonwealth, the deficit, the hard fiscal times, the economic realities of 1991 and the human needs. I believe we cannot be irresponsible, that those who will vote against this spending plan and against this tax plan, in fact, are being irresponsible. This budget is not about excess spending. There are, in fact, mandates to be met across the state. There are human needs. We have talked about education, both basic ed, special education and higher ed. There is child welfare. There is health care. In rural counties and in the urban areas there are services for the elderly, and there are the economic needs. This budget addresses PIDA and the loans that we talked about earlier in the Session about job training, and it includes rural initiatives as well. There are also, in fact, as we are reminded every day at noon, state employees who are waiting for us to take action, and I believe we have to do so and do so today. There is our commitment as elected officials to the men, the women and the children of this Commonwealth. As it has been said before by a previous speaker, possibly we will be able to reduce some of these taxes in the years ahead. I would hope so. But it is certainly not satisfactory right now for us to say there is nothing we can do or should be doing about the rising demands for revenue in this Commonwealth. It is our responsibility as elected officials, and I as a newcomer should not have to say this to all of you, but we have been sent here to do what is necessary. I believe if we explain it, then, in fact, people will understand it. They know we do not have enough revenue to meet the needs. They know that they want services from government. They want good services. They deserve high quality services from us. The only responsible position is to support this tax package. Does each of us like every part of the tax package? Certainly not. But as I understand it, it is really the best that our negotiators could come up with. It is a reasonable sharing of taxes between business and individuals, and it is one we should agree to. I would hope, too, that we could have large numbers of us willing to stand up and not just have the minimum number of votes for this tax package. I am told that is unrealistic. But I would say that the citizens of this Commonwealth are asking us to do just that, to stand together, to finally on this day, after these many hours, to do what we should do and support this tax package and then support the spending plan that joins this. The citizens of this Commonwealth need us to do this. They expect us to do it and they want us to do it, and I think we should stand together to make sure that it happens.

Senator WILLIAMS. Mr. President, thank you for very graciously allowing me to make a few brief remarks on this very trying issue before us. There is enough blame for us to go

around and, of course, the citizens and the workers of this state are in deep demonstration about how bad things are with them in a very basic and fundamental way. As a veteran going through the profile and the anatomy of this kind of issue several times, there is not much that I can add, but I did want to say that as I drive my car the radio tells us what is going to happen and it says the Senate is going to do its thing today and at some removed predilection. I was beginning to think about how things were a few months ago and some work has been put into the result here, whatever you vote or do not vote. A lot of people have put in a lot of time, being badgered by both us and by our constituents. I do believe the representatives of this Body on both sides of the aisle did a brilliant job steering and guiding a result which some months ago seemed to be far, far, far off. So I just thought I would take this one moment, Mr. President, to say that the leadership in this Body—in my observation in watching it day-to-day and knowing how difficult this could be, I thought there would be at least three fistfights. There was only one. I thought there would be about three break loose once the matters were resolved and those things did not happen—the gentleman from Delaware, Senator Loeper, and the gentleman from Philadelphia, Senator Fumo, really deserve special attention for their skill and their statesmanship and the hard work of their staffs. Amid all the other pronouncements we are making, that is real, and as a veteran I can say that because I saw it, and I thought we ought to give some public recognition to the high abilities that are possessed by this Body. End of speech, Mr. President.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—26

Afflerbach	Jones	Mellow	Stapleton
Belan	Jubelirer	Musto	Stewart
Brightbill	Lemmond	O'Pake	Stout
Dawida	Lewis	Reibman	Tilghman
Fattah	Lincoln	Scanlon	Wenger
Fisher	Loeper	Schwartz	Williams
Fumo	Lynch		

## NAYS—24

Andrezeski	Corman	Hopper	Punt
Armstrong	Greenleaf	LaValle	Rhoades
Baker	Greenwood	Madigan	Robbins
Bell	Hart	Pecora	Salvatore
Bodack	Helfrick	Peterson	Shaffer
Bortner	Holl	Porterfield	Shumaker

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## SPECIAL ORDER OF BUSINESS

### SUPPLEMENTAL CALENDAR NO. 5

#### REPORT OF COMMITTEE OF CONFERENCE

##### REPORT ADOPTED

**HB 1536 (Pr. No. 2443)** — The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1991, to June 30, 1992, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1991, to June 30, 1992, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1991, to June 30, 1992, for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1991, and for the transfer of certain funds; and making a repeal.

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1536.

On the question,  
Will the Senate agree to the motion?

Senator FATTAH. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator FATTAH. Mr. President, on page 104 there is an appropriation for Psychiatric Services in Eastern Pennsylvania of \$6.5 million. Could the gentleman explain that appropriation?

Senator FUMO. Mr. President, that is for the Eastern Pennsylvania Psychiatric Institute, commonly known as EPPI.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—26

Afflerbach	Jones	Mellow	Stapleton
Belan	Jubelirer	Musto	Stewart
Brightbill	Lemmond	O'Pake	Stout
Dawida	Lewis	Reibman	Tilghman
Fattah	Lincoln	Scanlon	Wenger
Fisher	Loeper	Schwartz	Williams
Fumo	Lynch		



## NAYS—24

Andrezski	Corman	Hopper	Punt
Armstrong	Greenleaf	LaValle	Rhoades
Baker	Greenwood	Madigan	Robbins
Bell	Hart	Pecora	Salvatore
Bodack	Helfrick	Peterson	Shaffer
Bortner	Holl	Porterfield	Shumaker

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 10**

**BILL ON CONCURRENCE  
IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 1059 (Pr. No. 1504)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," providing an amnesty program for the payment of delinquent taxes; providing for the examination of books and records by the Department of Revenue; further providing for certain interest payments and the rates of interest, for the settlement of taxes and for the filing of liens and writs of revival; providing certain subpoena powers to the Department of Revenue; providing for unfair sales of cigarettes; and making a repeal.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1059.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher			

## NAYS—1

Pecora

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## HOUSE MESSAGE

**HOUSE ADOPTS REPORT OF COMMITTEE  
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 405**.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**SB 405 and 1059.**

**ADJOURNMENT**

Senator LOEPER. Mr. President, for the information of the Members, at this time we still have some further issues to deal with. However, what I am going to do is suggest that we adjourn Saturday's Session and move into Sunday's Session. At this time, Mr. President, I would move that the Senate do now adjourn until Sunday, August 4, 1991, at 4:25 p.m..

The PRESIDENT. Senator Loeper has moved that the Senate do now adjourn until Sunday, August 4, 1991, at 4:25 p.m. Without objection, the motion is carried and the Senate stands adjourned.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

SUNDAY, AUGUST 4, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 59

### SENATE

SUNDAY, August 4, 1991.

The Senate met at 4:25 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty and ever-living God, bless us this afternoon with the deep presence of Your Spirit, that Your will may be done in us and through us to accomplish all that is good for our great state. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of August 3, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGE

#### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1224, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

### LEGISLATIVE LEAVE

Senator WENGER. Mr. President, I request a temporary Capitol leave for Senator Fisher.

The PRESIDENT. Senator Wenger requests temporary Capitol leave for Senator Fisher. The Chair hears no objection. That leave will be granted.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILL OVER IN ORDER

SB 1007 — Without objection, the bill was passed over in its order at the request of Senator WENGER.

##### BILLS RECOMMITTED

SB 1053 (Pr. No. 1253) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929, (P.L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly.

Upon motion of Senator WENGER, and agreed to, the bill was recommitted to the Committee on Appropriations.

HB 1106 (Pr. No. 1256) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P.L. 545, No. 109), known as the "Capitol Loan Fund Act," repealing expiration dates for approval of loans or other aid.

Upon motion of Senator WENGER, and agreed to, the bill was recommitted to the Committee on Appropriations.

##### BILL REREFERRED

HB 1107 (Pr. No. 2252) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

Upon motion of Senator WENGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### SECOND CONSIDERATION CALENDAR

##### BILL OVER IN ORDER

SB 279 — Without objection, the bill was passed over in its order at the request of Senator WENGER.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1**

**REPORT OF COMMITTEE OF CONFERENCE**

**REPORT ADOPTED**

**HB 89 (Pr. No. 2413)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for senior resident license qualifications; authorizing certain disabled persons to hunt with crossbows; and deleting certain license requirements for regulated hunting grounds.

Senator WENGER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 89.

On the question,

Will the Senate agree to the motion?

**LEGISLATIVE LEAVE**

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Bodack.

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Bodack. The Chair hears no objection. That leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SENATE AT EASE**

Senator WENGER. Mr. President, may we be at ease while we check on progress of activity in the House of Representatives.

The PRESIDENT. For the information of the Members of the Senate, we are awaiting several legislative items from the House of Representatives. While we do that, the Senate will be at ease.

(The Senate was at ease.)

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nomination, made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:

**DISTRICT JUSTICE**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Curtis L. Thompson, 206 Level Street, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

ROBERT P. CASEY.

**NOMINATION LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nomination just read by the Clerk be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

**EXECUTIVE NOMINATION**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to.

**NOMINATION TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**DISTRICT JUSTICE**

June 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Curtis L. Thompson, 206 Level Street, Bentleyville 15314, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-02, to serve until the first Monday of January, 1992, vice Stephen J. Morgo, removed from office.

ROBERT P. CASEY.

On the question,  
Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE AMENDMENTS  
BY AMENDING SAID AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 840**, in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**SPECIAL ORDER OF BUSINESS**

**ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to convene immediately in the Rules room to consider House Bill No. 840.

**SENATE AT EASE**

The PRESIDENT pro tempore. The Senate will stand at ease while Members of the Committee on Rules and Executive Nominations meet in the Rules Committee room to the rear of

the Senate Chamber. The Chair would ask that all Members of the Committee on Rules and Executive Nominations report immediately to the Rules Committee room. For that purpose, the Senate will stand at ease.

(The Senate was at ease.)

**REPORT FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

**HB 840 (Pr. No. 2446)**

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, codifying provisions relating to public transportation; imposing certain fees and taxes; further providing for certain Pennsylvania Turnpike projects; defining "farm equipment"; further providing for the responsibilities of vehicle transferees, for exemptions from registration and certificates of title and for the use of dealer plates, multi-purpose dealer plates and farm equipment plates; further providing for funeral processions; further providing for a restricted receipts fund and for registration for snowmobiles and ATV's; establishing the Snowmobile Trail Advisory Committee; further providing for the highway maintenance and construction tax; and making repeals.

**SPECIAL ORDER OF BUSINESS**

**SUPPLEMENTAL CALENDAR NO. 2**

**BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS TO SENATE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS  
TO SENATE AMENDMENTS**

**HB 840 (Pr. No. 2446)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, codifying provisions relating to public transportation; imposing certain fees and taxes; further providing for certain Pennsylvania Turnpike projects; defining "farm equipment"; further providing for the responsibilities of vehicle transferees, for exemptions from registration and certificates of title and for the use of dealer plates, multi-purpose dealer plates and farm equipment plates; further providing for funeral processions; further providing for a restricted receipts fund and for registration for snowmobiles and ATV's; establishing the Snowmobile Trail Advisory Committee; further providing for the highway maintenance and construction tax; and making repeals.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 840.

On the question,  
Will the Senate agree to the motion?

Senator CORMAN. Mr. President, we have dealt with a lot of weighty issues the last two days. I guess we have been here two days on these issues, and this is certainly one of the very important issues as well. With House Bill No. 840 we are

talking about mass transportation in the Commonwealth of Pennsylvania as well as highway funding. I am very much a believer in mass transportation. I use it every time I go to Washington, D.C. I believe we must find ways of attracting people out of cars and into mass transit operations. We cannot constantly, continually build more lanes to all of our various superhighways to move traffic across this Commonwealth. However, my people I represent in Central Pennsylvania I think have a difficult time believing they should be the prime funder of mass transit in Pennsylvania, when they get their magazines that they are going to be paying 6 percent tax on for funding of mass transit, when they are paying an extra dollar on the tires they buy, when they see their electric bill go up and they turn on the switch and realize they are funding mass transit. I guess they would not mind so much if they felt that two things were happening. One, that, in fact, they were served by mass transit because they have to pay for it. Two, if they felt confident that the monies that were used by mass transit organizations were used appropriately and there was an accountability built into the mechanism that allowed the state dollars to go to these mass transit organizations. Mr. President, we have not built in accountability. All we have done is said that all people in Pennsylvania who use public utilities are going to be paying extra for the use of that public utility in a 12 mill increase in the PERTA tax as well as their magazines, the tires they buy, if they lease vehicles, if they rent a car they are going to be paying for this mass transit. Now we are a bit of a beneficiary, in the center of my district in State College, of the monies that are involved here. It is about \$200 million. We will get a piece of that in State College and, in fact, in Bellefonte where I live. It is not a very big piece. The mass transit funding will be split by saying SEPTA will get 70.3 percent of all of these dollars. PAP, the Port Authority in Pittsburgh, is going to get 25 percent. The rest of the Commonwealth will get about 4.7 percent, or some number close to that, and of that 4.7 percent we will get a small piece of it in Centre County to use for mass transit. In Mifflin County they do not have mass transit so they will not have any use of it, or in Juniata County or in Clinton County or in Cameron County or in Clearfield County which I represent, but they will be paying the taxes regardless. They just will not get any benefit from it. They will get benefits from part of this bill, and that is the part that deals with highway funding. If we look at page 114, line 14, it ends that portion of dealing with mass transit and begins the portion dealing with highways.

#### PARLIAMENTARY INQUIRY

Senator CORMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Centre, Senator Corman, will state it.

Senator CORMAN. Mr. President, I would like to inquire if we could divide the issue and separate this bill so we can support highway transportation additional offerings as proposed in this piece of legislation and those who do not want to provide all of these additional dollars to mass transit without

providing for any accountability so people can separate the issue.

The PRESIDENT pro tempore. The gentleman's point is correct. The Chair would rule that it is divisible and that as a matter of right I believe the matter can be divided.

Senator CORMAN. Mr. President, then is it appropriate that I would so move that we divide the issue?

The PRESIDENT pro tempore. The Chair has already ruled. You do not have to make the motion.

Senator CORMAN. Mr. President, what is my next step to bring this whole process about?

The PRESIDENT pro tempore. The question would go to the Body on each of the separate issues. The question before the Body is, will the Senate concur in amendments of the House of Representatives to Senate amendments in part 4, beginning with line 15 on page 114 to the end of the bill, which, frankly, is the highway section, for lack of any other description?

Senator CORMAN. Mr. President, I would encourage the passage of that portion of the bill.

The PRESIDENT pro tempore. Senator, the matter is before the Body.

Senator FUMO. Mr. President, may we be at ease for a moment.

The PRESIDENT pro tempore. The Senate will be at ease.  
(The Senate was at ease.)

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator O'Pake, Senator Williams, Senator Reibman, Senator Belan, Senator Mellow, Senator Stapleton, Senator Lynch, Senator Scanlon, Senator Dawida and Senator Jones.

The PRESIDENT pro tempore. Senator Lincoln has requested temporary Capitol leaves for Senator O'Pake, Senator Williams, Senator Reibman, Senator Belan, Senator Mellow, Senator Stapleton, Senator Lynch, Senator Scanlon, Senator Dawida and Senator Jones. The Chair hears no objection. Those leaves will be granted.

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Holl and Senator Loeper.

The PRESIDENT pro tempore. Senator Fisher has requested temporary Capitol leaves for Senator Holl and Senator Loeper. The Chair hearing no objection, those leaves will be granted.

The PRESIDENT pro tempore. Once again, the question before the Body is, will the Senate concur in amendments by the House of Representatives to Senate amendments in House Bill No. 840, beginning with line 15 on page 114 through the end of the bill?

#### PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, in my point of parliamentary inquiry there are two equally important issues addressed in this bill. So that I know which one we are dealing with, is this vote going to be the mass transit portion of the bill?

The PRESIDENT pro tempore. This is the highway portion of the bill, Senator Lincoln.

Senator LINCOLN. Mr. President, I would urge a "yes" vote on this portion of the bill.

The PRESIDENT pro tempore. The question before the Body would be, since Senator Corman asked to have the question divided, will the Senate concur in House amendments to Senate amendments in House Bill No. 840 on the highway portion of the bill, which would be part 4, beginning with line 15 on page 114 to the end of the bill?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

#### YEAS—39

Afflerbach	Fattah	Lynch	Scanlon
Armstrong	Fisher	Madigan	Schwartz
Baker	Fumo	Mellow	Shaffer
Belan	Holl	Musto	Stapleton
Bell	Jones	O'Pake	Stewart
Bodack	Jubelirer	Peterson	Stout
Bortner	LaValle	Porterfield	Tilghman
Brightbill	Lewis	Punt	Wenger
Corman	Lincoln	Reibman	Williams
Dawida	Loeper	Salvatore	

#### NAYS—10

Greenleaf	Helfrick	Pecora	Robbins
Greenwood	Hopper	Rhoades	Shumaker
Hart	Lemmond		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate concur in the remainder of the House amendments to Senate amendments?

**The PRESIDING OFFICER (Noah W. Wenger) in the Chair.**

Senator CORMAN. Mr. President, I would now like to speak on the remaining portion of House Bill No. 840. Earmarking of taxes in some states has become very popular, and I have reams of material here that I would like to share with my colleagues because I have spent considerable time researching this issue. I do not think many in this room have spent the time I have, and I do not think they appreciate the problem we are placing the Commonwealth in if we pass this portion of the bill. I would like to cite a California example. This year it was facing a \$14.3 billion budget deficit. I have with me a copy of a study done by the Golden State Center for Policy Studies. They talk about "The Deeper Lesson of California's Budget Crisis." According to their document, California faced this unprecedented deficit and they point out that a goodly portion of it was caused by earmarking taxes.

If I may read a portion of this, Mr. President, it says: "The state is said to face a Hobson's choice between spending cuts

and tax increases. Even the Governor has proposed some \$6.6 billion of the latter. But we must resist the steady drumbeat of pressure for higher taxes, understanding that the working people of our state are already overtaxed, and that justice requires that they retain as much as possible of what they earn.

"There is an urgent requirement to stop the incredible waste of the taxpayer's dollar in California. The Governor and his Working Group have come up with ideas that represent a good beginning. The Little Hoover Commission and various private-sector groups have proposed others. No stone should be left unturned.

"The deeper lesson to be drawn from this crisis," as it points out in this article, "is that there is a systemic problem with our state's budgeting process. In short, centralized administration and the increasingly common practice of 'earmarking' portions of the budget have rendered California's government essentially unaccountable, not only to the people, but even to their elected officials."

It is amazing that California has earmarked about, according to this article, 90 percent of the state's spending by prior statute, judicial decree or federal mandate, and rises inexorably without either legislative deliberation or rational relationship to revenue growth. I say to you, Mr. President, we already have established a Lottery Fund and dedicated those funds, quite appropriately, to the senior citizens. We have an earmarked or dedicated fund for highway transit. If we continue to move along in earmarking funds, after a bit our budget process will not amount to anything in Pennsylvania. It will become a matter of merely handling that five or ten percent of the budget that is remaining while all of the rest automatically would go to whom we have previously designated. It is amazing that California is confronting a \$14.3 billion deficit, as it points out in this report. One way of gaining perspective on the situation is to recall the words of Governor Ronald Reagan in 1973: "Unless something is done to curb the government's unlimited power to tax, this year's \$9.3 billion budget will grow to a staggering \$47 billion by 1989." It so happened that in 1989 their budget was \$50 billion. If eight percent is the budget they have left in California to fight over, you know, you would wonder why the elected representatives even need to discuss it.

An important complement of earmarking is a procedure known as workload budgeting or current services budgeting. Automatically each year the costs of each program are notched upward, and that is the same way it would happen in Pennsylvania, Mr. President. The structural problem with budgets arises from the following facts: While the average annual growth rate of personal income in California for the last decade has hovered around eight percent per year, the tax revenues have been growing about seven percent. Spending has been growing at approximately 11 percent, and this year and next it has moved to beyond about 13 percent.

The budgeting phenomena of earmarking and workload budgeting really mean that when it comes to budgeting—the bread-and-butter function of the Legislature and Executive



Branches—our representatives have abdicated or let slip away their responsibilities. Missing from the current budget debate is the recognition of the extent to which government spending has ceased to be in the control of elected officials. This is why the spending reforms proposed by Governor Wilson and others, by themselves will not solve the problem, as this article so indicates.

I have some other articles I would like to share with you on this same subject. This is a 1983 USDOT report prepared by Don Pickrell, who was with the John F. Kennedy School of Government, and he is now at the Transportation Systems Center in Cambridge, Massachusetts. He also points out the inappropriateness of dedicated or earmarked taxes for mass transit funding.

Recognizing government's transportation policy, as they point out in this study from the John F. Kennedy School, the alarming deterioration in the financial condition of the U.S. public transit industry during the past decade also raises serious challenges to government policies toward urban transportation. There is accumulating evidence that growth and the availability of government operating assistance may itself be a primary cause of the escalation of costs and deficits. One of these challenges is clearly to reassess the design and operation of government subsidy programs for transit at the federal, state and local level. Local and state government agencies involved in transportation finance should very carefully, they point out in this report, evaluate decisions to earmark specific tax sources for transit assistance, since these decisions often exempt operating subsidies from much of the fiscal scrutiny normally applied to annual budget appropriations.

Similarly, state and federal transit assistance programs that distribute operating subsidies according to the formulae that fail to take financial and operating performance of the recipients into account need to be seriously reconsidered. The distribution formulae for these programs should be revised to establish specific incentives for transit operators to reduce operating expenditures per passenger, or passenger-mile carried, as well as to cover a large share of those expenses for farebox revenues.

Even if the distribution of operating subsidies can be rationalized to provide incentives for improved cost control and passenger-carrying productivity, their effectiveness is likely to be limited as long as subsidies continue to be offered only for conventional mass transit services operated by public authorities. Changes in the underlying cost structure in urban transit operations, together with continued evolution in urban transit demands, suggest that some of the vital, historically served by conventional bus and rail systems, could be served more efficiently at a lower cost by other travel modes. Further, in some urban travel corridors, private operators of conventional transit service may be able to provide it at a more reasonable cost than those now incurred by public transit authorities. Thus the most important challenge for government policies toward the nation's urban transit industry may be to reduce rather than to increase reliance on heavily subsidized conventional mass transit service. There is quite a nice discussion

here on the effects of guaranteed subsidies, and I thought that would be of interest to you, Mr. President.

Finally, this analysis attempts to test the effectiveness of guaranteed availability of government assistance on transit operating expenditures. It does so by examining the association of operating costs with the fraction of each system's operating budget derived from state and local tax sources that are specifically dedicated to finance transit assistance. While it is also tempting to introduce some measure of federal operating payments, the dominant role of population and population density in the Section 5 distribution formula makes it nearly impossible to separate any effect of operating assistance from those of the population and density variables themselves.

The potential for confusing the direction of causality between federal subsidies and the unit cost levels introduced by including such a measure would also be difficult to avoid without a considerably more complex model, more complete and reliable data, and perhaps more complicated statistical techniques than those used here. The guaranteed, specifically earmarked nature of assistance funded from dedicated local and state tax sources makes the anticipated direction of their potential effects on transit expenditures much clearer than is the case with federal assistance. Although it certainly seems reasonable to hypothesize a similar effect of federal subsidies, federal payments under fixed formulas are not reported separately from discretionary assistance—

#### POINT OF ORDER

Senator BELL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, I raise a point of order that the gentleman is not debating the specifics of this bill.

The PRESIDING OFFICER. The gentleman does appear to be debating the subject matter at hand, but the gentleman's point is well made from the standpoint that you could proceed with the process. We remind the gentleman from Centre County of the time of day and all the things that have happened in the previous two days, if he would make every effort to make his point.

Senator CORMAN. Mr. President, I will try to move along expeditiously, but you have to admit we are talking about dedicated earmarked taxes for a transit organization, and that is what the piece of legislation is all about.

Senator BELL. Mr. President, how many movers are necessary to move the previous question?

The PRESIDING OFFICER. If it is moved, it needs to be seconded by four Senators.

#### PREVIOUS QUESTION MOVED

Senator BELL. Mr. President, I move the previous question.

The PRESIDING OFFICER. Senator Bell has moved the previous question.

Senator CORMAN. Mr. President, I question the presence of a quorum.



The PRESIDING OFFICER. Are there four seconds? The Chair sees none. The motion fails.

Senator CORMAN. Mr. President, I withdraw my question.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Jubelirer, Senator Tilghman, Senator Salvatore, Senator Loeper and Senator Helfrick.

The PRESIDING OFFICER. Senator Fisher requests temporary Capitol leaves for Senator Jubelirer, Senator Loeper, Senator Tilghman, Senator Salvatore and Senator Helfrick. Seeing no objections, the leaves will be granted.

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Musto and Senator Andrezski who have been called to their Capitol offices.

The PRESIDING OFFICER. Senator Lincoln requests temporary Capitol leaves for Senator Musto and Senator Andrezski. Hearing no objection, the leaves will be granted.

And the question recurring,

Will the Senate concur in the remainder of House amendments to Senate amendments?

Senator CORMAN. Mr. President, are leaves of absence germane to my discussion?

The PRESIDING OFFICER. I am not sure but the gentleman may proceed.

Senator CORMAN. It also provides some evidence that government operating assistance weakens transit managers' incentives for cost control sufficiently to allow part to be absorbed by higher cost operating expenditures.

Another important part of this report from the Kennedy School says, nevertheless, the most important sources of cost escalation including explosive wage and fringe benefits increases and unnecessarily protective labor agreement provisions hampering the productive use of labor are more directly subject to management control. Others, principally the distribution of operating assistance without regard for its effects of managerial incentives, are the product of well-intentioned but conceptually errant government policies. It is a very good study on the subject of earmarking taxes and obviously it encourages governmental units not to pursue them.

Moving on, Mr. President, yet on the same subject, I would like to point out a study by the University of Mississippi. They also did a study on earmarking of tax revenues. They also have quite a lengthy document here suggesting that is certainly not the way to go for governments, to earmark taxes for transit organizations. I know how everyone is waiting on the edge of their seats for me to read it to them, and I will pass it up and I will move on to my next document.

My next document is earmarking of state taxes. There is a booklet put out by the National Conference of State Legislatures. This was copyrighted in 1987 by the National Conference of State Legislatures, and they have an executive summary. It might be interesting rather than reading the entire booklet if we merely talk about the executive summary. They suggest on the first page that earmarking is controver-

sial, involving complex political and analytical issues. Common criticisms of earmarking include the allegations that it hampers budgetary control, leads to misallocation of resources, makes the revenue structure inflexible, and infringes upon the policymaking prerogatives of the Executive Branch and the Legislature.

#### PREVIOUS QUESTION MOVED

Senator BELL. Mr. President, I move the previous question.

The PRESIDING OFFICER. Senator Bell moves the previous question. Are there four seconds to the gentleman's motion?

Senator FUMO. I second the motion.

Senator HOPPER. I second the motion.

Senator HELFRICK. I second the motion.

Senator LaVALLE. I second the motion.

The PRESIDING OFFICER. I think we have four seconds which is the required amount.

#### ABSENCE OF QUORUM

Senator CORMAN. Do we have a quorum, Mr. President?

Senator BELL. Can I vote proxies? I can give you ten more.

Senator CORMAN. Mr. President, I believe a quorum is made up by people present. Is it not, Mr. President?

The PRESIDING OFFICER. Senator Corman has suggested the absence of a quorum. Are there four seconds to the gentleman's inquiry on the quorum?

#### PARLIAMENTARY INQUIRY

Senator CORMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Centre, Senator Corman, will state it.

Senator CORMAN. Mr. President, do you mean the proper procedure is if people suggest there is a quorum, that is merely it? Is there not a roll call to determine if, in fact, there is a quorum present?

The PRESIDING OFFICER. If there are four seconds to the gentleman's request for a quorum, then there will indeed be the roll call for the quorum. Otherwise, it is assumed that there is a quorum. Again, the question would be, are there four seconds?

Senator RHOADES. I second the inquiry.

Senator PECORA. I second the inquiry.

Senator HOPPER. I second the inquiry.

Senator HOLL. I second the inquiry.

The PRESIDING OFFICER. There are, indeed, four seconds to the gentleman's inquiry on the quorum. Being a quorum call, no one on leave can be voted. The Clerk will call the roll. Those Members present on the floor will be polled.

#### PARLIAMENTARY INQUIRY

Senator FUMO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, the gentleman has questioned a quorum. He has his four seconds. May we proceed with the roll call to see if there is a quorum?

The PRESIDING OFFICER. That is what I just ordered a roll call for, Senator Fumo.

#### PARLIAMENTARY INQUIRY

Senator CORMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Centre, Senator Corman, will state it.

Senator CORMAN. Mr. President, I am inquiring as to if the votes may only be cast by those present on the floor. Is that correct?

The PRESIDING OFFICER. Only those present on the floor may cast votes. We cannot vote people on leave. They have to come onto the floor.

#### QUORUM PRESENT

The Clerk called the roll and the following Senators were present:

Afflerbach	Fumo	Lemmond	Rhoades
Andrezeski	Greenleaf	Lewis	Robbins
Armstrong	Greenwood	Lincoln	Salvatore
Baker	Hart	Loeper	Schwartz
Bell	Helfrick	Madigan	Shaffer
Bortner	Holl	Pecora	Shumaker
Brightbill	Hopper	Peterson	Stewart
Corman	Jones	Porterfield	Stout
Fattah	Jubelirer	Punt	Wenger
Fisher	LaValle		

The PRESIDING OFFICER. Thirty-eight Members answering present, the Chair finds the presence of a quorum.

And the question recurring,

Will the Senate concur in the remainder of House amendments to Senate amendments?

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

Senator BELL. Mr. President, I have been assured by my floor leader that the gentleman only desires two more minutes to wrap up his speech. I would therefore, with the concurrence from my seconds, withdraw my motion with the understanding that in five minutes I am going to make it the second time.

The PRESIDENT pro tempore. Senator Bell withdraws the motion.

Senator CORMAN. Mr. President, I thank the gentleman from Delaware, Senator Bell, and I thank you, Mr. President. I will wrap up. I think I have made my point. There are a lot of people in Pennsylvania who will not benefit from the passage of this legislation but all will pay. There are reams and reams of material saying what we are about to do if we pass it is not the right thing to do for government but, in fact, the wrong thing. I would encourage all of my colleagues to join me in voting "no" on this portion of the legislation.

Senator LINCOLN. Mr. President, I think what we are discussing in this portion of this bill is a very good microcosm of

Pennsylvania, in that it is a wonderful state in its diversity. Even though there are many of us throughout the state who may not benefit as greatly as others from the intention of this part of this bill, I think it is really the secret to why Pennsylvania has been somewhat successful when other states have not been over the years. We have to realize there are times when certain aspects of funding in state government are not going to go on an equal basis or distributed even somewhat equally over the course of the state. Major urban areas of our state are dependent upon mass transportation. There has been a major move on the federal level to bring about a more dedicated or a more sound funding mechanism. I would urge that we support this particular section of this bill as strongly as we supported the other section that we passed a few minutes ago. I would ask for a "yes" vote.

Senator STOUT. Mr. President, I will be very brief. It is essential that this bill be passed in order to preserve for Pennsylvania some \$146 million worth of federal funds that could be lost if we do not pass a dedicated funding source for mass transit. Every Member in this Chamber should be familiar with this issue and now we have to do that. It has to be in place by the end of September. It is my understanding when we adjourn, there will be a motion, we will not be back here in time to get this done. So let us go ahead and pass this legislation to ensure and prevent the loss of some \$146 million worth of federal highway funds paid by Pennsylvanians and due to Pennsylvania.

Senator RHOADES. Mr. President, I will be even shorter than my good friend, the gentleman from Washington, Senator Stout. I am going to use some of his down home logic. Cut it, slice it or fry it, baloney is still baloney, and the way you are fronting this bill is nothing but baloney.

Senator CORMAN. Mr. President, I have to rise to respond to what the gentleman from Washington, Senator Stout, said because it is inaccurate information.

Senator BELL. Mr. President, I think we have a rule somebody can only speak twice on a bill. I think this is the third time for the gentleman from Centre, Senator Corman.

The PRESIDENT pro tempore. I was off the floor. I am told he has only spoken once.

Senator BELL. Mr. President, if he is brief and does not filibuster, I will withdraw my objection.

The PRESIDENT pro tempore. I believe he wants to clarify the point of the gentleman from Washington, Senator Stout.

Senator CORMAN. Mr. President, the passing of this piece of legislation is not the only solution to the Gray amendment that would cost us money. In fact, Congressman Shuster has inserted into the Surface Transportation Act legislation that would set aside the Gray amendment. As well, Senator Stout himself has sponsored a resolution that, if passed, would also avoid us losing those dollars.

Senator BAKER. Mr. President, I am loath to extend this debate except for a very brief period. I think we risk losing something that is very important that has developed during the negotiations over this particular package, and that is the end of the battle between highway funding and mass transit

funding and the blending of them together in the recognition that all forms of transportation need to be dealt with, both in terms of capital and operating costs, maintenance costs, et cetera. I feel it is very important that we provide capital for the type of funding that this package will provide. I do feel that the gentleman from Centre, Senator Corman, is making an important point. I take his point to be from the massive material he has presented, that competitive contracting offers a great deal of potential efficiency in transportation, and his chagrin that it is not being included in this package, I think, is worthy of note. Since he is the Chairman of the Senate Committee on Transportation, I fully expect that he will have many opportunities in the future to develop his thoughts further.

I do have a question and I am not sure anyone is able to answer it at this time, but the bill as it was received from the House does include asset maintenance in the capital portion, and I am hoping if someone is present who can answer the question as to how it is to be interpreted that they will do so at this time.

The PRESIDENT pro tempore. Since Senator Baker has raised the question, I do not know. Senator Lincoln, do you wish to respond?

Senator LINCOLN. Mr. President, my understanding is that it just conforms with federal capital standards.

The PRESIDENT pro tempore. I do not know if that answers the question. Senator Baker, is that—

Senator BAKER. Mr. President, does that mean that Senator Lincoln knows what the federal standards are?

Senator LINCOLN. Mr. President, if I were required to know federal standards on every issue that I voted on in this Chamber, I am afraid I would have to—

The PRESIDENT pro tempore. I think the answer is no. I do not think anybody is rising to respond to your question, Senator Baker.

Senator BAKER. Mr. President, let me just conclude then by saying that I think it is important that we keep the coalition together for transportation finance for both highways and mass transit.

The PRESIDENT pro tempore. The question before the Body is, will the Senate concur in House amendments to Senate amendments in House Bill No. 840 on the mass transit portion of the bill, beginning with page 1, going to the middle of page 15?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

#### YEAS—30

Afflerbach	Fattah	Lincoln	Scanlon
Andrezski	Fisher	Loeper	Schwartz
Baker	Fumo	Lynch	Stapleton
Belan	Greenleaf	Mellow	Stewart
Bell	Holl	Musto	Stout
Bodack	Jones	Porterfield	Tilghman
Bortner	LaValle	Salvatore	Williams
Dawida	Lewis		

#### NAYS—20

Armstrong	Helfrick	O'Pake	Rhoades
Brightbill	Hopper	Pecora	Robbins
Corman	Jubelirer	Peterson	Shaffer
Greenwood	Lemmond	Punt	Shumaker
Hart	Madigan	Reibman	Wenger

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Holl. His temporary Capitol leave is cancelled.

#### SENATE CONCURRENT RESOLUTION

##### RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, August 4, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 7, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, October 7, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

#### HOUSE MESSAGES

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 804, 1551, 1552, 1553, 1554, 1556, 1564, 1570 and 1579.**

#### BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

**HB 89, 185, 221, 804, 1536, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590.**

**PETITIONS AND REMONSTRANCES**

Senator FUMO. Mr. President, I would be remiss if today I did not specifically thank a number of people who assisted greatly during the last few weeks in helping us resolve this crisis. First and foremost, I would like to thank Senator Mellow, my floor leader, for giving me the leeway, not only this year but in prior years, to negotiate to the best of my abilities what we could for our caucus, and I want to thank him this year for his participation and for his help. I also want to thank my good friend Senator Lincoln who occasionally keeps me calm except when his head is riding at the heat of anger.

Mr. President, specifically on the staffs, I would like to thank Paul Dlugolecki, our Executive Director, for the fine job he did in his quiet, easy way of keeping things moving along; Virginia Joyce, for her help on the pension bill; Sandy Leopold, for his help on the child welfare bill; Jerry Sabol, for his extraordinary work on the education formula; Randy Albright, for his terrific work on the transportation bill; and Liz Sheehan, for her great service on the lottery preservation bill. Also, I would like to thank our clerical staff: Susan Swett, my secretary who is not with us now, although she put in 30 hours today; Vicki Strohm who also went home; and Monica Eutzy; and Tom Guelcher for following the Calendar and Pete Freeman and his staff in the Computer Department.

Mr. President, also the guy who had the toughest job of all of putting together the toughest bill to vote for it all, John Raymond on the tax bill. It was an intricate and very complex problem. He spent at least three days here—I should say three complete nights—and we did not see them in the mornings when we had to send them home.

On Senator Mellow's staff I would like to thank C. J. Hafner, our Chief Council; Jim Tanase, Mike Korposh and Neil Malady for their excellent work. Yes, Mr. President, on that side of the aisle I would like to thank the individual who still, as I understand, has a reservoir of goodwill left in this General Assembly, Steve MacNett, as well as Mr. Bittenbender and his staff from the Republican Committee on Appropriations.

Mr. President, without the aid of these loyal and dedicated state employees and Senate staffers, we would not be where we are today. We would not be as eloquent as I think we are on the floor, and we certainly would never be as knowledgeable as I know we are on these issues. It is also important to note that these people on this staff, unlike their colleagues in the House, served from the very first day without pay. It caused them as well as the other Senate staff members untold grief for their families, and we apologize to them for any harm we inflicted upon them in particular, because they could have been paid but they stood with us and waited until everyone else could be paid. Mr. President, again I thank my colleagues in this Chamber for helping us to resolve these issues in a positive way, and I wish everyone a very good summer.

Senator FISHER. Mr. President, I, too, would just like to follow up on the words echoed by Senator Fumo. This year was the first opportunity that I had to participate in the

budget negotiation process. I certainly saw a lot of hard work, arduous days, a lot of tedious work that was put in by many, many dedicated people who have been mentioned by Senator Fumo. Certainly I want to extend my comments and my praise to our Majority Leader, Senator Joe Loeper, for all of the outstanding work that he did representing our caucus. We worked as a team. We had an outstanding staff on this side that was here day in, day out, night in, night out. I believe that from the perspectives that I saw, the firsthand perspectives, that the interests of our caucus and the interests of the people who we represent were, in fact, well represented during the budget negotiation process.

Senator STOUT. Mr. President, since the last few days here we have been saying back down home that we have been working from can to can't, from when you can see in the morning, till you can't see at night. I would just like briefly to comment on the transit legislation and highway funding that passed here a few minutes ago. That legislation, those two proposals, were literally joined at the hip. We accept precedence in creating a dedicated funding source for mass transit and to preserve federal dollars due Pennsylvania and to assure ongoing operations for transit in this Commonwealth. But more importantly, in the area on highways, with the additional \$240 million we will be providing \$100 million of needed maintenance funding in this Commonwealth that will reflect in every district, every county in this Commonwealth. We have also provided \$40 million for capital construction to continue our ongoing highway improvement projects in this state. The \$30 million needed for funding for bridge replacement and repair is unique, something near and dear to the President and myself and other Members, in identifying for the first time approximately \$5 million a year for county bridges and for so-called forestry bridges. In the county bridges, Pennsylvania has an historic asset in this Commonwealth. It is called covered bridges that stretch from Bedford County and to Washington County and Lancaster County and many of the counties of this Commonwealth that we want to preserve and repair so our posterity will be able to enjoy the historic value of covered bridges in this Commonwealth. Also \$30-some million for local roads that come back into the townships and the municipalities to help maintain their local road system is vital to our highway network. But for the first time we are going to identify approximately \$35 million to be used towards Act 61 of 1985, the so-called toll road expansion legislation. That is legislation I started working on with many Members at that time in the General Assembly. Many of them are not with us today, and it took a number of years to get that legislation passed and moved forward. I knew at the time we needed to have a dedicated source to enable us to leverage out our federal dollars to be able to build these vital road links, and they are really avenues and boulevards of opportunity and economic development which we need so badly throughout this Commonwealth, particularly in southwestern Pennsylvania with our changed economy. So, likewise, I think we have made some historic things in the last few days.

I also want to give my thanks to the leadership on my side of the aisle and across the aisle for the people who worked so diligently and the staff who did that. But also I would like to recognize and say a few words about one of the new negotiators who happens to be one of my Legislators, Bill DeWeese, the Majority Leader in the House. Bill has been in that position for just a little over a year and stepped into a very difficult situation in putting together the budget, the tax package and all the other important legislation. I think Bill really showed his mettle, and we all know he likes to have the decorum of the Marine Corps, and so forth, but I think Bill was severely tested, but he met that test along with a new Majority Appropriations Chairman in Representative Dwight Evans, and all of their people who worked together.

Also, in concluding, wrapping up until October, I want to wish each and every one of my colleagues and the staff here in the Senate an enjoyable summer.

### **BILL SIGNED**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

**HB 840.**

### **HOUSE MESSAGE**

#### **HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess Adjournment.

### **ADJOURNMENT**

Senator FISHER. Mr. President, I move the Senate do now adjourn until Monday, October 7, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 6:45 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, OCTOBER 7, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 60

### SENATE

MONDAY, October 7, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, we pause this beautiful afternoon to thank You for once again bringing us safely to our fall legislative Session. Be with these Your servants today as they address the affairs of this state. May the hand of God work among the hands of men, and the voice of God be heard among the voices of men. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of August 4, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### SENATE BILL RETURNED WITHOUT APPROVAL

The PRESIDENT laid before the Senate the following veto message from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been returned without approval:

**SB 1059**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," providing an amnesty program for the payment of delinquent taxes; providing for the examination of books and records by the Department of Revenue; further providing for certain interest payments and the rates of interest, for the settlement of taxes and for the filing of liens and writs of revival; providing certain subpoena powers to the Department of Revenue; providing for unfair sales of cigarettes; and making a repeal.

The Clerk read the veto message as follows:

August 4, 1991

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill 1059, Printer's No. 1504, entitled "An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, 'An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth,' providing an amnesty program for the payment of delinquent taxes; providing for the examination of books and records by the Department of Revenue; further providing for certain interest payments and the rates of interest, for the settlement of taxes and for the filing of liens and writs of revival; providing certain subpoena powers to the Department of Revenue; providing for unfair sales of cigarettes; and making a repeal."

Senate Bill 1059 amends the Fiscal Code to create an amnesty program for taxpayers, to add provisions to the Unfair Cigarette Sales Tax Act, with amendments, and to add or change several Department of Revenue enforcement powers including provisions relating to examination of records, settlement, lien revival, and the use of sampling during audits.

I have previously indicated my willingness to accept a limited form of tax amnesty as part of our overall effort to boost tax collection during the current fiscal year. Unfortunately, the amnesty program contained in Senate Bill 1059 is seriously flawed in several aspects. These flaws in draftmanship have an adverse impact on our revenue estimates and would, if left uncorrected, throw the budget out of balance.



The definition of "taxpayer" in the bill includes only those taxpayers required to remit taxes under the Fiscal Code and Title 72 of the Consolidated Statutes. However, there are no taxes that are required to be remitted under either tax law and, therefore, no one would be eligible for tax amnesty. Further, even if the bill could be given effect, the definition of eligible liability is overly broad and would reward those who are known consistent tax-evaders. Also, due to the broad definition of eligible tax, the so-called "amnesty" revenues would merely supplant revenues that are currently being collected. In other words, under this bill the department would reap substantial revenues that it already expects to collect, but would lose the interest and penalties it would otherwise expect to realize, but for the amnesty features of this bill.

An amnesty program which provides relief only to those whose liability is not known to the Department or to those who only have known liabilities which are too old to be effectively enforced would be productive. However, this bill tends towards being a pure giveaway for known tax "cheats" and, therefore, is highly unfair to the vast majority of law-abiding taxpaying Pennsylvanians.

I remain willing to work with the General Assembly to arrive at a more limited tax amnesty program, one that can be effectively administered without unnecessarily sacrificing interest and penalties which the Commonwealth expects to receive.

ROBERT P. CASEY.

The PRESIDENT. The communication and bill will be laid on the table.

#### APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

**SB 405, 1133, 1134, 1135, 1138 and 1217.**

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frances P. Fuge, 106 West Broad Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Donald Kirts, Ed.D., Easton, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years or until her successor is appointed and qualified, vice Joseph Levi, II, Oil City, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA GAME COMMISSION

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Jane Kuziak, R. D. 8, Box 231, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1993, vice Donald R. Craul, Lewisburg, terminated.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Larie Pinte, 7035 Meadville Road, Girard 16417, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Vivian Piasecki, Haverford, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE MILK MARKETING BOARD

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leon H. Wilkinson, R. D. 1, Box 185, Landenberg 19350, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Milk Marketing Board, to serve until May 1, 1997 and until his successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joyce Catt, 139 Marvel Drive, Butler 16001, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Grady Cooper, Slippery Rock, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leo Robert Kairys, M.D., 1109 Greenridge Lane, Pittsburgh 15220, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph C. Toland, M.D., Meadowbrook, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angela Blackston, 148 Fawn Ridge North, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Catana Sue Reber, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Smith, Esquire, 1220 West 66th Avenue, Philadelphia 19126, Philadelphia County, Third Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable James D. McCrudden, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Allan L. Tereshko, 2613 East Lehigh Avenue, Philadelphia 19126, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Lynne M. Abraham, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald E. Bertugli, 433 Route 88, Carmichaels 15320, Greene County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Greene, Magisterial District 13-3-03, to serve until the first Monday of January, 1992, vice Emil Bertugli, mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF CHEYNEY UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Doctor Joseph D. Patterson, Sr., 6213 Walnut Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice The Honorable Harvey N. Schmidt, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Lawrence J. Kansky, Jr., 45 Brook Lane, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Patricia Hametz, Weathersly, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

August 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert F. Childs, 861 East Butler Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Arthur F. Loch, Reading, resigned.

ROBERT P. CASEY.

MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond S. Angeli (Alternate), 589 Hilltop Road, Peckville 18452, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Earl F. Gohl, Jr., Harrisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine W. Cowan (Alternate), 840 Bellmont Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice R. David Myers, Camp Hill, resigned.

ROBERT P. CASEY.

MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew T. Greenberg (Voting Member), 931 North Front Street, Apartment 507, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice The Honorable Raymond Christman, resigned.

ROBERT P. CASEY.

SECRETARY OF COMMERCE

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew T. Greenberg, 931 North Front Street, Apartment 507, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Commerce, to serve until the third Tuesday of January, 1995 and until his successor shall have been appointed and qualified, vice The Honorable Raymond R. Christman, Pittsburgh, resigned.

ROBERT P. CASEY.

BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel James R. Hendrickson, Box 127, Cowansville 16218, Armstrong County, Forty-first Senatorial District, for appointment as Brigadier General, Deputy Commander, Pennsylvania Air National Guard, to serve until terminated.

ROBERT P. CASEY.

MEMBER OF THE STATE REAL  
ESTATE COMMISSION

August 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helena G. Hughes (Public Member), 4433 Schenley Farms Terrace, Pittsburgh 15213-1207, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Real Estate Commission to serve for a term of five years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Frances J. Barnes, Ed.D., Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE REAL  
ESTATE COMMISSION

August 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond H. Miley, Jr. (Public Member), 200 Old Church Road, North Wales 19454, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the State Real Estate Commission to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS

August 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis A. Guzzi, 100 Catherine Street, Johnstown 15901, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers and Professional Land Surveyors, to serve until November 14, 1996, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Alexander Molinski, Johnstown, deceased.

ROBERT P. CASEY.

DISTRICT JUSTICE

August 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy Skerchok, 90 Oak Street, Gilbertsville 19525, Montgomery County, Eleventh Senatorial District, for appointment as District Justice in and for the County of Montgomery, Magisterial District 38-2-03, to serve until the first Monday of January, 1992, vice Nancy Moore, deceased.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

August 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen F. Fitzpatrick, Esquire, 10 Harmil Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Rita E. Prescott, mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
LABOR RELATIONS BOARD

August 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, L. Dennis Martire, 917 Parkview Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF CLAIMS

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis G. O'Brien, 3431 Alinda Circle, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 1998, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF COSMETOLOGY

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Antonette J. Grygo, 2400 Cronemeyer Avenue, McKeesport 15132, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF COSMETOLOGY

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rita M. Spicer, 7108 Germantown Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MANSFIELD UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Carlson, Box 97, Turtlepoint 16750, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Kenneth B. Lee, Esquire, Eagles Mere, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF MANSFIELD UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert M. Jones, Sr., 307 Granger Street, Blossburg 16912, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Claudia M. Dezwick, 274 Jean Drive, Pittsburgh 15236, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Frank L. Fontana, M.D., Pittsburgh, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PODIATRY

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael A. Cibik, Esquire, 230 South Broad Street, Philadelphia 19102, Philadelphia County, Second Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT BOARD

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert R. Fondy, 2433 Pin Oak Place, Pittsburgh 15220, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.  
MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, G. Davis Greene, Jr., 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, and until his successor is appointed and qualified, vice James Scheiner, Harrisburg, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sarah W. Hargrove, 423 Walnut Street #124, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, and until her successor is appointed and qualified, vice Christine Crist, Camp Hill, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

September 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert F. McGinley, Wilkes-Barre, whose term expired.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
LEHIGH COUNTY

September 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lawrence J. Brenner, Esquire, 1870 Briarcliffe Terrace, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1994, vice The Honorable David E. Mellenberg, deceased.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

September 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack A. Panella, Esquire, 8 George Court, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January, 1994, vice The Honorable Alfred T. Williams, Jr., resigned.

ROBERT P. CASEY.

MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy D. Lewis, 201 Long Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until her successor is appointed and qualified, vice Joan H. Cadwalader, Unionville, resigned.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF  
LINCOLN UNIVERSITY—OF  
THE COMMONWEALTH SYSTEM  
OF HIGHER EDUCATION

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Audrey R. Johnson-Thorton, 7051 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1993, and until her successor is appointed and qualified, vice Spencer J. Andress, Oxford, resigned.

ROBERT P. CASEY.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William Wallish, Shamokin, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reginald H. Bethel, 3326 Webster Avenue, Pittsburgh 15219-3916, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS IN SPEECH—LANGUAGE  
AND HEARING

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald B. Kameron, M.D., Eye and Ear Hospital, 230 Lothrop Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Examiners in Speech—Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Neal Mann, North East, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry O. Sather, McConnellstown, whose term expired.

ROBERT P. CASEY.

TREASURER, MONTGOMERY COUNTY

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Terri P. McClain, 60 South Allentown Road, Tylersport 18971, Montgomery County, Twenty-fourth Senatorial District, for appointment as Treasurer, in and for the County of Montgomery, to serve until the first Monday of January, 1992, vice Floriana Bloss, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
CLARKS SUMMIT STATE HOSPITAL

September 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles M. LeStrange, 1112 Columbia Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Arthur W. Brown, Scranton, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

September 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Luchansky, 3301 North Front Street, Whitehall 18052, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Marion M. Parish, Montoursville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE

September 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marilyn Michael (Public Member), 1332 Hickory Road, Macungie 18062, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Samuel E. Bishop, Philadelphia, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

September 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Deberah L. Kula, 512 Bute Road, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as District Justice in and for the County of Fayette, Magisterial District 14-2-02, to serve until the first Monday of January, 1994, vice Eugene J. Simon, deceased.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY

September 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis A. Orlando, 2207 Wilmington Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

September 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael B. Faucher, 316 South Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Reverend Thomas Logan, Sr., Yeadon, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

September 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard D. Roth, 565 West Wayne Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice David Schaffer, Havertown, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL

September 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert S. Boova, M.D., 841 Briarwood Road, Newtown Square 19073, Delaware County, Ninth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Diane D. Welsh, King of Prussia, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

September 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy Hunziker (Public Member), 142 East Pine Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond G. Herr, Willow Street, whose term expired.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

September 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC  
UTILITY COMMISSION

September 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julius B. Uehlein, 233 Winding Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 1996, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frank R. Fischl, Jr., Allentown, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF HAVERFORD STATE HOSPITAL

September 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry M. Byrne, Jr., 116 Ellis Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Patricia Jenkins, Esquire, Media, resigned.

ROBERT P. CASEY.

MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS

September 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne d'Harnoncourt Rishel, 2322 Delancey Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1993, and until her successor is appointed and qualified, vice Gerald R. Hildebrandt, Philadelphia, deceased.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF SELINGSGROVE CENTER

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Zurick, Esquire, 6 East Lincoln Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert M. Singer, Selingsgrove, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

September 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George E. Kern (Public Member), 2234 Mack Boulevard, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel J. West, Jr., Moscow, whose term expired.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

October 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen F. Fitzpatrick, Esquire, 10 Harmil Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Howard F. Reed, Jr., mandatory retirement.

ROBERT P. CASEY.

JUDGE, TRAFFIC COURT

October 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph A. Diorio, 928 Magee Avenue, Philadelphia 19111-4814, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1992, vice The Honorable Dominic N. Cermele, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

October 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brydon H. Lidle, Jr., 234 Armstrong Street, P. O. Box 428, Halifax 17032, Dauphin County, Fifteenth Senatorial District, for appointment as District Justice in and for the County of Dauphin, Magisterial District 12-3-02, to serve until the first Monday of January, 1994, vice Lawrence E. Alvord, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
CAMBRIA COUNTY

October 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda Rovder Fleming, Esquire, 537 Bluff Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1994, vice The Honorable Caram Abood, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald S. Kelly, R. R. 4, Box 334, Valencia 16059, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James M. Campbell, Pulaski, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BEAVER COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kenneth E. Thornton (Democrat), 328 Larimer Street, Aliquippa 15001, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Beaver County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE BEDFORD COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Betty L. Shaffer (Democrat), Rt. 2, Box 626, Bedford 15522, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leah M. Brown (Democrat), 141 Greenhill Drive, Butler 16001, Butler County, Twenty-first Senatorial District, for reappointment as a member of the Butler County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathy W. James (Democrat), 907 Center Avenue, Butler 16001, Butler County, Twenty-first Senatorial District, for reappointment as a member of the Butler County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Matson (Democrat), 1109 Fourth Street, Butler 16001, Butler County, Twenty-first Senatorial District, for reappointment as a member of the Butler County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald D. Painter (Democrat), R. D. 3, Pine Road, Evans City 16033, Butler County, Twenty-first Senatorial District, for reappointment as a member of the Butler County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CAMERON COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond L. Berry (Democrat), R. D. 1, Box 251, Emporium 15834, Cameron County, Thirty-fourth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE CAMERON COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David A. Brown (Republican), 104 East Second Street, Emporium 15834, Cameron County, Thirty-fourth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE CAMERON COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan Lapsley (Democrat), P. O. Box 88, Second Street, Driftwood 15832, Cameron County, Thirty-fourth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE VENANGO COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathryn Jane Graves (Democrat), 1441 Otter Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice Louis M. Slautterback, Franklin, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE VENANGO COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Amy Judson-Burak (Democrat), 1124 Elk Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE VENANGO COUNTY  
BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Creeta Y. Owens (Democrat), 806 West First Street, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA  
ENERGY DEVELOPMENT AUTHORITY**

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 5, 1991, for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years or until her successor is appointed and qualified, vice Joseph Levi, II, Oil City, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL**

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 12, 1991 for the appointment of Angela Blackston, 148 Fawn Ridge North, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Catana Sue Reber, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING**

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Barbara Garvey, 110 Overlook Drive, Pittsburgh 15216, Allegheny County,

Thirty-seventh Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE**

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 16, 1991 for the appointment of Nancy Hunzinker (Public Member), 142 East Pine Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond G. Herr, Willow Street, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY**

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 5, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert F. McGinley, Wilkes-Barre, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL**

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William Wallish, Shamokin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING**

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of Donald B. Kamerer, M.D., Eye and Ear Hospital, 230 Lothrop Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Neal Mann, North East, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE STATE  
TRANSPORTATION COMMISSION**

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry O. Sather, McConnellstown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY**

October 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 17, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Angelo A. Guarino, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER**

October 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 1991 for the reappointment of Emery P. Bliesmer, Ph.D., 717 Kennard Road, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**HOUSE MESSAGE**

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

August 12, 1991

**HB 719** — Committee on Local Government.

**HB 734 and 749** — Committee on Transportation.

August 13, 1991

**HB 131 and 555** — Committee on Transportation.

**HB 713** — Committee on Judiciary.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

August 12, 1991

Senators GREENLEAF, HART, REIBMAN, SALVATORE and ANDREZESKI presented to the Chair **SB 1294**, entitled:

An Act amending the act of December 19, 1990 (P. L. No. 206), entitled "An act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to domestic relations; making conforming amendments to Titles 18 and 42; and repealing certain acts and parts of acts supplied by the act or otherwise obsolete," adding a provision making certain provisions of the act retroactive to July 1, 1980.

Which was committed to the Committee on JUDICIARY, August 12, 1991.

Senators GREENLEAF, HART, ANDREZESKI, SALVATORE, REIBMAN and LEWIS presented to the Chair **SB 1295**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the grounds for divorce, for counseling and for equitable division of marital property.

Which was committed to the Committee on JUDICIARY, August 12, 1991.

Senators GREENLEAF, SALVATORE, REIBMAN and ANDREZESKI presented to the Chair **SB 1296**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for establishment of an arbitration program.

Which was committed to the Committee on JUDICIARY, August 12, 1991.

Senators STOUT, STAPLETON, HELFRICK, BELAN, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1297**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "urban mass transportation system"; and further providing for the exemption of buses from paying title and registration fees.

Which was committed to the Committee on TRANSPORTATION, August 12, 1991.

Senators STOUT, STAPLETON, HELFRICK, HART, BELAN, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1298**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for machinery, equipment, lands and buildings relating to airports.

Which was committed to the Committee on TRANSPORTATION, August 12, 1991.

Senators LEMMOND, SALVATORE, HART, O'PAKE, REIBMAN, WENGER, FISHER, HELFRICK, MUSTO and RHOADES presented to the Chair **SB 1299**, entitled:

An Act amending the act of December 19, 1990 (P. L. 1200, No. 202), entitled "Solicitation of Funds for Charitable Purposes Act," further defining "charitable organization."

Which was committed to the Committee on STATE GOVERNMENT, August 12, 1991.

Senators FISHER, WENGER, SHUMAKER and PORTERFIELD presented to the Chair **SB 1300**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," adding a definition of "construction design professional"; exempting construction design professional from liability for construction injuries and deaths under certain circumstances.

Which was committed to the Committee on LABOR AND INDUSTRY, August 12, 1991.

Senator HOLL presented to the Chair **SB 1301**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for citizen suits to enforce the act.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, August 12, 1991.

Senator HOLL presented to the Chair **SB 1302**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the removal and replacement of a corporate fiduciary.

Which was committed to the Committee on JUDICIARY, August 12, 1991.

Senator STAPLETON presented to the Chair **SB 1303**, entitled:

An Act amending the act of December 20, 1990 (P. L. 1472, No. 223), entitled "Capital Budget Project Itemization Act for 1990-91," providing for an additional transportation assistance project.

Which was committed to the Committee on TRANSPORTATION, August 12, 1991.

Senators O'PAKE, MELLOW, REIBMAN, STOUT, PORTERFIELD, STAPLETON, AFFLERBACH, BODACK, LAVALLE, SCHWARTZ, STEWART, MUSTO, BELAN, DAWIDA, LEWIS and BORTNER presented to the Chair **SB 1304**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for an investment tax credit program.

Which was committed to the Committee on FINANCE, August 12, 1991.

Senator TILGHMAN presented to the Chair **SB 1305**, entitled:

An Act repealing the act of July 8, 1986 (P. L. 408, No. 89), entitled "Health Care Cost Containment Act."

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, August 12, 1991.

Senator TILGHMAN presented to the Chair **SB 1306**, entitled:

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), entitled "Fire and Panic Act," further providing for preemption of local ordinances relating to clean indoor air.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, August 12, 1991.

Senators ANDREZESKI, STOUT, REIBMAN, BELAN, PORTERFIELD, LYNCH, RHOADES and AFFLERBACH presented to the Chair **SB 1307**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the sale or transfer of certain information.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, August 12, 1991.

Senators ANDREZESKI and STOUT presented to the Chair **SB 1308**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for creditable nonstate service for certain law enforcement officers.

Which was committed to the Committee on FINANCE, August 12, 1991.

Senators ANDREZESKI, LYNCH, JONES and MUSTO presented to the Chair **SB 1309**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful collection agency practices.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, August 12, 1991.



Senators ANDREZESKI, O'PAKE, STAPLETON, CORMAN, RHOADES, JONES, MUSTO and BELAN presented to the Chair **SB 1310**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for mandatory sentences for certain sexual offenses.

Which was committed to the Committee on JUDICIARY, August 12, 1991.

#### August 13, 1991

Senators ANDREZESKI, O'PAKE, STAPLETON, CORMAN, RHOADES, JONES, MUSTO and BELAN presented to the Chair **SB 1311**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing minimum sentences of imprisonment for certain sexual offenses.

Which was committed to the Committee on JUDICIARY, August 13, 1991.

Senators ANDREZESKI, O'PAKE, REIBMAN, STAPLETON, CORMAN, RHOADES, JONES, MUSTO and BELAN presented to the Chair **SB 1312**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing additional sentences of imprisonment for certain repeat sexual offenders.

Which was committed to the Committee on JUDICIARY, August 13, 1991.

Senators ANDREZESKI, SCHWARTZ, O'PAKE, REIBMAN, STAPLETON, CORMAN, JONES, MUSTO and BELAN presented to the Chair **SB 1313**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional penalties for sexual offenses; and providing for allocation of fines for sexual offenses.

Which was committed to the Committee on JUDICIARY, August 13, 1991.

Senators ANDREZESKI, SCHWARTZ, O'PAKE, REIBMAN, STAPLETON, CORMAN, JONES, MUSTO and BELAN presented to the Chair **SB 1314**, entitled:

An Act amending the act of April 9, 1929 (P.L. 177, No. 175), entitled "The Administrative Code of 1929," allowing an award to a victim of spousal violence under certain circumstances.

Which was committed to the Committee on JUDICIARY, August 13, 1991.

Senators ANDREZESKI, O'PAKE, STAPLETON, CORMAN, JONES, MUSTO and BELAN presented to the Chair **SB 1315**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," providing for gender-based hate crimes.

Which was committed to the Committee on LABOR AND INDUSTRY, August 13, 1991.

#### August 14, 1991

Senators ANDREZESKI, SCHWARTZ, O'PAKE, REIBMAN, STAPLETON, CORMAN, JONES, MUSTO and BELAN presented to the Chair **SB 1316**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," prohibiting discrimination against victims of sexual offenses.

Which was committed to the Committee on LABOR AND INDUSTRY, August 14, 1991.

Senators FISHER and LEWIS presented to the Chair **SB 1317**, entitled:

An Act amending Titles 1 (General Provisions), 10 (Charities), 15 (Corporations and Unincorporated Associations), 42 (Judiciary and Judicial Procedure), 45 (Legal Notices) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, further providing for nonprofit corporations and other charitable associations; providing for investment of institutional funds; making revisions, corrections and additions relating to such associations; transferring certain provisions of existing law to the Pennsylvania Consolidated Statutes; and repealing certain obsolete acts and parts of acts.

Which was committed to the Committee on JUDICIARY, August 14, 1991.

Senators PETERSON, WILLIAMS, BRIGHTBILL, SHAFFER, STAPLETON, HOPPER, ROBBINS, O'PAKE, JUBELIRER, GREENWOOD, AFFLERBACH, JONES, CORMAN, MADIGAN, SCHWARTZ, RHOADES, HELFRICK, LEMMOND, WENGER and ARMSTRONG presented to the Chair **SB 1318**, entitled:

An Act relating to rural and inner-city health care; establishing the Bureau of Rural and Inner-city Health Care Services within the Department of Health and providing for its powers and duties; establishing the Rural and Inner-city Health Care Services Advisory Committee and providing for its powers and duties; and making appropriations.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, August 14, 1991.

Senators PETERSON, WILLIAMS, BRIGHTBILL, SHAFFER, STAPLETON, HOPPER, ROBBINS, O'PAKE, JUBELIRER, GREENWOOD, AFFLERBACH, WENGER, JONES, CORMAN, MADIGAN, SCHWARTZ, RHOADES, HELFRICK, LEMMOND and ARMSTRONG presented to the Chair **SB 1319**, entitled:

An Act providing for assistance in the repayment of certain student loans and for scholarships in relation to the encouragement of physicians to practice medicine in the medically underserved designated shortage areas of this Commonwealth; establishing the Medical Scholarship and Loan Fund Advisory Committee and providing for its powers and duties; establishing the Medical Scholarship and Loan Fund; and making an appropriation to the Pennsylvania Higher Education Assistance Agency.

Which was committed to the Committee on EDUCATION, August 14, 1991.

Senators PETERSON, WILLIAMS, BRIGHTBILL, STAPLETON, HOPPER, ROBBINS, O'PAKE,



JUBELIRER, GREENWOOD, AFFLERBACH, JONES, CORMAN, MADIGAN, RHOADES, SHAFFER, HELFRICK, LEMMOND, WENGER and ARMSTRONG presented to the Chair **SB 1320**, entitled:

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), entitled "Medical Practice Act of 1985," further providing for license without restriction.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, August 14, 1991.

August 19, 1991

Senators PETERSON, WILLIAMS, BRIGHTBILL, STAPLETON, HOPPER, ROBBINS, SHAFFER, O'PAKE, JUBELIRER, GREENWOOD, AFFLERBACH, WENGER, JONES, CORMAN, MADIGAN, RHOADES, HELFRICK, LEMMOND, ARMSTRONG and SHUMAKER presented to the Chair **SB 1321**, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for allocations.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, August 19, 1991.

Senator PETERSON presented to the Chair **SB 1322**, entitled:

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," providing for the collection of fees for the Rural Medical Student Scholarship and Physician Loan Repayment Fund.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, August 19, 1991.

Senator PETERSON presented to the Chair **SB 1323**, entitled:

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), entitled "Medical Practice Act of 1985," providing for the collection of fees for the Rural Medical Student Scholarship and Physician Loan Repayment Fund.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, August 19, 1991.

Senators PUNT and AFFLERBACH presented to the Chair **SB 1324**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating off-road lighting equipment on vehicles.

Which was committed to the Committee on TRANSPORTATION, August 19, 1991.

Senators BAKER, HOPPER, SHAFFER, FISHER and PETERSON presented to the Chair **SB 1325**, entitled:

An Act creating the Department of Community and Economic Development and providing for its powers and duties; merging the Department of Commerce and the Department of Community Affairs; transferring functions to the Department of Community and Economic Development; establishing a Community and Economic Development Advisory Board; and making repeals.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, August 19, 1991.

Senator BELL presented to the Chair **SB 1326**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for protective equipment for motorcycle riders.

Which was committed to the Committee on TRANSPORTATION, August 19, 1991.

Senators GREENLEAF, HOLL, PECORA and ARMSTRONG presented to the Chair **SB 1327**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for imposition of tax.

Which was committed to the Committee on FINANCE, August 19, 1991.

Senators BRIGHTBILL, JUBELIRER, HELFRICK, DAWIDA and REIBMAN presented to the Chair **SB 1328**, entitled:

An Act providing for the preservation of recordings of historical value; providing powers and duties of the Pennsylvania Historical and Museum Commission and local historical and archaeological societies; providing for agreements, embargoes and injunctions; and providing a penalty.

Which was committed to the Committee on STATE GOVERNMENT, August 19, 1991.

Senators BRIGHTBILL, HART, HOPPER, BORTNER, SHAFFER, LYNCH, JONES, WENGER, O'PAKE, REIBMAN, SALVATORE, MUSTO, CORMAN, GREENWOOD, SHUMAKER, ROBBINS, JUBELIRER, LOEPER, STOUT, SCHWARTZ, FISHER, TILGHMAN, LAVALLE, BELAN, AFFLERBACH and RHOADES presented to the Chair **SB 1329**, entitled:

An Act designating May 15th as "Peace Officers Memorial Day" in Pennsylvania; designating that week of May during which May 15th occurs as "Police Week" in Pennsylvania; and requiring that the flags of the United States and this Commonwealth be flown at half-mast on May 15th.

Which was committed to the Committee on STATE GOVERNMENT, August 19, 1991.

Senators JUBELIRER, SCANLON and REIBMAN presented to the Chair **SB 1330**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Military Affairs, to convey certain land in Allegheny Township, Blair County, to The Alto Reste Cemetery Association; authorizing and directing the Department of Transportation to accept the conveyance of certain land in Allegheny Township, Blair County, from The Alto Reste Cemetery Association in exchange for the land conveyed by the Department of Military Affairs to The Alto Reste Cemetery Association.

Which was committed to the Committee on STATE GOVERNMENT, August 19, 1991.

August 20, 1991

Senator BELL presented to the Chair **SB 1331**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for gas pipeline safety violations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, August 20, 1991.

August 22, 1991

Senators GREENLEAF, BELL, FISHER, GREENWOOD, BAKER, HOLL, HELFRICK and RHOADES presented to the Chair **SB 1332**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for the acquisition of property for parks and recreation areas by right of eminent domain.

Which was committed to the Committee on LOCAL GOVERNMENT, August 22, 1991.

Senators RHOADES, SALVATORE, WENGER, PECORA, O'PAKE, STAPLETON, HART, SHUMAKER, HELFRICK, PUNT, BELAN and ANDREZESKI presented to the Chair **SB 1333**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the powers of the Department of Corrections.

Which was committed to the Committee on JUDICIARY, August 22, 1991.

September 9, 1991

Senator STOUT presented to the Chair **SB 1334**, entitled:

A Supplement to the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 1991-1992," itemizing bridge projects.

Which was committed to the Committee on TRANSPORTATION, September 9, 1991.

Senator BELL presented to the Chair **SB 1335**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for the Public Transportation Assistance Fund.

Which was committed to the Committee on TRANSPORTATION, September 9, 1991.

Senator SALVATORE presented to the Chair **SB 1336**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the Philadelphia Municipal Court.

Which was committed to the Committee on JUDICIARY, September 9, 1991.

Senators SALVATORE and ANDREZESKI presented to the Chair **SB 1337**, entitled:

An Act amending the act of December 14, 1988 (P. L. 1192, No. 147), entitled "Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act," further providing for special ad hoc municipal police and firefighter postretirement adjustment.

Which was committed to the Committee on FINANCE, September 9, 1991.

Senators SALVATORE and ANDREZESKI presented to the Chair **SB 1338**, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," further providing for notice to quit.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, September 9, 1991.

Senators SALVATORE and ANDREZESKI presented to the Chair **SB 1339**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period for which children may be detained or kept in shelter care.

Which was committed to the Committee on JUDICIARY, September 9, 1991.

Senators SALVATORE and REIBMAN presented to the Chair **SB 1340**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as amended, "Senior Citizens Rebate and Assistance Act," removing a restriction to eligibility relating to claims made by tenants of owners of real property exempt from real property taxes.

Which was committed to the Committee on AGING AND YOUTH, September 9, 1991.

Senators PUNT, LEMMOND, MUSTO and PORTERFIELD presented to the Chair **SB 1341**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of sheriffs and deputy sheriffs relating to law enforcement.

Which was committed to the Committee on JUDICIARY, September 9, 1991.

Senator BRIGHTBILL presented to the Chair **SB 1342**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Which was committed to the Committee on LABOR AND INDUSTRY, September 9, 1991.

October 1, 1991

Senators BRIGHTBILL, SHUMAKER and SALVATORE presented to the Chair **SB 1343**, entitled:

An Act amending the act of December 21, 1989 (P. L. 672, No. 87), entitled "Health Club Act," further providing for financial security requirements.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 1, 1991.

Senator BRIGHTBILL presented to the Chair **SB 1344**, entitled:

An Act amending the act of July 23, 1970 (P. L. 563, No. 195), entitled "Public Employee Relations Act," further providing for collective bargaining agreements and for strikes.

Which was committed to the Committee on LABOR AND INDUSTRY, October 1, 1991.

Senators GREENLEAF, BELL, AFFLERBACH, HART, ANDREZESKI, SCHWARTZ, LAVALLE and REIBMAN presented to the Chair **SB 1345**, entitled:

An Act requiring recording of the assignment of a residential mortgage; providing for notification to the mortgagor of the assignment; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, October 1, 1991.

Senators O'PAKE, FISHER, JONES, STAPLETON, MUSTO, SCHWARTZ, AFFLERBACH, BRIGHTBILL and SALVATORE presented to the Chair **SB 1346**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing further clarification of the exemption of charitable organizations.

Which was committed to the Committee on FINANCE, October 1, 1991.

Senators LEMMOND and MUSTO presented to the Chair **SB 1347**, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), entitled, as amended, "The Clean Streams Law," exempting from permits and fees certain low-output mines.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 1, 1991.

Senators LEMMOND and MUSTO presented to the Chair **SB 1348**, entitled:

An Act amending the act of December 19, 1984 (P. L. 1093, No. 219), entitled "Noncoal Surface Mining Conservation and Reclamation Act," exempting from licensing and permitting certain noncoal surface mining entities.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 1, 1991.

Senators SHUMAKER, DAWIDA, WENGER, PORTERFIELD, SCHWARTZ, LYNCH and HELFRICK presented to the Chair **SB 1349**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for learners' permits.

Which was committed to the Committee on TRANSPORTATION, October 1, 1991.

Senators HART, SALVATORE, CORMAN, MUSTO and BELL presented to the Chair **SB 1350**, entitled:

A Joint Resolution ratifying the proposed amendment to the Constitution of the United States relating to compensation for services of Senators and Representatives.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, October 1, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

August 13, 1991

### RECOGNIZING 1991 AS THE 50TH ANNIVERSARY OF THE AMERICAN TREE FARM SYSTEM

Senators HELFRICK, WENGER, STAPLETON, JUBELIRER, PETERSON, O'PAKE, SHUMAKER, HOLL, MUSTO, SALVATORE, BAKER and RHOADES offered the following resolution (**Senate Resolution No. 95**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, August 13, 1991.

#### A RESOLUTION

Recognizing 1991 as the 50th Anniversary of the American Tree Farm System.

WHEREAS, Pennsylvania joined the American Tree Farm System on June 12, 1947, six years after the system was established; and

WHEREAS, Pennsylvania today has 1,700 tree farms that collectively total more than 891,000 acres; and

WHEREAS, Tree farms are managed resources that help meet our nation's needs for wood and paper products, water, air, wildlife, aesthetics and recreation; and

WHEREAS, Pennsylvania tree farms and all nonindustrial private woodlands in this Commonwealth are important sources of raw materials for both the domestic and international forest products industry, industries which manufacture goods valued at more than \$4.5 billion annually; and

WHEREAS, Pennsylvania's forest products industry has one of the largest wood-related work forces in the nation, providing more than 100,000 jobs at more than 2,000 locations and representing more than 10% of Pennsylvania's manufacturing work force with an annual payroll exceeding \$2 billion; and

WHEREAS, Pennsylvania's timber industry is the nation's leading producer of hardwood lumber in high demand for furniture and cabinets; therefore be it

RESOLVED, That the Senate recognize 1991 as the 50th Anniversary of the American Tree Farm System and congratulate those involved with the system on 50 years of growth and development.

### MEMORIALIZING THE GOVERNOR TO PROCLAIM APRIL 22, 1992, AND EACH APRIL 22 THEREAFTER AS "QUEEN ISABELLA DAY" IN PENNSYLVANIA

Senators STAPLETON, TILGHMAN and HOLL offered the following resolution (**Senate Concurrent Resolution No. 96**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, August 13, 1991.

#### A CONCURRENT RESOLUTION

Memorializing the Governor to proclaim April 22, 1992, and each April 22 thereafter as "Queen Isabella Day" in Pennsylvania.

WHEREAS, Queen Isabella I of Spain had great interest in promoting world exploration and did in fact offer discoverers of the day much encouragement and support; and

WHEREAS, Queen Isabella I showed great foresight in her patronage of Christopher Columbus' voyage after every other power of that day turned the navigator down; and

WHEREAS, On August 3, 1492, Cristobal Colon sailed from Palos, Spain, with three small ships and soon discovered several islands in the northern hemisphere; and

WHEREAS, Cristobal Colon's voyage to America is an example of great courage and adventuresome spirit; and  
WHEREAS, The 500th Anniversary of America's discovery is fast approaching; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly memorialize the Governor to proclaim April 22, 1992, and each April 22 thereafter as "Queen Isabella Day"; and be it further

RESOLVED, That on April 22, 1992, the occasion of the 541st birthday of Queen Isabella I, the people of this Commonwealth pay tribute to Queen Isabella I and to the people of Spanish descent who have made great contributions to the culture and language of the United States of America and this Commonwealth; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Governor.

September 9, 1991

**DIRECTING THE EDUCATION COMMITTEE  
TO INVESTIGATE THE FEASIBILITY OF  
CONSOLIDATING SCHOOL DISTRICTS  
INTO COUNTYWIDE SCHOOL SYSTEMS**

Senator PUNT offered the following resolution (*Senate Resolution No. 97*), which was read and referred to the Committee on Education:

In the Senate, September 9, 1991.

**A RESOLUTION**

Directing the Education Committee to investigate the feasibility of consolidating school districts into countywide school systems.

RESOLVED, That the Senate direct the Education Committee to investigate the feasibility of consolidating school districts into countywide school systems; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee make a report of its findings and recommendations to the Senate as soon as possible.

October 1, 1991

**MEMORIALIZING CONGRESS TO REJECT A  
PROPOSED RULE WHICH WOULD PROHIBIT  
STATES FROM USING A POOLING  
MECHANISM FOR MEDICAID FUNDING**

Senators O'PAKE, MELLOW, JONES, REIBMAN, WILLIAMS, AFFLERBACH, MUSTO, HART, BORTNER and HELFRICK offered the following resolution (*Senate Concurrent Resolution No. 98*), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, October 1, 1991.

**A CONCURRENT RESOLUTION**

Memorializing Congress to reject a proposed rule which would prohibit states from using a pooling mechanism for Medicaid funding.

WHEREAS, The Federal Government has mandated that the states provide health care for the poor; and

WHEREAS, The Pennsylvania Medicaid system meets that mandate by providing health care to the State's poor; and

WHEREAS, The Medicaid program includes ever-growing numbers of eligibles and benefits which are mandated by the Federal Government; and

WHEREAS, Those Federal mandates are driving up the costs of the Medicaid program, causing costs to the states to triple in the last ten years; and

WHEREAS, Pennsylvania has utilized a Federally-allowable "pooling" mechanism to match the Federal contribution toward the costs of Medicaid; and

WHEREAS, The Federal Health Care Finance Agency is proposing to prohibit states from engaging in "pooling"; and

WHEREAS, The elimination of "pooling" has the potential for costing Pennsylvania one billion dollars over the next three years; and

WHEREAS, Pennsylvanians cannot afford the rate of taxation which would be required to supplant that one billion dollar loss; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reject these proposed rules of the Health Care Finance Administration; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

**SUPPORTING THE RED RIBBON CAMPAIGN  
AND DESIGNATING THE WEEK OF OCTOBER 19  
THROUGH 27, 1991, AS "RED RIBBON WEEK"**

Senators GREENLEAF, JUBELIRER, HOLL, SCHWARTZ, HART, HELFRICK, MADIGAN, AFFLERBACH, LaVALLE, JONES, BORTNER, GREENWOOD, BRIGHTBILL, TILGHMAN, MUSTO, O'PAKE, SHUMAKER, BELAN, WENGER, CORMAN, SHAFFER, HOPPER, STOUT, PECORA, ROBBINS, REIBMAN, SALVATORE and RHOADES offered the following resolution (*Senate Resolution No. 99*), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 1, 1991.

**A RESOLUTION**

Supporting the Red Ribbon Campaign and designating the week of October 19 through 27, 1991, as "Red Ribbon Week."

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and

WHEREAS, President George Bush and Mrs. Barbara Bush are the National Honorary Chairpersons, and Governor and Mrs. Robert Casey of Pennsylvania are the State Honorary Chairpersons to provide this community focus on a Drug-Free America; and

WHEREAS, Pennsylvanians Aware, a Statewide parent-community organization, is sponsoring "Red Ribbon Week" October 19 through 27, 1991; and

WHEREAS, Schools, businesses, law enforcement agencies, churches, hospitals, service clubs, government agencies, and individuals in the Commonwealth of Pennsylvania will demonstrate their commitment for a drug-free society by wearing and displaying red ribbons during this week-long campaign; therefore be it

RESOLVED, That the Senate support the Red Ribbon Campaign, designate the week of October 19 through 27, 1991, as "Red Ribbon Week" in Pennsylvania, and encourage the citizens to participate in drug awareness activities, making a visible statement that we are strongly committed to live healthy drug-free lives; and be it further

RESOLVED, That the Senate of the Commonwealth of Pennsylvania encourage all citizens to pledge: "THE CHOICE FOR ME... DRUG-FREE!"

## GENERAL COMMUNICATIONS

### LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

#### SENATE OF PENNSYLVANIA

October 1, 1991

To the Honorable, the Senate of the Commonwealth of Pennsylvania

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from August 1, 1991 through September 30, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN  
Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

### ANNUAL REPORT OF PENNSYLVANIA ONE CALL SYSTEM, INC.

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

#### PENNSYLVANIA ONE CALL SYSTEM, INC.

P. O. Box 6959, Three Allegheny Center  
Pittsburgh, PA 15212-0959

September 6, 1991

The Honorable Mark R. Corrigan  
Secretary, Senate of Pennsylvania  
Commonwealth of Pennsylvania  
462 Main Capital  
Harrisburg, PA 17120

Dear Sir:

Enclosed please find six copies of Pennsylvania One Call System's Annual Report for 1990. The reports are in compliance with Pennsylvania Act 172 of 1986.

If there are any questions, or you need additional copies, please don't hesitate to contact me at 1-800-248-1786.

Sincerely,

WILLIAM G. KIGER,  
Executive Director

The PRESIDENT. This report will be filed in the Library.

## REPORT OF THE ENERGY CONSERVATION AND ASSISTANCE FUND

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

### PENNSYLVANIA ENERGY OFFICE

116 Pine Street, Second Floor  
Harrisburg, Pennsylvania 17101-1227

September 30, 1991

Mr. Mark R. Corrigan  
Secretary of the Senate  
Senate of Pennsylvania  
Room 462 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

I am pleased to forward a report to the General Assembly that describes in detail the use of oil overcharge funds by the Pennsylvania Energy Office during FY 1990-91. Act 122 of 1986 requires this report be made available to the General Assembly by September 30 of each year.

I hope you find the report informative and if I can provide you with any additional information, please feel free to contact me.

Sincerely,

BRIAN T. CASTELLI  
Executive Director

The PRESIDENT. This report will be filed in the Library.

## DEPARTMENT OF TRANSPORTATION REPORT TO THE GENERAL ASSEMBLY OF THE IMPLEMENTATION PROGRESS OF THE REQUIREMENTS OF ACT 1988-101

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

### COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

Harrisburg, Pennsylvania 17120

September 26, 1991

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

The Department of Transportation is proud to submit this annual report outlining our activities relative to Act 1988-101.

Since the passage of this act, the Department has initiated many actions; not only to comply with the act, but to promote the use of otherwise waste material in the transportation sector.

We have actively pursued not only the recycling of material generated in our facilities but, have also expended considerable resources in the area of waste reduction. Another area that is receiving much attention is the use of waste material in highway construction and maintenance projects as a substitute or replacement for virgin materials.

The Department is presently considering the use of: glass in asphalt (Glasphalt); glass as a backfill material for pipe installations, waste tire rubber in asphalt, and roofing shingle scraps in asphalt. Research projects have been constructed or are planned for all of the above materials.

Glasphalt should be approved for use on local roads and glass for pipe backfill should be approved for general use in the spring of 1992.



All of the above activities are just a part of what the Department is doing to encourage the use of recycled waste material. I am sure the efforts put forth will go a long way to help stimulate new markets for many recycleable materials.

Sincerely,

HOWARD YERUSALIM, P.E.  
Secretary of Transportation

The PRESIDENT. This report will be filed in the Library.

#### **ANNUAL REPORT OF THE ATTORNEY GENERAL**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
Harrisburg, PA 17120

September 26, 1991

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Room 292, Main Capitol  
Harrisburg, PA 17120

Dear Senator Jubelirer:

Pursuant to Section 3(a) of the Act of September 28, 1978, P.L. 788, No. 152 (the Sovereign Immunity Act), the office of Attorney General is required to report annually to the General Assembly regarding the institution and disposition of tort claims against the Commonwealth.

In response to that requirement, we are pleased to submit the enclosed annual report for the year ending March 31, 1991.

Sincerely,

WALTER W. COHEN  
First Deputy Attorney  
General

The PRESIDENT. This report will be filed in the Library.

#### **DEPARTMENT OF EDUCATION**

##### **PUBLIC SCHOOLS DROPOUT REPORT 1989-90**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION

September 19, 1991

Subject: 1989-90 Public Schools Dropout Report  
To: The Honorable Ronald Cowell, Chairman  
House Education Committee  
The Honorable John Davies, Minority Chairman  
House Education Committee  
The Honorable James Rhoades, Chairman  
Senate Education Committee  
The Honorable Chaka Fattah, Minority Chairman  
Senate Education Committee  
The Honorable John Zubeck, Chief Clerk  
House of Representatives  
The Honorable Mark Corrigan, Secretary  
Senate of Pennsylvania  
From: DONALD M. CARROLL  
Secretary of Education

Pursuant to the provisions of Act 49 of 1987, I am providing herewith a copy of the 1989-90 Public Schools Dropout Report.

The Department is releasing the school-by-school dropout report so that legislators, parents, teachers and school administrators could better evaluate their schools performance.

If you have any questions about the report, please do not hesitate to contact me.

The PRESIDENT. This report will be filed in the Library.

#### **ANNUAL REPORT ON THE RADIATION PROTECTION ACT**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

PENNSYLVANIA EMERGENCY MANAGEMENT  
AGENCY

P.O. Box 3321

Harrisburg, Pennsylvania 17105-3321

August 26, 1991

Subject: Annual Report on the Radiation Protection  
Act 1984-147 for Fiscal Year 1990-91.

To: The Honorable Robert P. Casey  
Governor

The Honorable Mark S. Singel  
Lt. Governor, President of the Senate and  
Chairman, PA Emergency Management Council

Honorable Robert W. O'Donnell  
Speaker of the House of Representatives

Honorable Robert C. Jubelirer  
President Pro Tempore of the Senate

From: JOSEPH L. LaFLEUR  
Director

This report, covering 1990-91 activity and 1991-92 proposals, is submitted in accordance with Section 503.(c) of the Radiation Protection Act 1984-147. The regulations implementing this Act were published in the Pennsylvania Bulletin on August 3, 1985, and they appear in Title 4 PA Code, Chapters 116 and 117.

The PRESIDENT. This report will be filed in the Library.

#### **REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON THE WIRETAPPING AND ELECTRONIC SURVEILLANCE CONTROL ACT**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SUPREME COURT OF PENNSYLVANIA  
Suite 3162

Robert N. C. Nix, Sr., Federal Building  
Ninth and Chestnut Streets  
Philadelphia, PA 19107

August 22, 1991

Mr. Mark R. Corrigan  
Secretary of the Senate  
462 Main Capitol  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

In accordance with Section 5723(d) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §5723(d), I forward herewith the required Annual Report.

With kindest regards, I remain

Sincerely yours,  
**ROBERT N. C. NIX, JR.**  
 Chief Justice of Pennsylvania

The PRESIDENT. This report will be filed in the Library.

### AUDITOR GENERAL'S CERTIFICATE

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
 OFFICE OF THE AUDITOR GENERAL  
 Harrisburg 17120-0018

August 30, 1991

The Honorable Robert C. Jubelirer  
 President Pro Tempore  
 Senate of Pennsylvania  
 292 Main Capitol Building  
 Harrisburg, PA 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII of the Constitution of the Commonwealth of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, the Auditor General is required on or before each March 1 and September 1 to make a certification to the Governor and the General Assembly.

A duplicate original of my certificate is enclosed.

Sincerely,  
**BARBARA HAFER**  
 Auditor General

### AUDITOR GENERAL'S CERTIFICATE

Pursuant to

ARTICLE VIII, Section 7(a)(4) and (c)  
 of the  
 CONSTITUTION OF PENNSYLVANIA  
 and the

Act of April 9, 1929, No. 176, as amended

To The Governor and The General Assembly:

I, BARBARA HAFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII, (Section 7(a)(4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article XVI-B; added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

The average annual tax revenues deposited in all funds in the five fiscal years ended preceding the date of August 31, 1991 ..... \$13,537,589,941.00

- |       |  |                   |
|-------|--|-------------------|
| (i)   | The amount of outstanding net debt as of the end of preceding fiscal year  | 4,084,362,483.00  |
| (ii)  | The amount of such net debt as of August 31, 1991 .....  | 4,053,427,683.00  |
| (iii) | The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a)(4) of the Constitution of Pennsylvania and the amount of such net debt as of the date of August 31, 1991 ..... | 19,637,354,714.00 |
| (iv)  | The amount of such debt scheduled to be repaid during the remainder of the current fiscal year.....  | 388,598,853.00    |

- |      |  |                   |
|------|--|-------------------|
| (v)  | The amount of debt authorized by law to be issued, but not yet incurred .....  | 13,067,013,468.00 |
| (vi) | The amount of outstanding obligations excluded from outstanding debt as self sustaining pursuant to Article VIII, Section 7(c)(1), (2), and (3) of the Constitution of Pennsylvania..... | 367,855,000.00    |

All figures listed above are as of August 31, 1991.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Auditor General, this 30th day of August, 1991.

**BARBARA HAFER**  
 Auditor General  
 Commonwealth of Pennsylvania

### SUNSET REVIEW REPORT OF THE PENNSYLVANIA ADVISORY COUNCIL ON DRUG AND ALCOHOL ABUSE

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA  
 366 Main Capitol Building  
 Harrisburg, PA 17120-0030

September 30, 1991

Mark R. Corrigan  
 Senate Secretary  
 Commonwealth of Pennsylvania  
 Senate Post Office  
 Room 462 Main Capitol Building  
 Harrisburg, PA 17120

Dear Secretary Corrigan:

Attached please find a copy of the Sunset Review Report of the Pennsylvania Advisory Council on Drug and Alcohol Abuse.

This document has been provided for you by the Senate Public Health and Welfare Committee in accordance with the requirements of Act 142 of 1981, the "Sunset Act."

Included with this report is a copy of draft legislation as required by section 5, (e), of Act 142. Please note that the Act also requires that the "...legislation shall be introduced and referred to a standing committee, in keeping with the rules of each House and be acted on accordingly."

The scheduled sunset date for the Pennsylvania Advisory Council on Drug and Alcohol Abuse is December 31, 1991.

Warm and personal regards,  
**Senator JOHN E. PETERSON**  
 Chairman  
 Senate Public Health and  
 Welfare Committee

The PRESIDENT. This report will be filed in the Library.

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. Morley A. Cohn as a member of the Pharmaceutical Assistance Review Board.

Senator Tim Shaffer as a member of the Commerce and Economic Development Committee of the Assembly on the Legislature of the National Conference of State Legislatures.



Mr. John P. Kazmaier as a member of the State Transportation Advisory Committee.

Senator Michael E. Bortner as a member of the Committee on Law and Justice of the State/Federal Assembly of the National Conference of State Legislatures and as a member of the Committee on Criminal Justice of the Assembly on the Legislature of the National Conference of State Legislatures.

### APPOINTMENTS BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Mr. James J. Mellow, Jr. to serve with the Pennsylvania Industrial Development Authority.

Mr. James C. Schwartzman as a member of the Board of Southeastern Pennsylvania Transportation Authority.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given permission again for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations and Senate Resolutions No. 95 and 99.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary legislative leave for Senator Baker.

Senator STAPLETON. Mr. President, I ask for legislative leaves for Senator Stout, Senator Fumo and Senator Dawida.

The PRESIDENT. Senator Fisher requests temporary legislative leave for Senator Baker. Senator Stapleton requests legislative leaves for Senator Stout, Senator Fumo and Senator Dawida. The Chair hears no objection. The leaves will be granted.

### LEAVES OF ABSENCE

Senator FISHER asked and obtained leave of absence for Senator HOPPER, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leave of absence for Senator WILLIAMS, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, October 7, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, October 15, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, October 15, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Rhoades
Andrezski	Fumo	Loeper	Robbins
Armstrong	Greenleaf	Lynch	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Mellow	Schwartz
Bell	Helfrick	Musto	Shaffer
Bodack	Holl	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

### PERMISSION TO ADDRESS SENATE

Senator MELLOW asked and obtained unanimous consent to address the Senate.

Senator MELLOW. Mr. President, I was supposed to request legislative leave for Senator Afflerbach prior to that roll call being taken. Through an error here at the leader's desk, we did not make the request so, therefore, although Senator Afflerbach was voted in the affirmative on the roll call, I would like the record to indicate that he is on legislative leave for today's Session.

The PRESIDENT. The remarks of the gentleman will be spread upon the record. The Chair hears no objection to legislative leave for Senator Afflerbach and the leave will be granted.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER**

**SB 1007** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR****BILL OVER IN ORDER**

**SB 279** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**SB 727 TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I move that Senate Bill No. 727, Printer's No. 1449, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Without objection, for the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate will stand in brief recess. Would the Members of the Committee on Rules and Executive Nominations please report to the Rules room at the rear of the Senate Chamber.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Baker. His temporary Capitol leave will be cancelled.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION**

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy D. Lewis, 201 Long Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until her successor is appointed and qualified, vice Joan H. Cadwalader, Unionville, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leo Robert Kairys, M.D., 1109 Greenridge Lane, Pittsburgh 15220, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph C. Toland, M.D., Meadowbrook, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald R. Keenan, Jr., P.O. Box 247, Quincy 17247, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Weatherbee, Mechanicsburg, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT BOARD**

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert R. Fondy, 2433 Pin Oak Place, Pittsburgh 15220, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Jane Kuziak, R. D. 8, Box 231, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1993, vice Donald R. Craul, Lewisburg, terminated.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER**

July 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John DelCollo, 4859 Eighth Avenue, Temple 19560, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Reverend Morris F. Houck, Jr., Hamburg, deceased.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael A. Cibik, Esquire, 230 South Broad Street, Philadelphia 19102, Philadelphia County, Second Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack Rubinlicht, D.P.M., 1241 Mettler Road, Huntington Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael R. Marino, D.P.M., Pittsburgh, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE REAL  
ESTATE COMMISSION**

August 20, 1991

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond H. Miley, Jr. (Public Member), 200 Old Church Road, North Wales 19454, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the State Real Estate Commission to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joyce Catt, 139 Marvel Drive, Butler 16001, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Grady Cooper, Slippery Rock, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald S. Kelly, R. R. 4, Box 334, Valencia 16059, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James M. Campbell, Pulaski, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS**

August 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert F. Childs, 861 East Butler Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Arthur F. Loch, Reading, resigned.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON CROSSING  
PARK COMMISSION

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen A. Heinz, 1355 Edgewood Road, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified, vice Sandra Kelly, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON CROSSING  
PARK COMMISSION

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles H. Steinbach, 923 Dick Avenue, Warminster 18974, Bucks County, Tenth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified, vice Anthony Garvan, Ph.D., Spring House, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Norman Mawby, Glen Riddle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable J. Curtis Joyner, 1290 Upton Circle, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jody Huston (Republican), 1507 Oneida Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice W. Ruth Barner, Huntingdon, resigned.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank Ferrari (Democrat), 411 West Third Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Stephen P. Renock, Watsontown, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian Hendricks (Democrat), 116 North Poplar Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Roland Miller, Kulpmont, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Henri Karpiak (Democrat), 111 Avenue E, Riverside 17868, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Annabelle F. Litchard (Democrat), 801 Water Street, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified, vice Dianne M. Callahan, Shamokin, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Mack (Democrat), 54 South Franklin Street, Shamokin 17872 Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Dennis Lentini, Kulpmont, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael S. Repella (Republican), R. D. 1, Box 259, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas E. Martin, Jr., West Baltimore Pike, P. O. Box 392, Kennett Square 19348, Chester County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-3-04, to serve until the first Monday of January, 1992, vice Eugene DiFilippo, Jr., resigned.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
ENERGY DEVELOPMENT AUTHORITY**

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 5, 1991, for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years or until her successor is appointed and qualified, vice Joseph Levi, II, Oil City, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL**

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 12, 1991 for the appointment of Angela Blackston, 148 Fawn Ridge North, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Catana Sue Reber, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

October 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 17, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Angelo A. Guarino, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

October 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 1991 for the reappointment of Emery P. Bliesmer, Ph.D., 717 Kennard Road, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 16, 1991 for the appointment of Nancy Hunzinker (Public Member), 142 East Pine Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond G. Herr, Willow Street, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 5, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert F. McGinley, Wilkes-Barre, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William Wallish, Shamokin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Barbara Garvey, 110 Overlook Drive, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of Donald B. Kameron, M.D., Eye and Ear Hospital, 230 Lothrop Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and



until his successor is appointed and qualified, but not longer than six months beyond that period, vice Neal Mann, North East, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry O. Sather, McConnellstown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

UNFINISHED BUSINESS

RESOLUTIONS REPORTED FROM  
COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolutions:

**SR 95 (Pr. No. 1528)**

A Resolution recognizing 1991 as the 50th Anniversary of the American Tree Farm System.

**SR 99 (Pr. No. 1567)**

A Resolution supporting the Red Ribbon Campaign and designating the week of October 19 through 27, 1991, as "Red Ribbon Week."

The PRESIDENT. The resolutions will be placed on the Calendar.

SENATE RESOLUTION

PROCLAIMING OCTOBER 10, 1991,  
AS "FOUNDING OF THE REPUBLIC  
OF CHINA DAY"

Senators FISHER, ARMSTRONG, HELFRICK and BORTNER offered the following resolution (**Senate Resolution No. 100**), which was read, considered and adopted:

In the Senate, October 7, 1991.

A RESOLUTION

Proclaiming October 10, 1991, as "Founding of the Republic of China Day."

WHEREAS, October 10, 1991, the 80th anniversary of the founding of the Republic of China will be celebrated by the Coordination Council for North American Affairs at the Vista International Hotel, New York City; and

WHEREAS, The "Double-Tenth" day marks the establishment of the first republic in the history of Asia; and

WHEREAS, The republic was formed as a result of the democratic cause led by Dr. Sun Yat-Sen who became the first president and founding father of the Republic of China; and

WHEREAS, The Republic of China and her people have long believed in the values of democracy, liberty and equality and have built a successful economy based on the free enterprise system; and

WHEREAS, The Republic of China is the world's 13th largest trading nation; and

WHEREAS, The Senate on June 29, 1989, finally passed (49-0), Senate Bill No. 972, Printer's No. 1397, entitled "An act designating the Province of Taiwan, Republic of China, as a 'sister state'"; and

WHEREAS, A firm friendship and cordial relationship exists between the Republic of China and the United States, and a special relationship exists between the Republic of China and the people of this Commonwealth, who are proud of the many accomplishments which have been recorded by the Republic of China and her people and appreciate the many contributions which the Republic of China has made to this Commonwealth and this nation; therefore be it

RESOLVED, That the Senate proclaim October 10, 1991, as "Founding of the Republic of China Day"; and be it further

RESOLVED, That the Senate congratulate the Republic of China and her people on this auspicious occasion, and extend best wishes for continued prosperity, success and happiness; and be it further

RESOLVED, That a copy of this resolution be transmitted to the New York Office of the Coordination Council for North American Affairs of the Republic of China.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Dr. Richard K. Matthews by Senators Afflerbach and Reibman.

Congratulations of the Senate were extended to George Ness, Robert Hendricks, Ronald Gray, James Wiley, William Flower, Carl Chido, Fred Schetter, Robert Begonia, Albert McNair, Ben Eddy, Harry Watson, William Milliron, Cecil Sargent, John Maries, Oke Lindell, Raymond Groves, Charles Fox, Roland Mott, Morris Beedle, James Brickner, Robert M. Bruno, James Bliss, James Beach, Frank Howard, Robert J. Howard, Ivan Horner, Jr., Michael L. White, Floyd Dellahoy, Edward Wagner, Robert Vantine and to United Union of Roofers, Waterproofers and Allied Workers, Local Union 210 of Erie by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Charles H. Shenk and to Donegal Presbyterian Church of Mount Joy by Senator Armstrong.

Congratulations of the Senate were extended to J. Anderson Wilson, Miriam Clegg, Elizabeth Hoopes and to Monsignor John M. Galyo by Senator Baker.



Congratulations of the Senate were extended to Mr. and Mrs. Nick Novak, Sue Kenders Mital and to Saint Sava Serbian Orthodox Church of McKeesport and Duquesne by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. John Stanowski, Mr. and Mrs. Stanley Sosnowicz and to Dr. Ernest R. Menold by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Walter R. Szczypinski by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. George Shue, Mr. and Mrs. Robert Jones, Mr. and Mrs. Martin York, Mr. and Mrs. James S. Dick, Mr. and Mrs. Charles A. Feeser, Mr. and Mrs. Victor Bailey, Mr. and Mrs. Lavere Stauffer, Mr. and Mrs. Charles Cleaver, Mr. and Mrs. Kenneth Kauffman, Mr. and Mrs. Richard Houser, Mr. and Mrs. Donald Thompson, Mr. and Mrs. Guy Rentzel, Mr. and Mrs. Charles Keener and to Mr. and Mrs. Harry Weed by Senator Bortner.

Congratulations of the Senate were extended to Stanton H. Clay, Murry's Steaks and Other Fine Foods of Lebanon and to the Lehigh County Authority of Allentown by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Clair J. Glossner and to Ginger Susan Hogg by Senator Corman.

Congratulations of the Senate were extended to Matt Mutschler, Honorable John G. Brosky and to the Women's Center and Shelter of Greater Pittsburgh by Senator Dawida.

Congratulations of the Senate were extended to Catherine Rapone by Senator Fumo.

Congratulations of the Senate were extended to the citizens of the Borough of Bryn Athyn by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Gordon Stott, James M. Bessette and the United States National Women's Soccer Team and to the Chinese National Women's Soccer Team by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard Charles Diller, Mr. and Mrs. David T. Tatsch, Mr. and Mrs. Homer H. Richardson, Mr. and Mrs. James C. Lowry, Mr. and Mrs. Charles A. Furer, Mr. and Mrs. Stanley J. Tarosky, Saint Joseph Roman Catholic Church of New Kensington and to the sponsors of the 1991 POW/MIA Annual Vigil by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Webb, Mr. and Mrs. DeWayne Greenawalt, Sr., Mr. and Mrs. Marvin Miller, Mr. and Mrs. Fred R. Smith, Mr. and Mrs. L. LaRue Wintersteen, Mr. and Mrs. Michael J. Petak, Mr. and Mrs. Earl VonNeida, Mr. and Mrs. Glenn L. Wirth, Sr., Mr. and Mrs. Nicholas Dehoutaint, Mr. and Mrs. John V. Avellino, Sr., Mr. and Mrs. John R. Stewart, Mr. and Mrs. Paul East, Mr. and Mrs. Robert Gearing, Mr. and Mrs. George T. Kepner, Mr. and Mrs. William E. Long, Mr. and Mrs. Frank Egick, Mr. and Mrs. John Luta, Mr. and Mrs. Frank Roadarmel, Mr. and Mrs. Martin L. Ross, Mr. and Mrs. Doc Gaugler, Sr., Mr. and Mrs. William H. Hackenberg, Albra Cope and to Chief of Police Edward Strike by Senator Helfrick.

Congratulations of the Senate were extended to Scott A. Fryer, Herman Goetter, Borough of Pennsburg, Ann Bixby Herold and to Hatfield Volunteer Fire Company No. 1 by Senator Holl.

Congratulations of the Senate were extended to Camp Hill High School Class of 1941 by Senator Hopper.

Congratulations of the Senate were extended to Honorable William H. Gray III and to TeenShop, Inc. of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Croatian Fraternal Union of America No. 540 of Conway and to the City Rescue Mission of New Castle by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Lee H. Barber, Marvin Antinnes, Canawacta Lodge No. 360 F&AM of Susquehanna and to Anthony Marchakitus by Senator Lemmond.

Congratulations of the Senate were extended to George Curry by Senators Lemmond and Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. William L. TuFano by Senator Lincoln.

Congratulations of the Senate were extended to June Carrozza by Senator Loeper.

Congratulations of the Senate were extended to Please Touch Museum of Philadelphia and to Holy Redeemer Chinese Catholic Church and School of Philadelphia by Senator Lynch.

Congratulations of the Senate were extended to Reverend and Mrs. John N. Mostoller and to Mr. and Mrs. Leonard Secules by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Ferguson, Mr. and Mrs. Thomas Dewey and to Richard Davison by Senator Mellow.

Congratulations of the Senate were extended to Bob Hicks, John Rowlands, Francis Garrity, Andrew Barilla, John O'Malley, Jim Davis and to Martin Molitoris by Senator Musto.

Congratulations of the Senate were extended to Sofia Barovich and to James M. Salem by Senator Pecora.

Congratulations of the Senate were extended to Sue A. Collins by Senator Peterson.

Congratulations of the Senate were extended to Andrew C. Hahn by Senator Reibman.

Congratulations of the Senate were extended to Shawn M. Kelly, William G. Schwab, Ralph R. Johnson, Jr., James Gaughan, Anna Danchak, Margaret Bush, Mr. and Mrs. Boley Komosinsky, Schuylkill Training and Technology Center of Frackville, Saint Mary's Byzantine Catholic Church and to Saint Michael the Archangel Slovak Catholic Parish of Lansford by Senator Rhoades.

Congratulations of the Senate were extended to John J. Riley by Senator Rhoades and others.

Congratulations of the Senate were extended to Jacob S. Obermeyer, Lisa Walker and to Lynn C. Summers Memorial Park of Linesville by Senator Robbins.

Congratulations of the Senate were extended to Parkinson's Disease and Movement Disorder Center of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Norman Rothermel, Mr. and Mrs. Elias R. Lex, Mr. and Mrs. Edward Tennis, Raymond G. Garverich, Dr. Robert Morrison and the Morrison Associates of Harrisburg, Kenneth Nye and to Salem Lodge No. 26, B'nai B'rith International of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Sprowls, Mr. and Mrs. Robert Holt, Mr. and Mrs. Bert Mabon and to Mr. and Mrs. Val Lazar by Senator Stapleton.

Congratulations of the Senate were extended to First Presbyterian Church of Ford City by Senators Stapleton and Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Lindley, Mr. and Mrs. Chester C. Tarr, Mr. and Mrs. John Dzura, Mr. and Mrs. Fred W. Guinn, Mr. and Mrs. Herschel Bebout and to David E. Zazworsky by Senator Stout.

Congratulations of the Senate were extended to Radnor High School Class of 1941 by Senator Tilghman.

### CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late John E. Swanger by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Paul L. Wagner by Senator Rhoades.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, OCTOBER 8, 1991

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 424, 963, 1031, 1032, 1189, 1331; and Regulations 16A-272, 16A-270, 16A-273, 16A-172, 16A-302, 16A-225, 16A-271, 16A-98, 16A-296, 16A-199 and 16A-287)	Room 8E-B Hearing Room East Wing
10:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1359)	Room 461 4th Floor North Wing
11:30 A.M.	JUDICIARY (Public Hearing and meeting on Senate Bills No. 901 and 1254; also nominees for Court of Common Pleas, Lehigh County,	Room 8E-B Hearing Room East Wing

Lawrence Joseph Brenner and Court of Common Pleas, Delaware County, Maureen Frances Fitzpatrick)

12:15 P.M.	APPROPRIATIONS (to consider Senate Bills No. 6, 197, 205, 221, 243, 252, 315, 413, 467, 517, 645, 821, 865, 876, 953, 960 and 1095)	Room 461 4th Floor North Wing
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Committee Conference Room -
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FRIDAY, OCTOBER 11, 1991

10:30 A.M.	LABOR AND INDUSTRY (Public Hearing on Senate Bill No. 1238, which would amend Act No. 93 of 1978, known as the Seasonal Farm Labor Act)	Franklin Cty Court House Chambersburg, PA
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FRIDAY, OCTOBER 18, 1991

9:30 A.M.	JUDICIARY (Public Hearing on problems regarding the Bucks County Youth Development Center)	Holiday Inn Bucks County Trevose, PA
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### ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, before I make a motion to adjourn, I would simply remind all Members of the Republican caucus there will be a Republican caucus in the first floor Majority caucus room immediately upon the adoption of the adjournment motion.

### ANNOUNCEMENT BY MINORITY LEADER

Senator MELLOW. Mr. President, I would ask that the Members of the Democratic caucus report immediately to our caucus room.

The PRESIDENT. The Chair would note that there will be Republican and Democratic caucuses following the adjournment of today's Session.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, October 8, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 2:50 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 8, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 61

### SENATE

TUESDAY, October 8, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty and Eternal God, we ask Your blessing upon these Senators as they fulfill their duties and responsibilities today. Strengthen them and guide them with Your spirit of wisdom, power and truth. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 7, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator FISHER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard E. Felker (Democrat), 429 Grand Street, Middleburg 17842, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Snyder County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Lorenah C. Mutschler, Middleburg, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alma M. Kerstetter (Democrat), R. R. Box 383, Port Trevorton 17864, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Snyder County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Fay B. Higgins, Paxtonville, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reginald Johnson (Democrat), 227 East Cumberland Street, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Daylin B. Leach, Esquire, Allentown, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE MIFFLIN COUNTY BOARD OF ASSISTANCE

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald E. Notestine (Democrat), 2 Winding Way, Lewistown 17044, Mifflin County, Thirty-fourth Senatorial District, for appointment as a member of the Mifflin County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John A. Wanatt (Democrat), R. D. #1, Box 4A, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Annalisa G. Foulds (Democrat), Bridge Avenue, Allenwood 17810, Union County, Twenty-third Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alice A. Marden (Democrat), 50 North Third Street, Apartment 416, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified, vice Raymond E. Minium, Sr., Lewisburg, resigned.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles H. Bertram (Democrat), R. D. #3, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theresa L. Henderson (Democrat), Box 219, Milanville 18443, Wayne County, Twentieth Senatorial District, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph E. Sheridan, Jr. (Democrat), 211 Spruce Avenue, Hawley 18428, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marilyn J. Stamets (Democrat), R. D., Box 61, Lakewood 18439, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joanne Tagle (Democrat), 208 Shady Lane, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified to add to complement.

ROBERT P. CASEY.

**MEMBER OF THE YORK COUNTY  
BOARD OF ASSISTANCE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carmen M. Bonilla (Democrat), 815 East Philadelphia Street, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

#### **RECALL COMMUNICATION REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### **MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN CENTER**

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 14, 1991 for the appointment of Dr. Lawrence J. Kansky, Jr., 45 Brook Lane, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Patricia Hametz, Weatherly, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### **RECALL COMMUNICATION LAID ON THE TABLE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

#### **MEMBER OF THE STATE BOARD OF MEDICINE**

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 1991 for the reappointment of Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### **HOUSE MESSAGE**

#### **HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

#### **BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

October 8, 1991

Senators HART and LEWIS presented to the Chair **SB 1351**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," repealing a provision relating to the sinking fund commission.

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 1991.

Senator HART presented to the Chair **SB 1352**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for a solicitor to the controller.

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 1991.

Senators HART and LEWIS presented to the Chair **SB 1353**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," requiring certain cities to use certain methods in maintaining accounts.

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 1991.

Senator TILGHMAN presented to the Chair **SB 1354**, entitled:

An Act reenacting and amending the act of December 17, 1986 (P. L. 1675, No. 192), entitled "An act providing for the certification and recertification of assessors; establishing eligibility and training requirements; defining the powers and duties of the State Tax Equalization Board relating to training, certification and recertification of assessors; and authorizing the board to establish fees."

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 1991.

Senator TILGHMAN presented to the Chair **SB 1355**, entitled:

An Act amending the act of December 17, 1986 (P. L. 1675, No. 192), entitled "Assessors Certification Act," repealing the sunset provision of the law.

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 1991.

Senator SALVATORE presented to the Chair **SB 1356**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further providing for definitions.

Which was committed to the Committee on JUDICIARY, October 8, 1991.

Senators BORTNER, O'PAKE, STAPLETON, SCHWARTZ, PORTERFIELD, LEWIS, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1357**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for vacancy in the Office of Lieutenant Governor.

Which was committed to the Committee on STATE GOVERNMENT, October 8, 1991.

Senators TILGHMAN, FISHER, ARMSTRONG, LOEPER, GREENWOOD, HOLL, GREENLEAF, BAKER, HART and HOPPER presented to the Chair **SB 1358**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," establishing a licensed private liquor and wine wholesale and retail system; providing for importation of liquor; imposing a tax; and making repeals.

Which was committed to the Committee on LAW AND JUSTICE, October 8, 1991.

Senators PETERSON, HART, GREENWOOD, HOPPER, JONES, SCHWARTZ, O'PAKE, BRIGHTBILL and SHUMAKER presented to the Chair **SB 1359**, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for the membership, powers and duties of the Pennsylvania Advisory Council on Substance Abuse, creating single county authorities; further providing for the powers, duties and responsibilities of the department, local authorities and single county authorities, and reestablishing and continuing the Council as the Pennsylvania Board on Drug and Alcohol Abuse.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 8, 1991.

Senator GREENLEAF presented to the Chair **SB 1360**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and for definitions; transferring the powers and duties of the Crime Victim's Compensation Board to the Bureau of Victim Services within the Pennsylvania Commission on Crime and Delinquency; further providing for crime victims' compensation eligibility and claims, for crime victims' compensation awards and subrogation, for law enforcement responsibilities relating to crime victims' compensation, for proceeds from crimes and for responsibilities of employers, service providers and insurers as to crime victims' compensation.

Which was committed to the Committee on JUDICIARY, October 8, 1991.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

## REPORTS FROM COMMITTEES

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

### **SB 424 (Pr. No. 1578) (Amended)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, adding provisions relating to the regulation of limousine services; and further providing for disposition of fines and penalties.

### **SB 963 (Pr. No. 1579) (Amended)**

An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the licensure of professional geologists and appropriating funds collected.

### **SB 1189 (Pr. No. 1337)**

An Act amending the act of May 15, 1939 (P. L. 134, No. 65), entitled, as amended, "Fireworks Law," further providing for unlawful activities relating to fireworks; providing for display of permits; further providing for out-of-State shipments of fireworks and penalties.

### **SB 1331 (Pr. No. 1545)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for gas pipeline safety violations.

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

### **SB 6 (Pr. No. 6) (Rereported)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments on account of building costs; and imposing powers and duties on the Department of Education.

### **SB 197 (Pr. No. 206) (Rereported)**

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," providing for the commitment of certain children; prohibiting the expenditure of State funds outside this Commonwealth; and providing a negligence standard relating to assessment and treatment of certain children.

### **SB 205 (Pr. No. 214) (Rereported)**

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

### **SB 221 (Pr. No. 230) (Rereported)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing special leave for certain disabled veterans when required to receive treatment at a Veterans' Administration medical facility.



**SB 413 (Pr. No. 438) (Rereported)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the status of payments received by foster parents.

**SB 645 (Pr. No. 675) (Rereported)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for eligibility for medical assistance.

**SB 821 (Pr. No. 1138) (Rereported)**

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," requiring State correctional institutions to comply with drug and alcohol treatment standards.

**SB 876 (Pr. No. 945) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from registration fees.

**SB 953 (Pr. No. 1581) (Amended) (Rereported)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring interest to be paid on certain late subsidy payments to school districts.

**SB 960 (Pr. No. 1404) (Rereported)**

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

**SB 1359 (Pr. No. 1580) (Amended)**

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for the membership, powers and duties of the Pennsylvania Advisory Council on Substance Abuse, creating single county authorities; further providing for the powers, duties and responsibilities of the department, local authorities and single county authorities, and reestablishing and continuing the Council as the Pennsylvania Board on Drug and Alcohol Abuse.

**APPROVAL OF REGULATIONS**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations have been submitted, without objection, for approval by the Independent Regulatory Review Commission:

#16A-98, #16A-172, #16A-199, #16A-225, #16A-270, #16A-271, #16A-272, #16A-273 #16A-287, #16A-296 and #16A-302.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I request temporary legislative leave for Senator Madigan and temporary Capitol leaves for Senator Pecora, Senator Loeper and Senator Robbins.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Porterfield and Senator Fumo and legislative leaves for Senator Dawida and Senator Afflerbach.

The PRESIDENT. Senator Fisher requests temporary legislative leave for Senator Madigan, temporary Capitol leaves for Senator Pecora, Senator Loeper and Senator Robbins. Senator Stapleton requests temporary Capitol leaves for Senator Porterfield and Senator Fumo. Senator Stapleton further asks legislative leaves for Senator Dawida and Senator Afflerbach. The Chair hears no objection. The leaves will be granted.

**LEAVE OF ABSENCE**

Senator STAPLETON asked and obtained leave of absence for Senator WILLIAMS, for today's Session, for personal reasons.

**CALENDAR****SENATE RESOLUTION NO. 99,  
CALLED UP OUT OF ORDER**

Senator FISHER, without objection, called up out of order from page 2 of the Calendar, **Senate Resolution No. 99**, entitled:

A Resolution supporting the Red Ribbon Campaign and designating the week of October 19 through 27, 1991, as "Red Ribbon Week."

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 99, ADOPTED**

Senator FISHER. Mr. President, I move that the Senate do adopt Senate Resolution No. 99.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator FISHER and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher			

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Porterfield and Senator Madigan and their leaves will be cancelled.

**SPECIAL ORDER OF BUSINESS****GUEST OF SENATOR MICHAEL A. O'PAKE  
PRESENTED TO SENATE**

Senator O'PAKE. Mr. President, I would appreciate if the Chair would extend its usual warm welcome to the manager of the Unemployment Compensation Office in Reading, a very faithful state employee for more than 30 years, Ms. Angeline Jastrzenbski.

The PRESIDENT. Would Ms. Jastrzenbski please rise so that we can welcome you to the Chamber of the Senate of Pennsylvania, and we thank you for your long and distinguished service to the Commonwealth.

(Applause.)

**GUEST OF SENATOR DAVID J.  
BRIGHTBILL AND SENATOR JOHN J.  
SHUMAKER PRESENTED TO SENATE**

Senator BRIGHTBILL. Mr. President, on behalf of Senator Shumaker and myself, I would call this to the Members' attention. We have a member of the faculty from the Milton Hershey School in Hershey present to view the proceedings. He is going to make an effort to have our Members become a little bit more active in terms of the school activities. Milton Hershey School is located in Derry Township, which is Senator Shumaker's district, and Mr. Bruce Wieder who is with us today lives in Palmyra, which is the district that I represent. I would ask that we give Mr. Wieder our traditional warm welcome.

The PRESIDENT. Would the guest of Senator Brightbill and Senator Shumaker please rise so that we can welcome you to the Chamber.

(Applause.)

**RECESS**

Senator FISHER. Mr. President I would ask for a recess of the Senate for the purpose of a Republican caucus.

The PRESIDENT. For the purpose of a Republican caucus, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**SPECIAL ORDER OF BUSINESS****ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Judiciary to meet during today's Session to consider Senate Bill No. 1360.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Loeper. His leave is cancelled.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER**

**SB 727** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL LAID ON THE TABLE**

**SB 1007 (Pr. No. 1456)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," eliminating the requirement that two-thirds of a savings bank's directors be residents of this Commonwealth.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo. His temporary Capitol leave will be cancelled.

**CONSIDERATION OF CALENDAR RESUMED****SECOND CONSIDERATION CALENDAR****BILL ON SECOND CONSIDERATION  
AND LAID ON THE TABLE**

**SB 279 (Pr. No. 288)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring stock fire insurance companies to provide coverage for sinkhole damage.

Considered the second time and agreed to,

Senator LOEPER. Mr. President, I move that Senate Bill No. 279 be laid on the table.

The PRESIDENT. Without objection, Senate Bill No. 279 will be laid on the table.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber, the Senate will stand in brief recess. Would all of the Members of the Committee on Rules and Executive Nominations please proceed to the Rules room at the rear of the Senate Chamber immediately.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Pecora, whose leave is cancelled.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

August 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen F. Fitzpatrick, Esquire, 10 Harmil Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Rita E. Prescott, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEHIGH COUNTY

September 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lawrence J. Brenner, Esquire, 1870 Briarcliffe Terrace, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1994, vice The Honorable David E. Mellenberg, deceased.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

September 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack A. Panella, Esquire, 8 George Court, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January, 1994, vice The Honorable Alfred T. Williams, Jr., resigned.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD  
OF MEDICINE

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 1991 for the reappointment of Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 14, 1991 for the appointment of Dr. Lawrence J. Kansky, Jr., 45 Brook Lane, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Patricia Hametz, Weatherly, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

#### COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator SALVATORE, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 5, 1991, for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years or until her successor is appointed and qualified, vice Joseph Levi, II, Oil City, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 12, 1991 for the appointment of Angela Blackston, 148 Fawn Ridge North, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Catana Sue Reber, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

October 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 17, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Angelo A. Guarino, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

October 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 1991 for the reappointment of Emery P. Bliesmer, Ph.D., 717 Kennard Road, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF OSTEOPATHIC MEDICINE

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 16, 1991 for the appointment of Nancy Hunziker (Public Member), 142 East Pine Street, Grove City 16127, Mercer County, Fiftieth Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond G. Herr, Willow Street, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 5, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County,

Thirty-third Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert F. McGinley, Wilkes-Barre, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
SHAMOKIN STATE GENERAL HOSPITAL

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice William Wallish, Shamokin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

August 14, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Barbara Garvey, 110 Overlook Drive, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of Donald B. Kamerer, M.D., Eye and Ear Hospital, 230 Lothrop Street, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Neal Mann, North East, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

September 25, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1991 for the appointment of Richard D. Breslin, Ph.D., 103 Airdale Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry O. Sather, McConnellstown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

October 8, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 1991 for the reappointment of Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 14, 1991 for the appointment of Dr. Lawrence J. Kinsky, Jr., 45 Brook Lane, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Patricia Hametz, Weatherly, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### MEMBER OF THE PENNSYLVANIA GAME COMMISSION

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Jane Kuziak, R. D. 8, Box 231, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1993, vice Donald R. Craul, Lewisburg, terminated.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher			

#### NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE BRANDYWINE BATTLEFIELD PARK COMMISSION

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy D. Lewis, 201 Long Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until her successor is appointed and qualified, vice Joan H. Cadwalader, Unionville, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leo Robert Kairys, M.D., 1109 Greenridge Lane, Pittsburgh 15220, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph C. Toland, M.D., Meadowbrook, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

July 23, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald R. Keenan, Jr., P.O. Box 247, Quincy 17247, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Weatherbee, Mechanicsburg, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert R. Fondy, 2433 Pin Oak Place, Pittsburgh 15220, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.



**MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER**

July 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John DelCollo, 4859 Eighth Avenue, Temple 19560, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Reverend Morris F. Houck, Jr., Hamburg, deceased.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael A. Cibik, Esquire, 230 South Broad Street, Philadelphia 19102, Philadelphia County, Second Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda G. Glazer, Lancaster, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack Rubinlicht, D.P.M., 1241 Mettler Road, Huntington Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael R. Marino, D.P.M., Pittsburgh, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE REAL  
ESTATE COMMISSION**

August 20, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond H. Miley, Jr. (Public Member), 200 Old Church Road, North Wales 19454, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the State Real Estate Commission to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joyce Catt, 139 Marvel Drive, Butler 16001, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Grady Cooper, Slippery Rock, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

October 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald S. Kelly, R. R. 4, Box 334, Valencia 16059, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James M. Campbell, Pulaski, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS**

August 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert F. Childs, 861 East Butler Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Arthur F. Loch, Reading, resigned.

ROBERT P. CASEY.

**MEMBER OF THE WASHINGTON CROSSING  
PARK COMMISSION**

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen A. Heinz, 1355 Edgewood Road, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified, vice Sandra Kelly, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON CROSSING  
PARK COMMISSION

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles H. Steinbach, 923 Dick Avenue, Warminster 18974, Bucks County, Tenth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified, vice Anthony Garvan, Ph.D., Spring House, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 13, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable J. Curtis Joyner, 1290 Upton Circle, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jody Huston (Republican), 1507 Oneida Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice W. Ruth Barner, Huntingdon, resigned.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank Ferrari (Democrat), 411 West Third Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Stephen P. Renock, Watstown, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian Hendricks (Democrat), 116 North Poplar Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Roland Miller, Kulpmont, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Henri Karpiak (Democrat), 111 Avenue E, Riverside 17868, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Annabelle F. Litchard (Democrat), 801 Water Street, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified, vice Dianne M. Callahan, Shamokin, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Mack (Democrat), 54 South Franklin Street, Shamokin 17872 Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Dennis Lentini, Kulpmont, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHUMBERLAND COUNTY  
BOARD OF ASSISTANCE

July 9, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael S. Repella (Republican), R. D. 1, Box 259, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

DISTRICT JUSTICE

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas E. Martin, Jr., West Baltimore Pike, P. O. Box 392, Kennett Square 19348, Chester County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-3-04, to serve until the first Monday of January, 1992, vice Eugene DiFilippo, Jr., resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Robbins. His temporary Capitol leave will be cancelled.

#### UNFINISHED BUSINESS

#### REPORTS FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

#### SB 901 (Pr. No. 972)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for dissemination of criminal history record information.

#### SB 1254 (Pr. No. 1444)

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, restricting the use of "911".

#### SB 1360 (Pr. No. 1587) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and for definitions; transferring the powers and duties of the Crime Victim's Compensation Board to the Bureau of Victim Services within the Pennsylvania Commission on Crime and Delinquency; further providing for crime victims' compensation eligibility and claims, for crime victims' compensation awards and subrogation, for law enforcement responsibilities relating to crime victims' compensation, for proceeds from crimes and for responsibilities of employers, service providers and insurers as to crime victims' compensation.

#### BILL IN PLACE

Senator STEWART presented to the Chair a bill.

#### SENATE RESOLUTIONS

#### NOTING WITH SINCERE SADNESS THE PASSING OF EDWARD T. HOAK AND EXPRESSING HEARTFELT CONDOLENCES TO THE HOAK FAMILY

Senators PUNT, HOPPER, SHUMAKER, STAPLETON and ROBBINS offered the following resolution (*Senate Resolution No. 103*), which was read, considered and adopted:

In the Senate, October 8, 1991.

#### A RESOLUTION

Noting with sincere sadness the passing of Edward T. Hoak and expressing heartfelt condolences to the Hoak family.

WHEREAS, Edward T. Hoak, State adjutant of the American Legion for 28 years, died in Camp Hill on September 29, 1991; and

WHEREAS, Mr. Hoak, who was 67 at the time of his death, was a member of the United States Army from May 1943 to March 1946, serving in the 749th Military Police Battalion and attaining the rank of technical sergeant; and

WHEREAS, After leaving the military, he joined the Carl LeRoy McKelvy American Legion Post 472 in Manor, serving with distinction in a number of posts and becoming State commander in 1960; and

WHEREAS, In the early 1960's he was national vice commander and assistance State adjutant and in 1963 was elected State adjutant of the American Legion, the chief administrative position of the State organization, and editor of the Pennsylvania American Legion News; and

WHEREAS, He was appointed by former Governor Milton Shapp as the governor's adviser on veterans' affairs; and

WHEREAS, Mr. Hoak served on the board of trustees of the Scotland School for Veterans' Children, serving as president of the board from 1980 to 1986; and

WHEREAS, Former Governor Richard Thornburgh appointed Mr. Hoak chairman of the committee to select a site for a veterans' home in southeastern Pennsylvania and awarded Mr. Hoak with Pennsylvania's Meritorious Service Medal in 1985; and

WHEREAS, Mr. Hoak served as council secretary and chairman of the legislative committee of the Pennsylvania War Veterans Council, and when Governor Robert Casey asked the council to select the fifth and sixth State veterans' homes, Mr. Hoak served as committee chairman; and

WHEREAS, He worked for the Department of Public Welfare of this Commonwealth in Westmoreland County and was appointed chief juvenile probation officer there in 1967; and

WHEREAS, He was a devoted husband and dedicated father; therefore be it

RESOLVED, That the Senate note with sincere sadness the passing of Edward T. Hoak whose professional and personal contributions to veterans and veterans' affairs in this Commonwealth will be long remembered; extend heartfelt condolences to his widow, Martha, his four daughters, his eight grandchildren and his sister and other members of his family; and be it further

RESOLVED, That a copy of this resolution be transmitted to the family of Edward T. Hoak.

**RECOGNIZING THE ACHIEVEMENTS  
OF THE PARKINSON'S DISEASE AND  
MOVEMENT DISORDER CENTER AND  
DR. MATTHEW B. STERN, ITS DIRECTOR**

Senators SCHWARTZ, HOLL, HOPPER, FATTAH, MELLOW, BODACK, PUNT, HART, RHOADES, HELFRICK, LEMMOND, CORMAN, TILGHMAN, PETERSON, BELL, BRIGHTBILL, WENGER, ARMSTRONG, FISHER, JUBELIRER, SHAFFER, BAKER, GREENWOOD, ROBBINS, SHUMAKER, GREENLEAF, SALVATORE, FUMO, STEWART and REIBMAN offered the following resolution (*Senate Resolution No. 104*), which was read, considered and adopted:

In the Senate, October 8, 1991.

**A RESOLUTION**

Recognizing the achievements of the Parkinson's Disease and Movement Disorder Center and Dr. Matthew B. Stern, its director.

WHEREAS, The Parkinson's Disease and Movement Disorder Center at Graduate Hospital of the University of Pennsylvania in Philadelphia will soon celebrate its 10th anniversary of service; and

WHEREAS, The center has been committed for over a decade to a threefold mission of research, patient care and public and professional education; and

WHEREAS, The center is actively involved in the state-of-the-art investigation of the causes, mechanisms and treatment of Parkinson's disease and other movement disorders; and

WHEREAS, The center provides diagnosis, treatment, consultative and support services annually to over 1,800 outpatients and their caregivers; and

WHEREAS, Over 5,000 persons a year participate in educational programs provided by the center for members of the public, patients and their families and health professionals; and

WHEREAS, Dr. Matthew B. Stern, director of the center, in an effort to expand the center's educational programs and foster the spirit of international collaboration, will travel to the Soviet Union to chair the first USA/USSR Joint Symposium on Parkinson's Disease; therefore be it

RESOLVED, That the Senate of Pennsylvania recognize the achievements and service of the Parkinson's Disease and Movement Disorder Center at Graduate Hospital and its director, Dr. Matthew B. Stern; and be it further

RESOLVED, That the Senate of Pennsylvania extend congratulations on the occasion of the center's 10th anniversary; and be it further

RESOLVED, That the Senate of Pennsylvania extend its best wishes to Dr. Matthew B. Stern as he travels to the Soviet Union to chair the first USA/USSR Joint Symposium on Parkinson's Disease.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Sonia Sanchez by Senator Fattah.

Congratulations of the Senate were extended to Mark D. Norris by Senator Helfrick.

Congratulations of the Senate were extended to Michael P. Crotty by Senator Hopper.

Congratulations of the Senate were extended to Reverend Dr. Emerson Talmadge by Senator Jones.

Congratulations of the Senate were extended to Charles Wasserott, V and to Mr. and Mrs. Reginald J. Dean by Senator Lemmond.

Congratulations of the Senate were extended to Marlene Robinson and to Holli Bardo Quinn by Senator Lewis.

Congratulations of the Senate were extended to William J. Gerrity by Senator Mellow.

Congratulations of the Senate were extended to Stephan Bastian by Senator Salvatore.

**BILLS ON FIRST CONSIDERATION**

Senator BORTNER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 424, 901, 963, 1189, 1254, 1331, 1359 and 1360.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

## SENATE RESOLUTION

### PROCLAIMING OCTOBER 6, 1991, AS "GERMAN-AMERICAN DAY" IN PENNSYLVANIA

Senators BORTNER, SHUMAKER, O'PAKE, AFFLERBACH, MUSTO, BELAN, HOPPER, SCHWARTZ, LEWIS, SHAFFER, GREENWOOD, REIBMAN, CORMAN, BRIGHTBILL, PECORA, BODACK, HOLL, FUMO, LYNCH, FISHER, SALVATORE, RHOADES and JONES offered the following resolution (*Senate Resolution No. 105*), which was read, considered and adopted:

In the Senate, October 8, 1991.

#### A RESOLUTION

Proclaiming October 6, 1991, as "German-American Day" in Pennsylvania.

WHEREAS, It was on October 6, 1683, that the first Germans arrived in the United States; and

WHEREAS, Today, more than 60 million Americans trace at least part of their ancestry to Germany; and

WHEREAS, The sons and daughters of Germany have served our State and this country steadfastly over the years in all fields; and

WHEREAS, In 1990, German-Americans experienced the extraordinary historical event of reunification; and

WHEREAS, German immigrants have been the staunchest supporters of the democratic values and principles of this country; and

WHEREAS, German immigrants were the first ethnics who objected to slavery; and

WHEREAS, For more than two centuries, German immigrants in the United States have built a long tradition of loyalty in both peace and war; and

WHEREAS, "German-American Day" was inaugurated in 1987 by Joint Congressional resolutions and has gained increasing popularity since its inception; and

WHEREAS, On October 6, government officials, legislators, state governors and mayors nationwide will remind Americans of the German-Americans and recall their contributions to the life and culture of the United States; and

WHEREAS, On October 6, German-Americans will remember their history and heritage and will recall their achievements and will once again pledge their unwavering support of the United States and the democratic way of life; therefore be it

RESOLVED, That the Senate proclaim October 6, 1991, as "German-American Day" in Pennsylvania and call upon all citizens to recognize the vital role German-Americans have played in the development of our State and nation.

## PETITIONS AND REMONSTRANCES

Senator BORTNER. Mr. President, a short time ago I introduced a resolution designating October 6th as German-American Day. Many of the Members cosponsored that resolution. Those of us who are referred to as Pennsylvania Dutchmen perhaps do not often or do not always think of ourselves as German-Americans, but those are our roots,

whether they are recent or whether, as mine, they go back some time. In my particular case I go back eight generations when my great-great-great-great-grandfather, if I have counted that right, came from Germany and landed in Philadelphia. I was hoping Senator Fumo would be here. I guess in addition to Germany I can trace my roots to Philadelphia. On the ship Adventure which was bringing immigrants to the New World from Germany, many of those people ended up living in central Pennsylvania as my family did, migrating through Berks County and Lancaster County and eventually settling in western York County where they found not only some of the most fertile soil any place in Pennsylvania or in the New World, I suppose, but also land they could afford. It is there that they settled and began raising their families.

While these immigrants did not bring with them many worldly possessions, they did bring some other things, and included among those I believe were their values: their belief in God, their strong sense of community and their work ethic, which I think has allowed them to become very successful and very productive members of their communities.

Over the last year, through 1990, as we watched some of the most extraordinary historical events, really in the history of the world, unfolding in Germany, I think German-Americans can feel a special sense of pride, not only with what happened in Germany but which later spread through the rest of Eastern Europe and even now with what we see going on in the Soviet Union.

So with that brief historical perspective, I offer the resolution and I thank the other Members who sponsored my resolution in designating October 6th and this week as German-American Week, and I hope everybody will join in the celebration of Oktoberfest in their own communities.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

October 8, 1991

### DIRECTING THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE TO STUDY RECENT STATE TAX INCREASES IN RELATION TO SMALL BUSINESSES

Senator GREENLEAF offered the following resolution (*Senate Resolution No. 101*), which was read and referred to the Committee on Finance:

In the Senate, October 8, 1991.

#### A RESOLUTION

Directing the Legislative Budget and Finance Committee to study recent State tax increases in relation to small businesses.

WHEREAS, The effect of recent State tax increases which went into effect July 1, 1991, and October 1, 1991, on Pennsylvania small businesses is, as yet, unknown; and

WHEREAS, It was not the intent of the legislature, in enacting these tax increases, to chill job creation and economic growth in this Commonwealth; and

WHEREAS, Despite the legislature's good intentions to the contrary, various private sources have alleged that the tax increases will indeed chill job creation and economic growth in this Commonwealth; and

WHEREAS, The legislature desires to have a study conducted to determine the veracity of these allegations; therefore be it

RESOLVED, That the Senate direct the Legislative Budget and Finance Committee to conduct a study to determine whether recent State tax increases are having a chilling effect on Pennsylvania small business, especially in the areas of job creation and economic growth; and be it further

RESOLVED, That a copy of this resolution be transmitted to:

Philip R. Durgin, Exec. Dir.  
Legislative Budget and Finance Committee  
400 Finance Bldg.  
P.O. Box 8737  
Harrisburg, PA 17105-8737

### CONGRATULATING THE TELEPHONE PIONEERS OF AMERICA ON ITS 80TH ANNIVERSARY

Senators SALVATORE, TILGHMAN, O'PAKE, SHUMAKER, BORTNER, REIBMAN, WENGER, PORTERFIELD, CORMAN, BELL and HELFRICK offered the following resolution (*Senate Resolution No. 102*), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 8, 1991.

#### A RESOLUTION

Congratulating the Telephone Pioneers of America on its 80th Anniversary.

WHEREAS, The Telephone Pioneers of America, the world's largest industry-related service organization, is celebrating its 80th year; and

WHEREAS, It has more than 750,000 members in 12 regions throughout the United States and Canada, and they have contributed hundreds of thousands of volunteer hours to community service; and

WHEREAS, The pioneers from three Pennsylvania chapters located in Region 8, Fort Pitt, Leonard H. Kinnard and Liberty Bell, have made an outstanding contribution to the quality of life throughout this Commonwealth; and

WHEREAS, The Pennsylvania chapter members have focused on helping the elderly and the young, participated in literacy and drug abuse programs, developed annual sports jamborees for the handicapped and designed special books and games for the visually impaired; therefore be it

RESOLVED, That the Senate congratulate the Telephone Pioneers of America on its 80th Anniversary and wish it continued success and thanks for its contributions to this Commonwealth.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 9, 1991

9:30 A.M.	MILITARY AND	Room 460
	VETERANS AFFAIRS	4th Floor
	(to consider Colonel James	North Wing

R. Hendrickson and Senate  
Bills No. 710, 1113 and 1264,  
House Bills No. 626 and 1132)

FRIDAY, OCTOBER 11, 1991

10:30 A.M.	LABOR AND INDUSTRY	Franklin Cty
	(Public Hearing on Senate	Court House
	Bill No. 1238, which would	Chambersburg,
	amend Act No. 93 of 1978,	PA
	known as the Seasonal Farm	
	Labor Act)	

FRIDAY, OCTOBER 18, 1991

9:30 A.M.	JUDICIARY (Public Hearing	Holiday Inn
	on problems regarding the	Bucks County
	Bucks County Youth	Trevoise, PA
	Development Center)	

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, October 9, 1991, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 3:40 p.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 9, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 62

### SENATE

WEDNESDAY, October 9, 1991.

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty God and Father, as we face the issues of the day in this Session, we pray for Your blessing and a measure of Your spirit. Enable us to act with vision, courage and commitment to pass those laws which will improve the quality of life for everyone in our Commonwealth. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 8, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATION FROM THE GOVERNOR

#### RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 1991 for the appointment of Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066,

Montgomery County, Seventeenth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Norman Mawby, Glen Riddle, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

October 8, 1991

Senators GREENLEAF, SCHWARTZ and BAKER presented to the Chair **SB 1361**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring physicians to advise insureds whether or not they are preferred providers.

Which was committed to the Committee on BANKING AND INSURANCE, October 8, 1991.

Senators JUBELIRER, CORMAN, HART, PUNT, SALVATORE, BELAN, MUSTO, TILGHMAN, HOPPER, BELL, MADIGAN, PECORA, O'PAKE, REIBMAN, STOUT, RHOADES, ROBBINS, HELFRICK and ANDREZESKI presented to the Chair **SB 1362**, entitled:

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "The Liquid Fuels Tax Act," further providing for imposition of tax.

Which was committed to the Committee on TRANSPORTATION, October 8, 1991.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider House Bill No. 1541 and certain nominations.

### REPORTS FROM COMMITTEE

Senator PUNT, from the Committee on Military and Veterans Affairs, reported the following bills:



**SB 1264 (Pr. No. 1462)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for leaves of absence for certain government employees.

**HB 626 (Pr. No. 1748)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for termination of leases by persons in military service, for implementation of interest rate ceilings, for deferral of motor vehicle insurance and for exceptions to financial responsibility requirements.

**HB 1132 (Pr. No. 1282)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, relating to stay of proceedings.

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR MICHAEL A. O'PAKE  
PRESENTED TO SENATE**

Senator O'PAKE. Mr. President, visiting the Capitol today is a group of sixth graders from the LaSalle Academy in Shillington. There are 46 sixth grade students along with their teacher, Mrs. Pat Fisher, and I would ask the Chair to extend its usual warm welcome to the students from the LaSalle Academy in Shillington, Berks County.

The PRESIDENT. Would the Senate join me in welcoming the guests of Senator O'Pake to the Chamber of the Senate of Pennsylvania.

(Applause.)

**LEGISLATIVE LEAVES**

Senator MELLOW. Mr. President, I request legislative leaves for Senator Dawida and Senator Schwartz and temporary Capitol leaves for Senator Fattah, Senator Jones, Senator Lewis and Senator Lynch.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Dawida and Senator Schwartz and temporary Capitol leaves for Senator Fattah, Senator Jones, Senator Lewis and Senator Lynch. The Chair hears no objection. Those leaves will be granted.

**LEAVE OF ABSENCE**

Senator MELLOW asked and obtained leave of absence for Senator WILLIAMS, for today's Session, for personal reasons.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS  
AMENDED OVER IN ORDER**

**SB 953** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL OVER IN ORDER**

**SB 727** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**SB 6, 197, 205, 221, 413, 424, 645, 821, 876, 901, 960, 963, 1189, 1254, 1331, 1359 and 1360** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SENATE RESOLUTION NO. 95, CALLED UP**

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 95**, entitled:

A Resolution recognizing 1991 as the 50th Anniversary of the American Tree Farm System.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 95, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 95.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher			

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

**COMMUNICATION FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:



MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 1991 for the appointment of Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Norman Mawby, Glen Riddle, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

August 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen F. Fitzpatrick, Esquire, 10 Harmil Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Rita E. Prescott, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEHIGH COUNTY

September 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lawrence J. Brenner, Esquire, 1870 Briarcliffe Terrace, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January, 1994, vice The Honorable David E. Mellenberg, deceased.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

September 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack A. Panella, Esquire, 8 George Court, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January, 1994, vice The Honorable Alfred T. Williams, Jr., resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lewis. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher			

NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**HOUSE MESSAGE****HOUSE BILL FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

October 9, 1991

**HB 1541** — Committee on Rules and Executive Nominations.

**SPECIAL ORDER OF BUSINESS  
CONGRATULATORY RESOLUTION**

**CONGRATULATIONS OF THE SENATE  
EXTENDED TO SENATOR EDWIN G. HOLL**

Senator LOEPER. Mr. President, many times Members of the Senate, for various reasons, offer congratulatory resolutions to those Members in our various districts who have achieved outstanding accomplishments. It is not often, Mr. President, that we get the chance to offer a congratulatory resolution in this Chamber to one of our own Members on behalf of some outstanding achievements that they themselves have accomplished. However, Mr. President, it is my great pleasure today to have the opportunity to present to the Members of the Senate a congratulatory resolution on behalf of one of our Members, and I would like to take just a moment in order to read this congratulatory resolution.

Senator LOEPER offered the following congratulatory resolution which was read as follows:

In the Senate, July 15, 1991.

WHEREAS, The Honorable Edwin G. Holl, Pennsylvania State Senator, has been honored by the Boy Scouts of America as a recipient of the Silver Antelope Award, the highest award bestowed upon an adult scouters; and

WHEREAS, Senator Holl has been chosen to receive this prestigious award by a special selection committee of the northeastern region comprising the New England States, New York, New Jersey, Pennsylvania, Delaware, Maryland, Puerto Rico and the American territories in the Caribbean. He was recognized during the Boy Scouts of America biennial meetings, May 22-24, 1991 in Puerto Rico; and

WHEREAS, Senator Holl has earned recognition for more than fifty years of dedicated involvement in Scouting at various levels and for his tireless efforts to protect and assist young people in this Commonwealth as a distinguished member of the Pennsylvania State Legislature; and

WHEREAS, The sponsor of various bills to promote the safety, education and welfare of children, Senator Holl has been an ardent supporter of funding for public education, children's programs and programs to assist children with developmental disabilities. In addition, he has been associated with the Valley Forge Council, Boy Scouts of America, since 1960 and has served since 1983 as chairman of the council board.

NOW THEREFORE, the Senate of the Commonwealth of Pennsylvania extends congratulations to the Honorable Edwin G. Holl, well deserved recipient of the Silver Antelope Award; offers best wishes for his continued outstanding contributions to the Boy Scouts of America and the young citizens of this Commonwealth;

And directs that a copy of this document, sponsored by Senator F. Joseph Loeper, be transmitted to Senator Edwin G. Holl.

Senator LOEPER. Mr. President, I would like to ask Senator Holl if he would come up here and I can present this resolution to him.

Senator HOLL. Thank you, Mr. President. Thank you, Senator Loeper and Members of the Senate. I am just delighted to hear this. It is a very pleasant surprise this morning. The only thing I regret is that my mother is not here to hear it. Thank you all very much.

(Applause.)

The PRESIDENT. All those in favor of the resolution indicate by saying "aye," all those opposed "no." The "ayes" have it and the resolution is adopted.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in very brief recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**UNFINISHED BUSINESS  
REPORT FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations reported the following bill:

**HB 1541 (Pr. No. 2460)**

An Act amending the act of August 14, 1991 (P. L. , No. 36), known as the "Lottery Fund Preservation Act," further providing for human service shared ride transportation services for older adults; and providing for grants.

**BILLS ON FIRST CONSIDERATION**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 1264, HB 626 and 1132.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### **BILL ON FIRST CONSIDERATION AND REREFERRED**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**HB 1541.**

And said bill having been considered for the first time and agreed to,

Ordered, To be printed for second consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones. Her temporary Capitol leave will be cancelled.

### **PETITIONS AND REMONSTRANCES**

Senator STAPLETON. Mr. President, first of all, I want to congratulate Senator Holl for the honor bestowed on him today by the Boy Scouts of America. Certainly, that is an honor he is proud of and will cherish the rest of his life.

However, Mr. President, I want to take this opportunity to acknowledge a new anniversary for me, the three-month anniversary of the last time I asked for action on House Bill No. 1075. Ninety days ago, on July 9th, I addressed this Body to urge speedy consideration of the college and university right-to-know law. This bill originally passed the House of Representatives on June 5th by a vote of 202-1 and has been in the Senate Committee on Education since June 10th. Although the chairman of that committee called a public hearing on the bill late last month, I question how much more study we need on that bill. This issue has been hotly and publicly debated since its original introduction by Mr. Cowell last April. I disagree with any further delay, and I urge my colleagues on the other side of the aisle to take some positive action on this bill. In doing so I would like to briefly reiterate my reasons. First of all, the bill would only open the books of those colleges and universities receiving substantial state assistance. This would include Penn State, Pitt, Temple and Lincoln, along with the State System of Higher Education, the community colleges and finally the 11 state-aided private colleges and universities. Under the act the schools would join Commonwealth agencies

in being open for examinations and inspections by the citizens of this Commonwealth. I want to remind you of the tremendous investment that the Commonwealth has in all of these institutions. Between 1981 and 1991, a ten-year span that includes this year, about \$7.6 billion has been allocated to the state system and the four state-related. When we add the aid that went to the community colleges and the other state-aided schools, this number increased to \$9.3 billion.

Let us look at this aid in another way. The total aid this year to all the institutions that I have just mentioned exceeds \$1 billion. This is more than one-third of the total tax increase this year. It is seven percent of the total state budget. As I said three months ago, this contribution should buy the public and the Legislature some rights, but the schools still resist disclosure. The universities' representatives told us that they already report regularly to the feds and to the state. But many of these reports are confusing to the lay person and they do not pass the true test of House Bill No. 1075, and that is to provide access to the public. On the other hand, the funding that we allocate for basic education is fully accountable. In fact, we told the school districts this year to reopen their budgets to see if they could cut local taxes. One of the reasons used in the spring by Senator Loeper to delay a vote was because the Auditor General had started an audit of Pitt and was planning to investigate Temple and Lincoln. As I have already said, the Office of the Auditor General has only limited authority in what it can undertake. Secondly, the Auditor General's Office is carrying a large backlog. Finally, an audit by the Auditor General does not replace the public's right to know. I think the fact that the Auditor General is on record supporting the bill's concept proves my point.

Now that the budget is passed and the taxes have been enacted, there is no good reason for further delay. I know I am joined by many other voices, including the press and the public, in urging prompt consideration of this bill, and I am hopeful that Senator Loeper and his side of the aisle will move this bill and schedule it for a vote as soon as possible.

Senator LOEPER. Mr. President, I could not help but respond to the gentleman's remarks concerning pending legislation in the Senate Committee on Education. Unfortunately, I do not have a prepared press release to distribute concerning this, but I think it is important, however, that we comment on this issue. I think it is important the public also be aware that the Senate Committee on Education did just recently hold a public hearing on this most important issue. My office has never received any communication from the gentleman from Indiana as to his interest in this bill and would we please work with the Committee on Education to move this process along, nor, Mr. President, was it even in his interest for the gentleman to attend the public hearing in order that he could hear what some of the concerns were of many of the institutions that would be affected by this legislation. I think that Senator Rhoades, as Chairman of the Senate Committee on Education, is very carefully considering the legislation, trying to gain public input throughout this Commonwealth as to what effect this legislation may have, both positively and nega-

tively, upon our educational institutions of higher learning. I believe that Senator Rhoades and his committee have moved ahead in consideration of this legislation, and I look forward to its continued deliberation with that process.

Senator STAPLETON. Mr. President, I am certainly pleased to hear that Senator Loeper and Senator Rhoades are moving forward to bring this bill out for consideration. I certainly felt all along that Senator Rhoades would do just that. I know there are a number of Senators on his side of the aisle who want to see this bill brought up for consideration and have the opportunity to vote on it, the same as many Members on this side of the aisle.

### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Saint Mary's Roman Catholic Church of Lancaster by Senator Armstrong.

Congratulations of the Senate were extended to Eric Anderson and to Saint Paul Christian Methodist Episcopal Church of Chester by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. George Thomas by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. James F. Plunkett by Senator Bortner.

Congratulations of the Senate were extended to Honorable Jules C. Melograne by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony E. Cappelli, Mr. and Mrs. Roy Hodson Rose, Gaetana G. Zoffira, Janice L. Booker and to College Bound Services, Incorporated of Horsham by Senator Greenleaf.

Congratulations of the Senate were extended to Bernard Rapoport by Senator Hart.

Congratulations of the Senate were extended to Harold F. Doran by Senators Helfrick, Corman and Mellow.

Congratulations of the Senate were extended to James C. Landis and to Dock Woods by Senator Holl.

Congratulations of the Senate were extended to the Coordinating Office for Drug and Alcohol Abuse Programs of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Group 1500, Civil Air Patrol of Duncansville by Senator Jubelirer.

Congratulations of the Senate were extended to the House of Delegates of the Pennsylvania Bar Association by Senator Jubelirer and others.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Rice by Senator Lemmond.

Congratulations of the Senate were extended to Mary Ann Arty, James G. Bove, De La Salle Council No. 590, Knights of Columbus, citizens of the Borough of Collingdale and to Saint Joseph Church of Collingdale by Senator Loeper.

Congratulations of the Senate were extended to Harold Peterson and to Jon D. Vande Mark by Senator Madigan.

Congratulations of the Senate were extended to Louis M. Calabrese, John F. Grimes and to Maternal and Family Health Services, Incorporated of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to the Pennsylvania Fraternal Congress by Senator O'Pake.

Congratulations of the Senate were extended to Seneca Highlands Association of Life Underwriters of Bradford by Senator Peterson.

Congratulations of the Senate were extended to Paul J. Kikel by Senator Porterfield.

Congratulations of the Senate were extended to Farinon College Center and Ramer Hall at Lafayette College of Easton and to the YMCA of Bethlehem by Senator Reibman.

Congratulations of the Senate were extended to Herman Wrice by Senator Salvatore.

Congratulations of the Senate were extended to Mary Lick and to Nelson Franklin Bailey by Senator Shumaker.

Congratulations of the Senate were extended to Matthew Allen Price by Senator Stapleton.

### ANNOUNCEMENT BY MAJORITY LEADER

Senator LOEPER. Mr. President, before we take the final vote on the adjournment motion, I would simply remind all Republican Members of the Senate that there is a very important caucus immediately upon adjournment of today's Session in the Majority caucus room on the first floor.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, October 15, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:15 a.m., Eastern Daylight Saving Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 15, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 63

### SENATE

TUESDAY, October 15, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend KAREN LAYMAN, Pastor of Hope United Methodist Church, Mechanicsburg, offered the following prayer:

Let us pray.

O God, at a time when we as a nation are so consumed with judging the moral rectitude of others, help us to be a people beyond reproach. May we not so much look for the specks in others' eyes as the motes in our own. Make this great Senate of the Commonwealth of Pennsylvania an example of the highest moral character. May the words and actions of each man and woman, each Senator and staffer, in public and in private places beyond closed doors be honorable and courageous. For we know, O Lord, that in the final analysis You who see and know all are our only ultimate judge. In Your holy name we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Layman who is the guest this week of Senator Andrezeski.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 9, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

### SECRETARY OF HEALTH

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Allan S. Noonan, 1106 Gettysburg Pike, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Health, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice N. Mark Richards, M.D., Mount Lebanon, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
CRAWFORD COUNTY

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony Joseph Vardaro, Esquire, 654 Park Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Crawford County, to serve until the first Monday of January, 1992, vice The Honorable P. Richard Thomas, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
DAUPHIN COUNTY

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jeannine Turgeon, 115 Hillside Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January, 1992, vice The Honorable Lee F. Swope, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Angelo A. Guarino, mandatory retirement.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS**

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles H. Gale, 1716 School House Road, Box 264, Gwynedd 19436, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until November 29, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul H. Lauer, Shavertown, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene E. Sillaman, Pittsburgh, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE**

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joy Louise Ellwanger, 2283 West Pine Grove Road, Pennsylvania Furnace 16865, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anne Marie McFeely, Kennett Square, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS**

October 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harold E. Connell, 513 Broughton Road, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS**

October 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Neil W. Regan, 1900 Pittston Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Henry J. Nimmons, Philadelphia, whose term expired.

ROBERT P. CASEY.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

October 15, 1991

Senator BELL presented to the Chair **SB 1363**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," abolishing the Bureau of Professional and Occupational Affairs; creating a department to be known as the Department of Professional and Occupational Affairs; and making related substantive and editorial changes.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 15, 1991.

Senators BELAN, MADIGAN, MELLOW, JONES, MUSTO, DAWIDA, REIBMAN, STAPLETON, SCHWARTZ, O'PAKE, HELFRICK, GREENWOOD, SALVATORE, ANDREZESKI, AFFLERBACH and RHOADES presented to the Chair **SB 1364**, entitled:

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), entitled "Pennsylvania Conservation Corps Act," further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors and for appropriations; and making editorial changes.

Which was committed to the Committee on LABOR AND INDUSTRY, October 15, 1991.

Senators GREENWOOD, ARMSTRONG, WENGER, PUNT, HOPPER, SALVATORE, SHUMAKER, CORMAN, HELFRICK, HART, BAKER and RHOADES presented to the Chair **SB 1365**, entitled:



An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," repealing provisions imposing sales tax on various services.

Which was committed to the Committee on FINANCE, October 15, 1991.

Senators GREENWOOD, CORMAN, TILGHMAN, BELL, HART, SCHWARTZ, HELFRICK and ANDREZESKI presented to the Chair **SB 1366**, entitled:

An Act prohibiting the use of a document facsimile production, or FAX, machine to transmit unsolicited advertising messages.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 15, 1991.

Senators GREENWOOD, TILGHMAN, HART, BELAN, ROBBINS, HELFRICK and ANDREZESKI presented to the Chair **SB 1367**, entitled:

An Act providing for the prevention and treatment of Hepatitis B.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 15, 1991.

Senators ARMSTRONG and SALVATORE presented to the Chair **SB 1368**, entitled:

An Act amending the act of July 9, 1981 (P. L. 208, No. 66), entitled "Public Employee Retirement Study Commission Act," changing the name of the Public Employee Retirement Study Commission; further providing for time limits for actuarial notes; and extending the term of the commission.

Which was committed to the Committee on FINANCE, October 15, 1991.

Senator ARMSTRONG presented to the Chair **SB 1369**, entitled:

An Act reestablishing the Municipal Pension Advisory Committee.

Which was committed to the Committee on FINANCE, October 15, 1991.

Senators HART, SHAFFER, BAKER, JUBELIRER, WENGER, AFFLERBACH, FISHER, LOEPER, HOPPER, HELFRICK, REIBMAN, GREENWOOD, LAVALLE, PUNT, ANDREZESKI, RHOADES, BRIGHTBILL, CORMAN, PETERSON and LEMMOND presented to the Chair **SB 1370**, entitled:

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 15, 1991.

Senators SHAFFER, MUSTO, HOPPER, TILGHMAN, BELAN, WENGER, STAPLETON, JUBELIRER, CORMAN, SALVATORE, SCHWARTZ, O'PAKE, HELFRICK, HART, BAKER, MADIGAN, ROBBINS, ANDREZESKI, AFFLERBACH and RHOADES presented to the Chair **SB 1371**, entitled:

An Act establishing the Pennsylvania International Trade Council and conferring powers and duties upon it.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 15, 1991.

Senators SHAFFER, MUSTO, HOPPER, TILGHMAN, BELAN, WENGER, STAPLETON, JUBELIRER, CORMAN, SALVATORE, SCHWARTZ, O'PAKE, HELFRICK, HART, BAKER, MADIGAN, ROBBINS, ANDREZESKI, AFFLERBACH and RHOADES presented to the Chair **SB 1372**, entitled:

An Act providing for the development of shared foreign sales corporations; providing tax exemptions for these corporations; and conferring powers and duties on the Department of Commerce and the Department of Revenue.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 15, 1991.

Senators HELFRICK, SHAFFER, SALVATORE, O'PAKE, JUBELIRER, BELAN, RHOADES, CORMAN, ROBBINS, PETERSON, HOPPER, WENGER, BAKER, HART, LAVALLE, FISHER, ANDREZESKI and STAPLETON presented to the Chair **SB 1373**, entitled:

An Act providing matching grants to public or private regional entities to promote exports; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 15, 1991.

Senator STEWART presented to the Chair **SB 1374**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the apportionment of this Commonwealth into congressional districts.

Which was committed to the Committee on STATE GOVERNMENT, October 15, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which was read by the Clerk:

October 15, 1991

### OFFERING GRATITUDE TO THE MEN AND WOMEN WHO ARE AND HAVE BEEN CAREER FIREFIGHTERS IN PENNSYLVANIA

Senators SALVATORE, BELAN, SHAFFER, LEWIS, LaVALLE, MUSTO, SCANLON, TILGHMAN, LOEPER, PECORA, O'PAKE, HOLL, CORMAN, WENGER, BORTNER, JUBELIRER, ROBBINS, HART, PUNT, MADIGAN, SCHWARTZ, HELFRICK and REIBMAN offered the following resolution (**Senate Resolution No. 106**), which was read and referred to the Committee on Rules and Executive Nominations:



In the Senate, October 15, 1991.

#### A RESOLUTION

Offering gratitude to the men and women who are and have been career firefighters in Pennsylvania.

WHEREAS, The men and women who fill the ranks of firefighters have unselfishly dedicated themselves to protecting the lives and property of the people they serve; and

WHEREAS, This dedication, knowing no limits, has sometimes resulted in the death of a firefighter whose commitment and determination to save and protect rose above all else; and

WHEREAS, The International Association of Fire Fighters has established the Fallen Fire Fighter Memorial to honor the men and women who have given their all in the line of duty; and

WHEREAS, This monument, with its powerful symbolism, clearly and fully expresses the heartfelt gratitude of the people of communities everywhere who know and respect the enormous commitment that is the creed of every firefighter; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania pause in its deliberations to offer on behalf of all the people of this Commonwealth its deep and everlasting gratitude to the men and women who in their role as career firefighters protect the lives of so many everywhere; and be it further

RESOLVED, That the Senate commend the International Association of Fire Fighters for its commitment to perpetually honor the men and women who as career firefighters have made the ultimate sacrifice by establishing the Fallen Fire Fighter Memorial.

#### DESIGNATING OCTOBER 20 THROUGH 26, 1991, AS "CONSUMERS WEEK" IN PENNSYLVANIA

Senators BELL, SHUMAKER, LYNCH and REIBMAN offered the following resolution (*Senate Resolution No. 107*), which was read and referred to the Committee on Rules and Executive nominations:

In the Senate, October 15, 1991.

#### A RESOLUTION

Designating October 20 through 26, 1991, as "Consumers Week" in Pennsylvania.

WHEREAS, The President of the United States has proclaimed the week of October 20 through 26, 1991, as "National Consumers Week"; and

WHEREAS, A major function of our competitive free market system is to satisfy consumer demand; and

WHEREAS, All Pennsylvania citizens are consumers of goods and services in trade or commerce throughout the world, the United States and the Commonwealth; and

WHEREAS, Consumers should have access to a wide variety of competitively priced goods and services produced here and abroad and to accurate information on product content and care, contractual obligations, cost of credit and all information necessary to make informed purchase decisions; and

WHEREAS, The active cooperation of educators, business, government and consumers working together can fuel our free market economy; and

WHEREAS, "National Consumers Week" will promote dissemination of sound consumer information by both public and private sectors, including the media, on subjects such as complaint handling and on public policy issues which affect consumers; will encourage dialogue and cooperation among consumers, business and government; and will broaden the scope of consumer and economic education by heightening consumer awareness that we function in a world market and by acknowledging

that our interdependence extends far beyond the boundaries of the United States; therefore be it

RESOLVED, That the Senate designate the week of October 20 through 26, 1991, as "Consumers Week" in Pennsylvania.

#### APPOINTMENT BY MAJORITY LEADER

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Senator J. Doyle Corman as a member of the Board of the Southeastern Pennsylvania Transportation Authority.

#### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session in the Rules room to consider Senate Resolutions No. 102, 106, 107 and certain nominations.

#### REPORT FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

#### HB 1541 (Pr. No. 2507) (Amended) (Rereported)

An Act amending the act of August 14, 1991 (P. L. , No. 36), known as the "Lottery Fund Preservation Act," further providing for human service shared ride transportation services for older adults; and providing for grants.

#### LEGISLATIVE LEAVES

Senator BODACK. Mr. President, we have Senator Andrezeski on legislative leave. We would also ask for legislative leaves for Senator Dawida and Senator Fattah.

The PRESIDENT. Senator Bodack asks legislative leaves for Senator Andrezeski, Senator Dawida and Senator Fattah. The Chair hears no objection. Those leaves will be granted.

#### LEAVES OF ABSENCE

Senator FISHER asked and obtained leave of absence for Senator HOPPER, for today's Session, for personal reasons.

Senator BODACK asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

#### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, October 15, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 21, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

**RESOLVED**, That when the House of Representatives adjourns this week it reconvene on Monday, October 21, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator MELLOW. Mr. President, I request that the Democratic Members of the Senate report immediately to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### CALENDAR

#### THIRD CONSIDERATION CALENDAR BILL REREPORTED FROM COMMITTEE AS AMENDED, DEFEATED ON FINAL PASSAGE

**SB 953 (Pr. No. 1581)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring interest to be paid on certain late subsidy payments to school districts.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

#### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request a legislative leave for Senator O'Pake and temporary Capitol leave for Senator Fumo who is in his office.

The PRESIDENT. Senator Stapleton asks for legislative leave for Senator O'Pake and temporary Capitol leave for Senator Fumo. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Senator REIBMAN. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The lady will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—25

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger
Greenleaf			

#### NAYS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Porterfield	Stout
Bortner	Lewis	Reibman	Williams
Dawida	Lincoln	Scanlon	

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

#### RECONSIDERATION OF SB 953

#### BILL OVER IN ORDER ON FINAL PASSAGE

Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 953, Printer's No. 1581, just failed of final passage.

The motion was agreed to.

On the question,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, I request that Senate Bill No. 953 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will be placed on the Final Passage Calendar.

### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Scanlon, Senator Williams and Senator Jones.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Scanlon, Senator Williams and Senator Jones. The Chair hears no objection. Those leaves will be granted.

### RECESS

Senator LOEPER. Mr. President, before we begin considering Senate Bill No. 727, I understand there may be more amendments to be offered to that bill, and in light of that fact, I would now ask for a short recess of the Senate for the purpose of a Republican caucus to take place immediately in the Rules room at the rear of the Senate Chamber.

Senator LINCOLN. Mr. President, I would think that the Democrat caucus should meet in the Democrat caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in brief recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 727 (Pr. No. 1449)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?

#### STEWART AMENDMENT

Senator STEWART, by unanimous consent, offered the following amendment No. A2582:

Amend Sec. 1 (Sec. 1131-A), page 9, lines 24 and 25, by striking out all of said lines and inserting:

Section 1131-A. Strikes Prohibited.—Selective teacher strikes are prohibited.

On the question,  
Will the Senate agree to the amendment?

Senator STEWART. Mr. President, Senate Bill No. 727 before us has been promoted as a bill to eliminate teachers' strikes. Whether or not my colleagues agree with that or disagree with that is a matter of a great deal of debate, and whether or not Senate Bill No. 727, when it finally leaves here, this Chamber, does that or does not do that will be determined in the hours ahead. But there is one type of strike that is occurring out there in districts all over the Commonwealth and it is a teachers' strike termed as a selective strike. For the benefit of the Members who may not have experienced that in their districts, a selective strike, as it is termed, can mean teachers leaving the classrooms in the middle of the school day, leaving the children with no bus rides home, with no supervision. Or, in the case of Westmont Hilltop School District that is currently undergoing a selective strike in my district, the teachers notify the school board usually 9:00 or 10:00 o'clock at night that they are either going to be in the classroom the next day or not going to be in the classroom the next day. When this bargaining tool first surfaced it seemed on the surface to maybe be an idea to keep everybody at the table, keep everybody on their toes, keep the board on their toes, keep the teachers on their toes, keep everybody talking because no one would know what the other side was going to be doing. The effect of this, Mr. President, has been to keep the parents watching the 11:00 o'clock news, not knowing until the newscaster, the anchor, comes on at 11:00 o'clock, and it has become almost like the snow day report that we are all used to hearing on the radio in the morning in the winter, whether the kids will have school or not have school that day.

Mr. President, this amendment simply prohibits selective teacher strikes, and I would urge its adoption.

Senator STAPLETON. Mr. President, I just want to offer my support to the amendment of the gentleman from Cambria, Senator Stewart. I, too, believe that the time has come to do something about this issue. I believe we can no longer stand on the sideline and fail to take some action. These selective strikes occur against children and certainly their parents, and I believe there are many, many teachers in this Commonwealth who will admit that such strike tactics may be counterproductive. This is the time for us to take some action, and I would be hopeful that Senator Stewart would have support from both sides of the aisle.

And the question recurring,  
Will the Senate agree to the amendment?

#### GREENWOOD AMENDMENT A2567 TO STEWART AMENDMENT A2582

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A2567 to Stewart Amendment No. A2582:

Amend amendment page 1, lines 4 to 8 by striking out all of said lines and inserting:

Amend Sec. 1 (Sec. 1101-A), page 2, line 2, by striking out "professional"

Amend Sec. 1 (Sec. 1101-A), page 3, lines 5 and 6, by striking out all of said lines

Amend Sec. 1 (Sec. 1121-A), page 4, line 7, by inserting after "Mediation.—": (a)

Amend Sec. 1 (Sec. 1121-A), page 4, by inserting between lines 16 and 17: (b) The Pennsylvania Bureau of Mediation shall employ a complement of not less than fifty (50) mediators which shall be available to mediate according to the provisions of subsection (a).

Amend Sec. 1 (Sec. 1122-A), page 4, lines 17 through 29, by striking out all of said lines and inserting:

Section 1122-A. Fact-finding Panels.—(a) (1) Once mediation has commenced, it shall continue for so long as the parties have not reached an agreement. If, however, an agreement has not been reached within twenty (20) days after mediation has commenced or in no event later than one hundred thirty (130) days prior to the budget submission date, the Bureau of Mediation shall notify the board of the parties' failure to reach an agreement and of whether either party has requested the appointment of a fact-finding panel.

(2) Either party may request the board to appoint a fact-finding panel. Upon receiving such request, the board shall appoint a fact-finding panel which may consist of either one (1) or three (3) members. The panel so designated or selected shall hold hearings and take oral or written testimony and shall have subpoena power. If, during this time, the parties have not reached an independent agreement, the panel shall make findings of fact and recommendations. The panel shall not find or recommend that the parties accept or adopt an impasse procedure. The parties may mutually agree to fact finding at any time.

Amend Sec. 1 (Sec. 1122-A), page 5, line 18, by inserting after "boards.": The board shall, within sixty (60) days of the effective date of this act, increase the number of available panels of qualified persons to serve as members of fact-finding boards to meet the expanded role of fact finding as provided for in this act.

Amend Sec. 1, page 5, lines 24 through 30; page 6, lines 1 through 30; page 7, lines 1 through 7, by striking out all of said lines on said pages and inserting:

Section 1123-A. Negotiated Binding Arbitration.—(a) The parties to a collective bargaining agreement involving public school employees shall be required to bargain upon the issue of acceptance and adoption of one of the following approved impasse procedures, with the proviso that such an obligation does not compel either party to agree to a proposal or require making a concession:

(1) Arbitration under which the award is confined to a choice among one of the following single packages:

- (i) the last offer of the representative of the employer;
- (ii) the last offer of the representative of the employees; or
- (iii) the fact-finder's recommendations, should there be a fact-finder's report.

(2) Arbitration under which the award is confined to a choice among one of the following on an issue-by-issue basis:

- (i) the last offer of the representative of the employer;
- (ii) the last offer of the representative of the employees; or
- (iii) the fact-finder's recommendations, should there be a fact-finder's report.

(3) Arbitration under which the award is confined to a choice among one of the following on the basis of economic and noneconomic issues as separate units:

- (i) the last offer of the representative of the employer;
- (ii) the last offer of the representative of the employees; or

(iii) the fact-finder's recommendations, should there be a fact-finder's report.

(b) As used in this section, economic issues shall mean wages, salary, fringe benefits or any form of monetary compensation for services rendered.

Section 1124-A. Method of Selection of Arbitrators.—The board of arbitration shall be composed of three members. Arbitrators as referred to in this act shall be selected in the following manner:

(1) Each party shall select one member of the panel within five (5) days of the parties' agreement to submit to binding arbitration.

(2) The third arbitrator shall be selected from a list of seven (7) arbitrators furnished by the American Arbitration Association within five (5) days of the publication of the list. Each of the seven (7) arbitrators shall be a resident of this Commonwealth and knowledgeable in the areas necessary to effectively make a determination. Each party shall alternatively strike one name until one shall remain. The employer shall strike the first name. The person so remaining shall be the third member and chairman.

Section 1125-A. Determination by Arbitrators.—(a) If the parties have agreed to submit the dispute to binding arbitration, the procedures set forth in this section apply. When fact finding has not occurred, this submission to arbitration shall be made by April 15, consistent with the arbitration option selected.

(b) If within ten (10) days after publication of the findings of fact and recommendations as provided in section 1122-A(c) but not later than May 1, the parties have neither accepted the recommendations of the fact-finding panel nor reached an independent agreement on the issues in dispute, either the employer or the employees may request binding arbitration:

(1) If the employer requests binding arbitration:

(i) the employer shall notify the Bureau of Mediation, the board and the employees in writing; and

(ii) the parties shall submit to binding arbitration.

(2) If the employees request binding arbitration, the employees shall notify the Bureau of Mediation, the board and the employer in writing. The employer shall, within ten (10) days of notification by the employees, notify the employees in writing of its agreement or refusal to submit to binding arbitration. Employees may not strike during this ten (10) day period or until notified of the employer's refusal to submit to binding arbitration within the ten (10) day period. Employees may strike if the employer refuses to submit to binding arbitration. If the employer refuses to submit to binding arbitration, arbitration shall only occur if both parties agree to submit to binding arbitration.

(c) If the parties are unable to agree on the adoption of one of the approved impasse procedures under section 1123-A, the mediator appointed pursuant to section 1121-A shall select the procedure.

(d) Within ten (10) days of the agreement to submit to binding arbitration, the parties shall submit to the arbitrators their last best contract offer with certification that the offer was delivered to the opposing party, together with documentation supporting the reasonableness of their offer. This documentation shall include, but not be limited to, the following:

- (1) The public interest.
- (2) The interest and welfare of the employee organization.
- (3) The financial capability of the school entity.
- (4) The results of negotiations between the parties prior to submission of last best contract offers.

(5) Changes in the cost-of-living.

(6) The existing terms and conditions of employment of the employee organization members and those of similar groups.

(7) Such other documentation as the arbitration panel shall deem relevant.

(e) Arbitration shall be limited to unresolved issues. Unresolved issues shall mean those issues not agreed to in writing prior to the start of arbitration.

(f) The parties may mutually agree to submit to binding arbitration at any time.

Amend Sec. 1 (Sec. 1125-A), page 7, line 8, by striking out “(2)” and inserting: (g)

Amend Sec. 1 (Sec. 1125-A), page 7, line 9, by striking out “clause (1)” and inserting: subsection (b)

Amend Sec. 1 (Sec. 1125-A), page 7, line 14, by striking out “(3)” and inserting: (h)

Amend Sec. 1 (Sec. 1125-A), page 7, lines 14 and 15, by striking out “fourteen (14)” and inserting: ten (10)

Amend Sec. 1 (Sec. 1125-A), page 7, lines 18 through 20, by striking out all of said lines and inserting: (i) Within ten (10) days of the establishment of the arbitration panel, the

Amend Sec. 1 (Sec. 1125-A), page 8, lines 12 through 23, by striking out all of said lines and inserting:

(j) Not later than twenty (20) days after the hearing pursuant to subsection (i), the arbitrators shall:

(1) examine each item of dispute;

(2) make a determination in writing consistent with the arbitration option agreed to by the parties; and

(3) forward a copy of his written determination to both parties involved in the dispute and to the board.

Amend Sec. 1 (Sec. 1125-A), page 8, line 24, by striking out “(e)” and inserting: (k)

Amend Sec. 1 (Sec. 1125-A), page 9, line 1, by striking out “(f)” and inserting: (l)

Amend Sec. 1 (Sec. 1125-A), page 9, by inserting between lines 6 and 7: (m) The determination of the majority of the board shall be final and binding upon the employer and employees involved. No appeal therefrom shall be allowed to any court.

Amend Sec. 1, page 9, lines 7 through 19, by striking out all of said lines

Amend Sec. 1 (Sec. 1127-A), page 9, line 20, by striking out “1127-A” and inserting: 1126-A

Amend Sec. 1, page 9, lines 23 through 28, by striking out all of said lines and inserting

#### (d) Strikes and Lockouts.

Section 1131-A. Strikes Prohibited in Certain Circumstances.—Strikes by employees are prohibited unless employees have offered in writing to submit to at least one of the impasse procedures described in section 1123-A and the employer has failed to accept such offer in writing within ten (10) days of receipt of such offer, or unless the employer has failed to implement the award of the arbitration panel. A strike must cease where the parties request fact-finding for the duration of the fact-finding. A strike must end where the parties agree to arbitration.

Section 1132-A. Lockouts Prohibited in Certain Circumstances.—Lockouts by employers are prohibited if the employees have offered in writing to submit to at least one of the impasse procedures described in section 1123-A. A lockout must cease where the parties request fact-finding for the duration of the fact-finding. A lockout must end where the parties agree to arbitration.

#### (e) Binding Arbitration.

Section 1141-A. Power of Courts to Order Binding Arbitration.—If the court enjoins the strike of public school professional employees, in accordance with the procedures now provided for by law, the court shall have the authority to order the parties to submit to binding arbitration under one of the options provided under section 1123-A. The court shall not be empowered to assume the role of arbitrator.

Amend Bill, page 10, by inserting between lines 17 and 18:

Section 2. The provisions of this act are not severable. If any provision of this act or its application to any person or circumstance is held invalid, this entire act shall be deemed to be invalid and of no effect.

Amend Sec. 2, page 10, line 18, by striking out “2” and inserting: 3

Amend Sec. 3, page 10, line 21, by striking out “3” and inserting: 4

On the question,

Will the Senate agree to the amendment to the amendment?

Senator GREENWOOD. Mr. President, so the Members understand where we are procedurally, the amendment that I have offered represents a comprehensive binding arbitration amendment which I will describe briefly. It would delete the Stewart language in its entirety. I would like to offer some comments as to why I am offering this amendment at this time.

Mr. President, 21 years ago the Pennsylvania Legislature passed and Governor Shapp signed into law Act 195. This new law was intended to bring order to an ad hoc, unstructured and chaotic process of bargaining by teachers. Unfortunately, Act 195 has also visited upon the citizens of Pennsylvania more strikes than have occurred in any other state in the union. Sixty-eight percent of the Commonwealth's 501 school districts have endured at least one strike. Some districts have been torn apart by as many as six. Pennsylvania students, parents, teachers and taxpayers have suffered over 800 strikes, and throughout the past 21 years the Pennsylvania Legislature has failed to offer its citizens a better way to resolve school contract disputes. Clearly, we need a more effective and orderly way to resolve legitimate differences, one that does not sacrifice our children's fundamental right to an uninterrupted, quality education, victimize the taxpayer or deprive our valued educators of the means to bargain for fair and reasonable wages. This amendment, which I offer on behalf of myself, the lady from Northampton, Senator Reibman, the gentleman from Schuylkill, Senator Rhoades, and the gentleman from Chester, Senator Baker, will provide every school district in Pennsylvania with an opportunity to resolve disputes by employing a fair and an objective process of negotiation, mediation, fact-finding and last best offer binding arbitration. Teachers will be prohibited from striking unless they request binding arbitration and the school board refuses. School boards may place all unresolved issues in the hands of an arbitration panel at any time after May 1st, prior to the expiration of a contract. Additionally, under this amendment either party may invoke fact-finding during the early stages of negotiations.

Mr. President, for two decades agreement on reforming Act 195 so that it better serves Pennsylvania's families has been unobtainable. The people of Pennsylvania have demanded a change, and tonight we face an historic opportunity. We have hammered out an agreement between the school boards and the teachers, and I must take this opportunity to commend PSBA and PSEA for their willingness to compromise. Let us now seize this opportunity to provide a means other than a strike to ensure an orderly and timely system of public education, to serve our taxpayers, our teachers, our parents and, most importantly, the 1,700,000 students of Pennsylvania. I urge an affirmative vote.



Senator REIBMAN. Mr. President, first of all, I want to correct the record. The gentleman from Bucks, Senator Greenwood, mentioned that Act 195 was signed into law by Governor Shapp. That is not true. Act 195 was enacted in 1970 and signed by Governor Shafer. The reason for the enactment of Act 195 was the fact that Pennsylvania, like many other states, prohibited public employees from striking. Strikes occurred all over Pennsylvania as well as in other states which have a law prohibiting strikes. Governor Shafer convened the Hickman Commission which was a bipartisan representative blue-ribbon commission to study the problem of how to deal with collective bargaining for public employees. After a year of extensive public hearings they came up with a process and a procedure which resulted in meet-and-discuss mediation, fact-finding and the very limited right to strike. This was then incorporated into the legislation—Act 195. Pennsylvania, as you heard, has 501 school districts. There are many school districts that have concluded contracts without strikes. Some have been able to write contracts for multi-year, and that is very important to note. However, there have been some strikes which have been so brutal in many respects that they have torn the communities apart. During the Shapp Administration he appointed the Jones Commission, which was headed by Chief Justice of the Supreme Court Ben Jones, to head a commission to restudy the reasons for Act 195. I introduced legislation which called for the binding arbitration, not mandated, which was recommended by the Jones Commission. That legislation never saw the light of day in our committees, and I would say that was maybe seven or ten years ago, whatever it was. Since then, another committee of the Legislature was established to study the effects of Act 195 and what could be done. The gentleman from Allegheny, Senator Fisher, was a member of that committee as I was. None of the legislation came out of committee. I think the agreement that was reached between Senator Greenwood and myself incorporating some of the Jones Commission, which I had in my legislation, is good. I think it will very much limit strikes. States which have adopted this procedure of binding arbitration, or last best offer arbitration is what it really amounts to, have been very successful in reducing the number of strikes in those states. I think that there are three parties to this whole issue of school strikes. One, of course, is the teachers, the other is the school boards representing the citizens and the taxpayers, but this is an altogether different mix because now you have a third element and that is the education of the children. And it seems we must arrive at a solution that is fair to all the parties and still permit a constitutional right to strike under certain circumstances and Senator Greenwood has outlined that. Either side can call for final best offer binding arbitration. If the school board calls for arbitration and teachers refuse, strikes will be prohibited. If teachers call for binding arbitration and the school board refuses, the teachers right to strike is preserved. If the parties cannot agree on an arbitration option which is included in this amendment, the mediator then shall select the option for binding arbitration. There is provision in the amendment fol-

lowing pretty much the procedure of Act 195, so that a judge upon request for an injunction may require the parties, both the employers and the employee group, to binding arbitration, adopting one of the options outlined in the bill. This is a good amendment. I think it will go a long way to resolve a lot of bitterness inherent in many of the collective bargaining agreements and negotiations. I believe that still there are rights that are preserved under certain limited circumstances. Act 195 does not give the right to an unlimited right to strike. It is a limited right to strike. And that is what we are trying to do here, to limit and to narrow and provide for the options so that there can be a place in collective bargaining for the education of the children, as well as recognizing all of the interests involved in collective bargaining.

Senator SHAFFER. Mr. President, I rise to support the Senator Greenwood Amendment and it is indeed with mixed emotions that I do so, since the Stewart Amendment in summary fashion outlines my view that I have held for a number of years and that view is that the selective strike is a new tool, fairly new, that is to say in the last five or eight years in Pennsylvania, and is indeed in my judgment the most violently anti-education and truly mean-spirited tool in the arsenal today of striking.

Mr. President, I am the prime sponsor of Senate Bill No. 738, which is a little more elaborative than the bill of the gentleman from Cambria, Senator Stewart, and he is not a sponsor. I hope if things do not come to pass as we all hope, I hope next year I will have you on as a cosponsor of Senate Bill No. 738 or its successor.

Mr. President, the so-called hit and run or selective strikes accounted for 22 percent of the total strikes in Pennsylvania since 1988. Indeed, Mr. President, in the last school year 1990-91, there were a total of 16 professional work stoppages by teachers in Pennsylvania, and of those five, or 31 percent, were of the so-called selective or hit and run variety.

I would like to read, Mr. President, if I might, from the testimony of a member of the Neshannock School Board in Lawrence County. This testimony was given on April 11, 1991 at a hearing which was held by the Senate Committee on Education which dealt with a number of factors, including the right to strike. This testimony which I am going to read from in part is by a school board member, Mr. Bruce Waldman. The district we are talking about is the Neshannock School District in Lawrence County, a district that had a selective strike within the last year. I can assure you, Mr. President, that no Member of this Chamber who is from a district, who represents a district that has had a selective strike, I believe it to be true they will not stand here and defend the right of the selective strike.

Mr. Waldman, in his testimony back on April 11, said as follows: "Although teachers have had the right to strike under Act 195 since its inception, the selective strike has been a new weapon in the arsenal of disruptive action by the P.S.E.A. The right to strike, in general, gives the union member, or employee, the legal right and the economic ability to disrupt the activity of the workplace. In most circum-

stances, striking is meant to shut down that activity, whether it be in the private or public domain. The use of a selective strike can be even more damaging than a general strike.

"Before I discuss the damages accomplished by selective striking, it is important to recognize there are several ways of selective striking."

I think it is important here, not so much for the Members because most of us are pretty well informed as to selective strikes, but there are a number of people out there who may become privy to this discussion here this evening, Mr. President, who have not been through a selective strike and do not understand just how anti-education, just how totally disruptive this course of action can be. One form of selective strikes is selective days.

"Under this method, teachers will pick particular days and not come to school at all. In most circumstances, a school district could not find sufficient substitutes to provide education on the days that teachers call off."

The P.S.E.A. makes it particularly difficult in our situation because it would announce, at least early on, at 11:00 o'clock p.m. the night before to make sure the substitutes could not be found. Selective days is the first kind of strike.

Selective times is another method. Teachers may work part of the day and take off the rest of that day. That is legal under Pennsylvania law, Mr. President.

"Although this was not done in the Neshannock strike, it has been done in other strikes in Pennsylvania. Obviously substitutes can't be found to fill all slots when this occurs. The busing program is totally disrupted and a good and safe method of getting the children home cannot be effectuated. Moreover, if this method is done"—that is to say choosing a selective time to strike—"many children go home to vacant houses because the parents work or have not had the time to make sufficient preparation for someone to meet the child."

Selected activities strike. "At Neshannock, the athletic program continued during the selective strike, but the band leader refused to practice with band members, and would not perform during games or at other times. In addition, the open house scheduled for the secondary school was not attended by the teachers"—Mr. President, at Neshannock School District at a scheduled open house for the parents, the teachers did not attend—"which caused great concern to many parents in the community."

The fourth method, at least according to Mr. Waldman, is in-class slowdowns. "This type activity is extremely difficult to measure but during the bitter times in selective striking there is certainly sufficient evidence to indicate that teachers move ahead at a much slower pace in their lesson plans. In many instances, emotions by teachers at Neshannock were worn on their sleeves and children in the school were subjected to strike-talk by teachers rather than doing needed education."

The damage accomplished according to the school board member, one, "Lack of Quality Education - Several teachers at Neshannock, upset with selective striking, informed me that"—and I think this is important, Mr. President—"conti-

nunity is a critical element in a child's learning scope. When children do not know whether or not they will be taught the next succeeding day, or the next succeeding class, they don't know whether to prepare their work or when it will be accepted. This issue is far greater than giving a child a day's grace from doing his or her homework. The loss is very difficult to quantitatively measure, but no doubt it is there."

Damage number two. "Anxiety in Students - Selective striking particularly takes a toll on elementary students who have very regimented patterns that should not be interrupted. When the P.S.E.A. informed Neshannock superintendent as late as 11:00 p.m., my own ten year old son"—this is Mr. Waldman speaking—"would stay up long past his bed hour and actually worry whether or not there was school. I told him it was out of our hands but the worry and the concern remained. Secondary students likewise suffered from anxiety but rebelled by having their own strike in retaliation for the selective striking of Neshannock teachers. Two wrongs don't make a right and our students were told that their striking was illegal. That was hard for them to digest and obviously not well accepted."

The third damage inflicted, Mr. President, "Destruction of Role Model - Because of the anxiety and concern suffered by the students, many of them have reevaluated the role model that the stellar teacher once served in their life. In their formative years, parents and teachers were both held on pedestals and now I can see in my own family and from my friends, that the selective strike has made the teacher less respected than before. It becomes harder to discipline students and to motivate and encourage them when they have less respect."

Finally, Mr. President, the fourth damage is "Confuse Daily Adult Schedules - By selective striking, adults who have children in the community and must make arrangements for transportation, housing or other elements of a family circumstance are completely disrupted by selective strike. Leaving notification"—as they frequently did—"to the last minute, it was obvious that one of the intentions of the P.S.E.A. was to create hardships within working families."

Mr. President, I think you will find very little disagreement among this Chamber that selective strikes is really a gorilla or a jungle warfare tactic used against our children, and which, Mr. President, incidentally, is also opposed by such various groups as the American Federation of Teachers and even the Casey Administration, through Secretary Don Carroll, has condemned the selective strike. So I am very interested to see that this is eliminated but hopefully, the larger good, the greater good will be accomplished, in my judgment, if and when the legislation sponsored by the gentleman from Bucks, Senator Greenwood, and the lady from Northampton, Senator Reibman, supporting in such a great fashion, is adopted. I am willing to put aside what is my own strong personal feeling, at least for the moment, and ask that the Greenwood amendment be adopted and, therefore, at least temporarily, the Stewart amendment be vitiated. The reason I am doing that, Mr. President, is because I believe Senator Green-



wood, with Senator Reibman's assistance, has reached what might possibly be actually an historic compromise, where for the first time in over 20 years this Chamber and indeed this General Assembly and indeed this Governor have a chance to really do something to increase the educational quality and to lower and to lessen the activity of work stoppages in our public schools. I commend the gentleman and the lady as I have indicated, and PSBA and PSEA which do not agree on much have agreed at least in principle. If any other amendment such as the Stewart amendment is adopted, I believe that the entire agreement will fall apart and we will end up in exactly the same spot where we started this day, which was a situation where strikes are endemic to our system. So it is with those comments, Mr. President, that I ask for adoption of the Greenwood amendment.

Senator FISHER. Mr. President, since my election to the General Assembly some 17 years ago, problems with Act 195 have been a paramount issue to the people in my district and they have been an issue that I have worked on over that period of time and during these many years. As the lady from Northampton, Senator Reibman, indicated, I had the opportunity in 1984 with her to chair a Senate task force on Act 195 which was formed as a result of this Chamber's concern about the number of strikes that had been occurring in the Commonwealth, and that task force made certain recommendations at that time. Since then, the incidents of school strikes have continued to increase. There have been new tactics, tactics like selective strikes which I believe are clearly intolerable in this Commonwealth. That type of a gorilla tactic is one which is very detrimental to the quality of education which we all support for our children and for the rest of the children in the Commonwealth. We have really never come to a consensus as to what to do to solve the problems brought about by Act 195. The people out there are still angry. They were angry in my Senatorial district for a number of years. Fortunately, we have not had any lengthy strikes in my Senatorial district in the last few years, but I know that anger has changed and has moved to other districts such as in Butler County, in eastern Pennsylvania and central Pennsylvania. The anger has built up all across the Commonwealth. I commend the gentleman from Bucks, Senator Greenwood, and the lady from Northampton, Senator Reibman, working with two of the organizations that have been obviously key players in Act 195, with coming up with what appears to be a consensus piece of legislation which is incorporated in the Greenwood amendment before us here tonight.

I am not sure when I look at the problems as I have seen them and I look at what is in this amendment that last best offer binding arbitration is really the answer to solve the problem of school strikes as we have seen them. It is a solution which many members of school boards, at least in western Pennsylvania, have been very skeptical of, at least when it has been advanced as an option that was compulsory. But I think the proposal that is before us, at least in not mandating last best offer binding arbitration but making it an alternative for either side, is an option that deserves to be con-

sidered. I do not, however, know whether or not the school boards in my district or yours may, in fact, ever adopt that approach to try to solve an impasse. Only time will tell. But I do recognize that in addition to those options there are other changes contained within this bill, changes in the timetable, strengthening of mediation and making fact-finding available to either party at an appropriate time. Those are all changes which we recommended in 1984 and have been the subject of legislation that has been pending in this Senate. There are other provisions, however, dealing with economic loss, dealing with putting some penalties in if, in fact, a strike occurs and, in fact, strikes are going to continue to occur. Let us not think this legislation is going to eliminate all strikes. If it eliminates most of them, however, we will have accomplished a major event. We will have passed significant legislation here in the Senate. But it is my concern that there is no language that would put some economic loss in the law.

#### PARLIAMENTARY INQUIRY

Senator FISHER. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, will state it.

Senator FISHER. Mr. President, can I be recognized at this time for the purpose of offering an amendment to the amendment of the gentleman from Bucks, Senator Greenwood, which amends the amendment of the gentleman from Cambria, Senator Stewart?

The PRESIDENT. The Chair would advise the gentleman that even though I would like to accommodate him, that an amendment to an amendment may not be amended according to Mason's. Therefore, his amendment would be out of order.

Senator FISHER. Mr. President, I have had the opportunity to look at the Mason's Manual and have read section 409 in the Mason's Manual which refers to that, and it refers to it being out of order only because in most instances it would be too complicated. I do not believe that under the circumstances here that the issue would, in fact, be too complicated. I think the issue would be understood by the Members of this Chamber. As a consequence, it would, in fact, be possible for me to move, I believe, to suspend the rules, those parts of the rules which incorporate those sections of the Mason's Manual and, therefore, have the opportunity to offer what would be a tertiary amendment. Would I be correct in that, Mr. President?

The PRESIDENT. If the gentleman wishes to move to suspend the rules and that motion succeeds, then the amendment to the amendment may be amended. Is it the intention of the gentleman to move to suspend the rules to allow that to transpire?

Senator FISHER. Mr. President, it is my intention to do that. However, I raise the issue of the amendment which I would seek to offer which, in fact, would put some economic loss into the law by limiting the number of days which could be rescheduled in the event of a strike. But I have had the opportunity to discuss this amendment which I would very much like to offer, whether it would be by suspension of the

rules or otherwise, with the sponsor of the amendment, Senator Greenwood. Senator Greenwood has informed me that the amendment before us is an amendment which was a negotiated amendment. It is an amendment which is one that he feels if it is further amended, including the language on economic loss, may result in those negotiations being bogged down. As a consequence, Mr. President, I am not going to offer the amendment which would insert the change to allow the school boards to not have to reschedule all the days and accordingly provide some economic loss for both sides. But I do say that I hope if, in fact, we adopt the Greenwood amendment, which I would recommend based on learning that it has the support of the Pennsylvania School Boards Association and others, that we be aware that if, in fact, these changes do not work that we may need to address those changes later. Mr. President, I appreciate the opportunity the Chair gave me to discuss the subject of that amendment and, accordingly, will not move to suspend the rules at this time, but would urge support for the Greenwood amendment.

Senator BAKER. Mr. President, I rise in support of the Greenwood amendment to the amendment of Senate Bill No. 727, cosponsored by myself and other Senators which would reform the provisions of Act 195 as they pertain to schools. It is important to preserve the compromise that has been worked out as it has been incorporated in this amendment to the amendment. Even alternative amendments which might be attractive must not be allowed to jeopardize this fragile agreement, and I support and commend the comments of the gentleman from Butler, Senator Shaffer, and the gentleman from Allegheny, Senator Fisher, along this line. It has been a matter of deep public concern for many years that the chaos brought to the education system by the current provisions of Act 195 need to be changed and improved. In my district I have, unfortunately, had numerous bitter, divisive and harmful strikes in which literally no one could be said to emerge a winner and in which the loss of public confidence and the disillusionment of school students means that there were many losers. The gentleman from Bucks, Senator Greenwood, is well known for his concern for the youth of our Commonwealth. He has authored and supported numerous pieces of innovative legislation on this topic, and he continues this concern by basing his reform efforts on the needs and concerns about our school children. In addition, this legislation addresses the legitimate concerns of teachers, administrators, school board members and parents. Along with his colleagues, they have wended their way artfully among the many interests that have been brought to bear on this question and have crafted a compromise which has a strong continuing focus on the desired end result, protecting our Commonwealth's children from school strikes. It is unfortunate that Pennsylvania, which we would like to see be a leader in educational statistics, is a leader in this category, mainly not very desirable, of school strikes. Nonetheless, we must ensure that this reform bill is seen as neither anti-teacher nor anti-school board.

On examining this bill, along with Senator Greenwood and those with whom he has worked, including the gentleman from Schuylkill, Senator Rhoades, the Chairman of the Committee on Education, the lady from Northampton, Senator Reibman, and the staff members of the Senate, we have been able to achieve a balance. All too often it falls to us in the General Assembly to make difficult choices between competing interests. In many cases it is far more desirable, as in this case, for us to create a fair system of conflict resolution by local or private sector interests than to try to impose our own judgment or to arbitrarily tilt the process between contending interests. In my opinion, through a long period of gestation and a recent period of negotiation, this has been achieved. A notable provision is that for last best offer arbitration, Mr. President. In utilizing this concept we are creating a process in which those who are willing to be most reasonable and temperate in their decision making will be the ones who prevail. We will make it possible to utilize the system that has proven successful in other public sector bargaining situations since it pulls the parties toward compromise and toward moderation rather than the current system of arbitration used in other Pennsylvania public sector labor matters which tends to promote and reward the taking of extreme bargaining positions. There are those on all sides of this process who maintain that they neither need nor desire so-called third-party intervention. If we were dealing with industrial plants, perhaps that would be the case. This is not the forum in which to argue that question, but the point is we are not dealing with industrial plants that manufacture inanimate objects. We are dealing with a process whose product is students, real people whose lives are affected by our decision. The fact that representatives of the organizations that participated in the drafting of this bill have not obtained their ideal preferences but have been able to accept its provisions is an indication of responsible, constructive recognition of the public interest in this public decision making. Whatever our concern about outside intervention in the bargaining process on this question, there is a stronger interest, the public interest.

It is no secret that feelings run deep, Mr. President, on matters involving the education of our youth and on the expenditure of public monies toward that end. But I do want to express my gratitude to Senator Greenwood and those with whom he has worked for making it possible through research, drafting and negotiation to provide a vehicle for true, long overdue Act 195 reform. I am proud to be a cosponsor of this amendment, and if it is successful I look forward to the opportunity to review the empirical results over the next period of years to see whether the hopes of those of us who support this bill will be realized. I believe they will.

Senator RHOADES. Mr. President, for 20 to 21 years we have tried to remedy or adjust the problems that Act 195 has created for us, basically I think with just two points in mind, number one, have our children in school, and, number two, have our teachers in the classroom. I do not like strikes. I do not like selective strikes, but I also do not like inequity or unfair treatment. I have stood on both sides of this issue

because when Act 195 was passed I was on the first negotiating committee we had. I also was a principal in a middle school when I had three to four hundred kids sitting in an auditorium because the teachers were outside. The conflict that we have had developing over a period of time has continued to grow. It has grown to the point and to such proportions that I think the people have sent us a very loud, clear message—we are dissatisfied. We want you to do something. We want you to make the changes. I think this amendment speaks to having our kids in school and our teachers in the classroom. It speaks to a compromise where both parties who have been in conflict hopefully will be able to resolve in a more cooperative sense and in a more direct and timely fashion that conflict, still with the sense that there are negotiations which will be fair and equitable. Remember, no matter what we do here today there will be negotiations. No matter what we do here today there may still be strikes. But this amendment speaks to aiding this negotiations process and minimizing the amount of strikes that we have. There are many who are saying, well, you should do this, you should do that, we have tried to do that for 20 to 21 years. Finally the should of, could of and would of is right here before us. Today we have the opportunity to make the change, to make the move to minimize that conflict, so we get on with the job and the role, that of the responsibility of educating our children. It is a very tenuous situation. It is a very fine line. Please let us not jeopardize our opportunity to remedy this. Let us get our kids in the classroom, let us get our teachers there and let us pass this amendment.

Senator LINCOLN. Mr. President, lest we get too carried away into the glorious heights that we seem to have been going to on this issue this evening, this is not a conference report. This is not a final passage vote on this bill going to the Governor for signature. It is an amendment to a Senate bill that must go to the House and go through the committee system, go through their compromise amendment type process as we have had here. So this is not the end of the world. This is not going to cure everything tomorrow, and I think anyone who leaves here tonight and tomorrow, when we finally pass this bill, is being very unfair to their constituency if they represent that type of an approach. I also believe that it is very important that we recognize that a compromise generally is only possible when there is more than one person involved and that the lady from Northampton, Senator Reibman, has introduced in previous Sessions practically everything in this compromise. She has been a leader in this field, as she has been a leader in the field of education, over all the years that she has been a Member of the House and Senate here in Pennsylvania. I think it is important to recognize that, that the gentleman from Bucks, Senator Greenwood has, yes, done a good job, but I can tell you that Senator Reibman has been there for a lot longer time than any of us, fighting for better education for the children that go to our schools in Pennsylvania. And I have had a history of standing at this microphone or that microphone, or wherever, opposing what is being done here this evening simply because,

according to my dear friend, the gentleman from Schuylkill, Jim Rhoades, Senator Rhoades, we are not dealing with Act 195. That is the important difference in what we are doing here this evening and what Senator Reibman introduced in legislative efforts in previous Sessions. I do not believe that the final passage of this bill, in the form it is in, amending the School Code is going to alter in any way whatsoever the situation as far as strikes are concerned in Pennsylvania. Act 195 is what originated both for public employees and for school employees the right to negotiate and the right to strike. I think in the very first court test of this if it becomes an act, that the courts are going to say it is not applicable because it is not amended to the right act. Now that is an argument that I have used over and over and over and, as my good friend Senator Rhoades related to us, in 21 years since the passage of the bill that became Act 195, we had the Jones Commission study that act and make recommendations and Senator Reibman made a great deal of her efforts legislatively in previous Sessions based on that particular report. The very stark reality of what is taking place here this evening is that it has been 21 years since we passed the bill that became Act 195.

I have been here 19 years. In all 19 years of my experience in the House and the Senate, there has never been a bill reported from any committee in the House or the Senate that dealt with Act 195. Now I ask a very real question. Why? Why have we not chosen to take that route here this evening, to have a piece of legislation that would amend the proper act—Act 195? Now in spite of my statements, in spite of my continuing and ongoing questions about why we do not deal with Act 195, I am heeding to what the majority of my caucus agrees with, and that is that this compromise could possibly be the start of finding some way of solving what many believe is the most serious problem in education in this state. I am not going to debate this to any great extent any further. I just think it is very important that the record reflect that we are amending the School Code. We are amending a situation that was brought about by Act 195 and the provisions that deal with the right to strike and the right to negotiate. If I am wrong and this solves the problem, that would not be the first time I have been wrong in my life. It would be one time that I probably would be very happy that I would have to stand here and say I was wrong. Unfortunately, I am not sure that might be the case.

Senator BRIGHTBILL. Mr. President, I will be brief. I would just like to relate to the Members in terms of commitment the conversation I had with the president of a local the day before that local went on strike. What she told me was, very simply, that philosophically she did not believe that teachers should go on strike, but that the General Assembly gave that tool to teachers and that, therefore, they felt compelled to use it. Mr. President, like many other Members I am here to give these people a different tool, because what we have learned is that Act 195 has produced strikes but not higher teacher salaries.

Senator GREENWOOD. Mr. President, very briefly, in response to the comments of the gentleman from Fayette,

Senator Lincoln, first off, the Senator indicates that Senate Bill No. 727 does not amend Act 195. As a matter of fact, it does. It is an amendment to the School Code, but on page 10, lines 18-20, this bill provides that Act 195, "known as the Public Employe Relations Act, is repealed insofar as it is inconsistent with this act." We very consciously drafted an amendment to the School Code that lifts those sections from Act 195 that apply to public teachers, put it in the School Code so that all of the other employees covered by Act 195 did not need to fear that their collective bargaining rights would be fair game as this bill moves through the process. It is, I think, a way to prevent the objections of those parties to moving any bill at all. The gentleman well knows that the problem has been—even if we could come to agreements in the past about incremental changes in Act 195—the complaint, the concerns of public employees have been, if you bring that thing out on the floor of the House and the Senate, there is no guarantee that everything will not fall apart. This is our way of sectioning off the part that we want to deal with, bringing it through the process and leaving the rest intact.

Senator STEWART. Mr. President, as the sponsor, the gentleman from Bucks, Senator Greenwood, of the amendment to my amendment, indicated in his opening remarks, the effect of passage of his amendment negates the language of my amendment which prohibits selective strikes. I understand the mechanics of that, but I would hope that Senator Greenwood would have taken to heart the comments he has heard here this evening from myself, the gentleman from Allegheny, Senator Fisher, and the gentleman from Butler, Senator Shaffer, and many others in my caucus and I believe his caucus on this unique issue of selective strikes. I checked Senator Shaffer's bill that accomplishes the same thing as my amendment, and Senator Greenwood and myself are not cosponsors. I would hope that my non-cosponsorship of that would not reflect my opposition, and I would hope Senator Greenwood's non-cosponsorship of that bill would not reflect his opposition to prohibiting what is clearly a detriment to all concerned and actually helps no one in the process.

I do not oppose Senator Greenwood's amendment to my amendment, and I would not ask my colleagues on behalf of saving my amendment to oppose it. This issue has been debated long and hard, not so much in this Chamber but in the media and back home in our districts, and I think it is time that we start the process to bring it to a resolution.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

A voice vote having been taken, the question was determined in the affirmative, and the amendment was agreed to.

On the question,

Will the Senate agree to the amendment, as amended?

A voice vote having been taken, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

## BORTNER AMENDMENT I

Senator BORTNER, by unanimous consent, offered the following amendment No. A2563:

Amend Sec. 1 (Sec. 1131-A), page 9, lines 24 and 25, by striking out all of said lines and inserting:

Section 1131-A. Notice.—School employe organizations must provide at least forty-eight (48) hours' notice to the school entity prior to the commencement of any strike, and no strike may occur sooner than forty-eight (48) hours following the last notification of intent to strike. Violation of this section is an unfair practice, and the Secretary of Education may petition any court of competent jurisdiction for appropriate relief or restraining order.

On the question,

Will the Senate agree to the amendment?

Senator BORTNER. Mr. President, I will be very brief. I do not want to extend this process any longer. I offer a very simple amendment. This amendment would require 48 hours notice to any school entity prior to the commencement of a strike. Under the amended legislation that was just agreed to, there could still be strikes in the public schools. I believe that parents should know when they send their children off to school in the morning that there is going to be school that day. This does not in any way affect the rights that are reserved for teachers or other labor organizations organized through the school districts to exercise their rights to a strike. It is a common sense amendment. I believe it is one that parents will overwhelmingly support, schools would support and the majority of teachers will support.

## LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Lewis and Senator Musto.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Lewis and Senator Musto. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator GREENWOOD. Mr. President, I rise to ask for a "no" vote on the Bortner amendment, not because it is necessarily a bad idea. In fact, it is a fine idea. It ought to be the law. The problem is that, as has been stated by a number of speakers tonight, what we have before us in Senate Bill No. 727, with the Greenwood, Reibman, etc, amendment, represents a very fragile, delicate balance agreed to by the State School Boards Association and the largest teachers union in this state. Any amendments whatsoever, move a comma, move a colon, change a parenthesis and we have violated our agreement to pass this bill with this amendment and with this language only. The impact of adopting any other amendments to this bill is to scuttle the plan, to scuttle the agreement and to really take away this one historic window of opportunity that we have, and for that reason I would ask for a negative vote and I would ask, Mr. President, for a voice vote.

Senator STEWART. Mr. President, a few minutes ago at ten minutes before 8:00, I acceded to the loss of my language

which is prohibiting selective strikes. The next best thing is at least, if they are going to go on strike, selectively or nonselectively, give the parents and the students some notice. This seems to me to be a pretty simple amendment. I cannot imagine how any balance could be that delicate that this would upset it. The previous speaker indicated that this is a subject of our negotiations. I was not involved in any of these negotiations, and I know a lot of my colleagues here were not. This is an attempt to provide some input based on what we are seeing and hearing in our districts from our constituents. I would urge a roll call vote for 48-hour notice before teachers go on strike.

Senator SHAFFER. Mr. President, I rise again in opposition to the proposed amendment of the gentleman from York, Senator Bortner. I am, as I indicated earlier, the prime sponsor of Senate Bill No. 738 which includes as one of its provisions the precise language which the Senator is proposing here this evening. However, for the same reason that I gave earlier in supporting the Greenwood amendment to the Senator Stewart proposal, I would ask that for the cause of the greater good and because I believe we have an historic chance here with last best offer binding arbitration to actually make a difference in the way business is done in education in Pennsylvania, that once again I am asking that we forego what might be instantaneous gratification, which I want as much as or more than the gentleman from York, for the hoped for possibility that with the passage of the legislation as amended by the gentleman from Bucks, Senator Greenwood, and the lady from Northampton, that we vote "no" on this amendment, Mr. President, with the caveat, please understand that the language in Senate Bill No. 738 has not been lost forever, and if, indeed, the language of last best offer binding arbitration is not adopted by the General Assembly and is not signed into law by the Governor within a reasonable length of time or if it is changed in the House of Representatives or if the delicately balanced agreement between so many parties falls by the wayside in the next several months, please understand and everyone realize that I and other supporters of eliminating the blight of selective strikes, we will be back. We have not retreated in the slightest from our efforts. We have only agreed to a cease fire.

Senator BELL. Mr. President, I have listened with great interest to this entire debate, and I noticed all the way through that the right to strike of American working men and women has been protected because strikes only are caused, only result, as a last resort. Now, let us be careful that if this were adopted, 48 hours notice of any strike, this is a precedent for all working men and women of Pennsylvania, and often in my district we do have wildcat strikes, largely due to very dangerous working conditions and we must not set a precedent.

Senator BORTNER. Mr. President, I would like to briefly respond to one or two points. First of all, this is an amendment to the School Code. I believe it is very carefully tailored to the School Code and is very narrow. I do not think this sets a precedent for any other working people or strikes that occur under any other circumstances than the very unique ones that

I think we all realize involve public schools, and if we did not think that strikes in those circumstances were unique, we would not be here on the floor of this Senate at 8:00 o'clock this evening. I am also a little weary about hearing about this delicately balanced agreement. As the gentleman from Cambria, Senator Stewart, pointed out, I am only one Senator. I was not part of that. I am moving forward an issue that I believe is important to my constituents. They have told me that. This does one very, very small thing. It requires 48 hours notice when a strike would take place under the circumstances that are already provided for in the legislation. I will leave it up to the people to decide how much that can possibly put these delicately balanced scales out of balance.

Senator ARMSTRONG. Mr. President, I feel this amendment plays right in the PSEA's hands, and it is going to scuttle the whole bill and it will be status quo. I do not think the people of Pennsylvania want status quo, I think they want change. By scuttling this bill, what have we achieved? Just helping out PSEA. I do not think we want that.

#### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Pecora and Senator Peterson.

The PRESIDENT. Senator Fisher requests temporary Capitol leaves for Senator Pecora and Senator Peterson. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Will the Senate agree to the amendment?

Senator AFFLERBACH. Mr. President, I could hardly believe my ears over the past several minutes. It is just incredulous to me that the prime sponsor of this bill, who up until this morning wanted to prohibit strikes in their entirety, now objects to such a simple thing as a 48-hour notice before a strike takes place. It is just incredulous to me that the same individuals who wanted to prohibit strikes in their entirety now suddenly come to the realization that parents can easily make arrangements to have child care services on a moment's notice and want to oppose providing those parents ample opportunity to have those services aligned and ready for their children. I just cannot understand this sudden change of heart and this sudden opposition to what is a very simple amendment, what is a very reasonable request and certainly will not scuttle the information in this bill as a result of the Greenwood amendment. As I said, it is just incredulous to me, and I would urge support for the Bortner amendment.

Senator STEWART. Mr. President, I just wanted to be sure it was made clear in my previous statements that I would want a roll call vote on whether or not parents and students should have a 48-hour notice before a strike occurs in their district.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator BORTNER and were as follows, viz:



## YEAS—22

Afflerbach	Fattah	Musto	Schwartz
Andrezski	Fumo	O'Pake	Stapleton
Belan	Jones	Porterfield	Stewart
Bodack	LaValle	Reibman	Stout
Bortner	Lincoln	Scanlon	Williams
Dawida	Mellow		

## NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger
Greenleaf	Lewis		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

## BORTNER AMENDMENT II

Senator BORTNER, by unanimous consent, offered the following amendment No. A2562:

Amend Sec. 1 (Sec. 1131-A), page 9, lines 24 and 25, by striking out all of said lines and inserting:

Section 1131-A. Equitable Relief.—When in the judgment of the Secretary of Education, a strike by school employes may create a clear and present danger or threat to the health, safety, welfare or education of the public, he also may initiate, in the Commonwealth Court of Pennsylvania, for equitable relief as provided in the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

On the question,

Will the Senate agree to the amendment?

Senator BORTNER. Mr. President, this amendment would grant some additional authority to the Secretary of Education, and it is some authority that he has requested and spoken to me about on past occasions. It would allow the Secretary to seek injunctive relief when a strike by school employes may create a clear and present danger or a threat to the health, safety, welfare or education of the public. It would allow the Secretary of Education to go into court and get an injunction in appropriate cases. I believe that the exercise of this authority would be rare, but I believe it is important. There have been strikes where the strike has become so bitter, where the positions have become so extreme, where there has even been some evidence of violence, and certainly the strike in Turkeyfoot School District in the district of the gentleman from Fayette, Senator Lincoln, if anybody recalls any of the history of that, is one good example. I believe in those situations the Secretary ought to be able to insert himself into the process, get the schools reopened, get the sides back to the bargaining table. The Secretary of Education has a responsibility to ensure that every child is guaranteed the right to a quality education. This is some authority that takes nothing away from teachers, takes nothing away from school districts. It simply provides an additional tool that may be used by the

Secretary of Education to fulfill his responsibility in heading the Department of Education in this Commonwealth.

Senator GREENWOOD. Mr. President, once again for the reasons I stated in the last amendment, I have to ask for a negative vote. I appreciate the actions of the Members of our side who have avoided the opportunity or foregone the opportunity to grandstand on the issue, but rather have taken a position that they want to actually see something done. There have been comments about who was and who was not party to this agreement. This is an agreement, as I have said, between PSEA and PSBA. I do not think any Member of this Senate or any Member of the House has been told that if they could reach an agreement like this that they would not be welcome to bring it forward and have a vote cast upon it. That is what we have done. I did not need an invitation to do it. Nobody else did either, but we have an agreement and let us not blow it.

Senator SHAFFER. Mr. President, very briefly, the Senator from York has outlined in a skeleton fashion the elements of his proposal, and I would like, if I might, to maybe put a little bit of flesh on those bones. As a matter of fact, what the gentleman is asking for was tried by the Secretary of Education, Don Carroll, and I believe it is the only one time that an injunction has been requested by the Pennsylvania Department of Education to forestall or to put to an end, at least in a temporary fashion, a work stoppage. That situation occurred last year in a very mean strike, a very prolonged strike in the City of New Castle. That strike went on in the neighborhood of 35-40 days. The Secretary of Education's opinion, his demonstrated position, in written and verbal form, was that the Department of Education does not get involved in local education work stoppages. That is a matter for the local bargaining agent and the school district to agree upon as per Pennsylvania law. Miraculously, three days before the violation of the 180-day rule, that is to say three days before the teachers would have started to lose money in the New Castle school strike, for the first time in the history of Pennsylvania education, the Secretary of Education, Don Carroll, went to court asking that a rule be issued upon the New Castle School District to mandate that they go in and ask for an injunction which would be a compulsory act on the part of the school board. What the Secretary of Education asked for is for the court to require the local school board to do precisely what the local elected school board did not want to do. This Secretary of Education, Don Carroll, is the last person who I would want to entrust with such a power.

Senator LINCOLN. Mr. President, I think we are getting a fair example this evening of just what compromise means to certain Members of the Legislature. I feel sorry for them when they leave office and have to go back to the real world and find out that 26 votes versus 24 votes makes a compromise. I mean, I cannot believe that anyone who stood up and spoke in favor of a compromise amendment offered by the gentleman from Bucks, Senator Greenwood, and the lady from Northampton, Senator Reibman, could possibly get up and say that. We are doing precisely in that amendment what he is

critical of in the Bortner amendment, and that is taking away from the local school districts their ability to deal with negotiating contracts. That is precisely what that agreement is doing. It is bringing it here, and we are saying we are going to tell you how to do it. To be critical of a Secretary for stepping in in a bitter strike situation to try to help, that does not make any sense. If we are talking about compromise and we are talking about getting this thing through, ladies and gentlemen, we better stop talking pretty soon because pretty soon I am taking my gloves off, and if you want to get into a hell of a good debate here over this issue at 8:00 o'clock at night after we have been pitter-pattering through the raindrops, believe me, I have been here more than one night until midnight and I am damned well prepared to do it. But I do not want any more of that kind of criticism that is unjust of one of our cabinet members.

And the question recurring,  
Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

The PRESIDENT. Without objection, Senate Bill No. 727, as amended, will go over in its order.

## SECOND CONSIDERATION CALENDAR

### BILLS ON SECOND CONSIDERATION

**SB 6 (Pr. No. 6)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments on account of building costs; and imposing powers and duties on the Department of Education.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 197 (Pr. No. 206)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," providing for the commitment of certain children; prohibiting the expenditure of State funds outside this Commonwealth; and providing a negligence standard relating to assessment and treatment of certain children.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 205 (Pr. No. 214)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 221 (Pr. No. 230)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing special leave for certain disabled veterans when required to receive treatment at a Veterans' Administration medical facility.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 413 (Pr. No. 438)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the status of payments received by foster parents.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**SB 424 and HB 626** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**SB 645 (Pr. No. 675)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for eligibility for medical assistance.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 821 (Pr. No. 1138)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," requiring State correctional institutions to comply with drug and alcohol treatment standards.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 876 (Pr. No. 945)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from registration fees.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 901 (Pr. No. 972)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for dissemination of criminal history record information.



Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 960 (Pr. No. 1404)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 963 (Pr. No. 1579)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the licensure of professional geologists; and appropriating funds collected.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**HB 1132** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 1189 (Pr. No. 1337)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1939 (P. L. 134, No. 65), entitled, as amended, "Fireworks Law," further providing for unlawful activities relating to fireworks; providing for display of permits; further providing for out-of-State shipments of fireworks and penalties.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 1254 (Pr. No. 1444)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, restricting the use of "911".

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 1264** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 1331 (Pr. No. 1545)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for gas pipeline safety violations.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**SB 1359 (Pr. No. 1580)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for the membership, powers and duties of the Pennsylvania Advisory Council on Substance Abuse, creating single county authorities; further providing for the powers, duties and responsibilities of the department, local authorities and single county authorities, and reestablishing and continuing the Council as the Pennsylvania Board on Drug and Alcohol Abuse.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

**SB 1360 (Pr. No. 1587)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and for definitions; transferring the powers and duties of the Crime Victim's Compensation Board to the Bureau of Victim Services within the Pennsylvania Commission on Crime and Delinquency; further providing for crime victims' compensation eligibility and claims, for crime victims' compensation awards and subrogation, for law enforcement responsibilities relating to crime victims' compensation, for proceeds from crimes and for responsibilities of employers, service providers and insurers as to crime victims' compensation.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**HB 1541 (Pr. No. 2507)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 14, 1991 (P. L. , No. 36), known as the "Lottery Fund Preservation Act," further providing for human service shared ride transportation services for older adults; and providing for grants.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber, the Senate will stand in brief recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine W. Cowan (Alternate), 840 Bellmont Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice R. David Myers, Camp Hill, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

August 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edith Isacke, 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1995 or until her successor is appointed and qualified, vice Dr. Paul R. Vochko, Ambridge, whose term expired.

ROBERT P. CASEY.

**BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD**

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel James R. Hendrickson, Box 127, Cowansville 16218, Armstrong County, Forty-first Senatorial District, for appointment as Brigadier General, Deputy Commander, Pennsylvania Air National Guard, to serve until terminated.

ROBERT P. CASEY.

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

September 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Deberah L. Kula, 512 Bute Road, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as District Justice in and for the County of Fayette, Magisterial District 14-2-02, to serve until the first Monday of January, 1994, vice Eugene J. Simon, deceased.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carl Balliet, 643 Poplar Street, Catasauqua 18032, Lehigh County, Sixteenth Senatorial District, for appointment as District Justice in and for the County of Lehigh, Magisterial District 31-1-05, to serve until the first Monday of January, 1994, vice James E. Stah!, resigned.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**RESOLUTIONS REPORTED FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolutions:

**SR 102 (Pr. No. 1586)**

A Resolution congratulating the Telephone Pioneers of America on its 80th Anniversary.

**SR 106 (Pr. No. 1598)**

A Resolution offering gratitude to the men and women who are and have been career firefighters in Pennsylvania.

**SR 107 (Pr. No. 1599)**

A Resolution designating October 20 through 26, 1991, as "Consumers Week" in Pennsylvania.

The PRESIDENT. The resolutions will be placed on the Calendar.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Patrick S. Cappabianca by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph C. Diller, Mr. and Mrs. Ben S. Landis, Mr. and Mrs. Donald E. Robbins, Jacob Brubaker and to Christ Evangelical Lutheran Church of Elizabethtown by Senator Armstrong.

Congratulations of the Senate were extended to College Bound Services, Incorporated, of West Chester by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. David Pergin by Senator Bell.

Congratulations of the Senate were extended to Gladys M. Wright Moore and to the York Spanish American Center by Senator Bortner.

Congratulations of the Senate were extended to the Friendship Fire Company of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to International Paper's Hammermill, Lock Haven Mill by Senator Corman.

Congratulations of the Senate were extended to Pennsylvania Coalition Against Domestic Violence of Harrisburg by Senator Dawida.

Congratulations of the Senate were extended to B'nai B'rith by Senator Fumo.

Congratulations of the Senate were extended to Reverend Dr. Ernst G. Schmidt, Brian Derbyshire, Tim Martin, Julian Colice, Michael Renzi and to Julian and Janice Bers by Senator Greenleaf.

Congratulations of the Senate were extended to Arthur G. Raynes by Senators Greenleaf and Tilghman.

Congratulations of the Senate were extended to James Allen and to Quakertown High School Class of 1941 by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Falls, Sr., Mr. and Mrs. Romain Dorman, Mr. and Mrs. Fred F. Garrison, Mr. and Mrs. Charles G. Martz and to Amelia Weary by Senator Helfrick.

Congratulations of the Senate were extended to Officer James S. Frankenfield by Senator Holl.

Congratulations of the Senate were extended to Bernice DeAngelis, Dr. Ione D. Vargus, Malcolm D. Pryor, Edward J. Renouard and to Richard H. Glanton by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene H. McMullin by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Lewis Winans and to the Penn State Cooperative Extension of Susquehanna County by Senator Lemmond.

Congratulations of the Senate were extended to Tim Gallen by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Charles Dellarose, Sr. by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Auten, Mr. and Mrs. Walter L. Williams, Mr. and Mrs. Kenneth L. Heinlen, Mr. and Mrs. Carl O. Bastian, Mr. and Mrs. Harold Morgan and to Mr. and Mrs. Ernest D. Foulkrod by Senator Madigan.

Congratulations of the Senate were extended to Dr. Joseph G. Cesare, Mr. and Mrs. Louis M. Pilch, Sr., David M. Zelenowski, Frank J. Schraner and to Queen City Hose Company No. 8 of Olyphant by Senator Mellow.

Congratulations of the Senate were extended to Gerard J. Gazey, John M. Yench, Robert E. Isbitski, Charles R. Hoynowski, Carl T. Aciukewicz, George S. Nowakowski, Joseph W. Lapinski and to Joseph C. Butkiewicz by Senator Musto.

Congratulations of the Senate were extended to Lieutenant General John Yeosock by Senators Musto and Lemmond.

Congratulations of the Senate were extended to James J. Mellow, Sr. by Senators Musto and Mellow.

Congratulations of the Senate were extended to Saint Mark's United Church of Christ of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth E. Harvey by Senator Punt.

Congratulations of the Senate were extended to Joanne D'Agostino, Pat S. Vulcano, Sr. and to Saints Cyril and Methodius Parish of Bethlehem by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Crosswell by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Heber George and to Dr. and Mrs. P. D. Lott by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence E. Wainwright and to Mr. and Mrs. Jack N. Schwartz by Senator Stout.

Congratulations of the Senate were extended to Harold A. Wentzel by Senator Wenger.

**CONDOLENCE RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Willie Mae Dyches by Senator Lynch.

Condolences of the Senate were extended to the wife of the late Lawrence N. Cordisco by Senator Musto.

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS****WEDNESDAY, OCTOBER 16, 1991**

10:00 A.M.    AGRICULTURE AND                      Room 8E-A  
                 RURAL AFFAIRS (to                      East Wing  
                 consider nomination  
                 of Leon Wilkinson to  
                 Milk Marketing Board;  
                 Senate Bill No. 1069 and  
                 House Bills No. 872 and  
                 1146)

11:00 A.M.    BANKING AND INSURANCE    Room 460  
                 (to consider Senate Bills                      4th Floor  
                 No. 186, 1239, 1271, 1272                      North Wing  
                 and House Bill No. 536)

**FRIDAY, OCTOBER 18, 1991**

9:30 A.M.    JUDICIARY (Public                      Holiday Inn  
                 Hearing on problems                      Bucks County  
                 regarding the Bucks County                      Trevoese, PA  
                 Youth Development Center)

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, October 16, 1991, at 11:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:25 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 16, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 64

### SENATE

WEDNESDAY, October 16, 1991.

The Senate met at 11:30 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend KAREN LAYMAN, Pastor of Hope United Methodist Church, Mechanicsburg, offered the following prayer:

Let us pray.

O God, from the beginning of time You have been our teacher. Teach us today to see as You see. As we look at one another and at the issues of the day may it be with Your eyes. Help us always to keep in mind Your grand design for creation, but never let us forget the needs of the smallest individual part. We need "bifocals of faith" to be able to see clearly the larger aims while at the same time never missing the values of the personal.

Be our teacher here in this Senate of this great Commonwealth. That we may prove worthy in all of the tests that are to come. For we pray it in the name of the Master. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 15, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

### RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Concurrent Regulatory Review Resolution numbered, entitled and referred as follows, which was read by the Clerk:

October 15, 1991

#### DISAPPROVING ENVIRONMENTAL QUALITY BOARD REGULATIONS CONTROLLING VOLATILE ORGANIC COMPOUND EMISSIONS FROM GASOLINE DISPENSING FACILITIES

Senators BRIGHTBILL, MUSTO, LOEPER, BELAN, SALVATORE, SHUMAKER, STOUT and PECORA offered the following resolution (**Senate Concurrent Regulatory Review Resolution No. 2 of 1991**), which was read and referred to the Committee on Environmental Resources and Energy:

In the Senate, October 15, 1991.

#### A CONCURRENT RESOLUTION

Disapproving Environmental Quality Board regulations controlling volatile organic compound emissions from gasoline dispensing facilities.

WHEREAS, The Environmental Quality Board has, at 20 Pa.B. 3174 (June 16, 1990), proposed regulations controlling volatile organic compound emissions from gasoline dispensing facilities (number 7-195) under the authority of section 1920-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, and section 5 of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act; and

WHEREAS, On September 20, 1990, the Environmental Resources and Energy Committee of the Senate recommended changes to the proposed regulations to the Environmental Quality Board under section 5(c) of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act; and

WHEREAS, On September 28, 1990, the Independent Regulatory Review Commission delivered comments to the Environmental Quality Board outlining major concerns with the regulation; and

WHEREAS, The Environmental Quality Board took action to adopt final form regulations on May 22, 1991; and

WHEREAS, The committee recommended disapproval of the final form regulation to the commission on July 1, 1991; and

WHEREAS, The commission disapproved the regulations on July 18, 1991; and

WHEREAS, The department notified the standing committee on July 31, 1991, of its intention to proceed with final form regulations; and

WHEREAS, On October 7, 1991, the department delivered to the committee the report required under section 7 of the Regula-



tory Review Act, providing its response to concerns raised by the commission; and

WHEREAS, The committee reports this resolution under section 7 of the Regulatory Review Act for action by the General Assembly within 30 calendar days or ten legislative days, whichever is longer, from the date of reporting this resolution; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly disapprove the final form regulations number 7-195 of the Environmental Quality Board on air quality control approved May 22, 1991; and be it further

RESOLVED, That this resolution constitutes a bar to publication under section 7(d) of the Regulatory Review Act, and the Department of Environmental Resources and the Environmental Quality Board are prohibited from publishing these regulations; and be it further

RESOLVED, That notice of the final disposition of this resolution be sent to the Department of Environmental Resources and the Environmental Quality Board, presented to the Governor and published in the Pennsylvania Bulletin.

### REPORTS FROM COMMITTEES

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported the following bills:

**SB 1069 (Pr. No. 1607) (Amended)**

An Act providing for the certification of organic food products; providing a civil penalty; and making an appropriation.

**HB 872 (Pr. No. 2508) (Amended)**

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), known as the "Milk Marketing Law," further providing for expenses of the Milk Marketing Board; further providing for certain payments; and making an appropriation.

**HB 1146 (Pr. No. 1627)**

An Act providing for the establishment, operation and administration of the State Food Purchase Program.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

**SB 186 (Pr. No. 1610) (Amended)**

An Act providing for the establishment, organization, operation and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and on the Insurance Commissioner; providing penalties; and making repeals.

**SB 1239 (Pr. No. 1608) (Amended)**

An Act providing for long-term care insurance, for disclosure and performance standards, for authority to regulate, for administrative procedures and for penalties.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for the day for Senator Wenger and a temporary Capitol leave for Senator Robbins.

The PRESIDENT pro tempore. Senator Fisher requests a legislative leave of absence for today for Senator Wenger and a temporary Capitol leave for Senator Robbins. The Chair hears no objection. Those leaves will be granted.

Senator STEWART. Mr. President, I request legislative leaves for Senator Andrezeski, Senator Dawida and Senator Fumo.

The PRESIDENT pro tempore. Senator Stewart has requested legislative leaves for Senator Andrezeski, Senator Dawida and Senator Fumo. The Chair hears no objection. Those leaves will be granted.

### LEAVE OF ABSENCE

Senator STEWART asked and obtained leave of absence for Senator LYNCH, for today's Session, for personal reasons.

Senator FISHER asked and obtained leave of absence for Senator HOPPER, for today's Session, for personal reasons.

### SENATE RESOLUTION

#### MEMORIALIZING THE PRESIDENT, THE CONGRESS OF THE UNITED STATES AND THE DEPARTMENT OF VETERANS AFFAIRS TO MAINTAIN THE HIGH PRIORITY OF VETERANS' HEALTH AND WELFARE, RESCIND THE PROPOSAL, ELIMINATE SURGICAL UNITS AT THREE PENNSYLVANIA VETERANS ADMINISTRATION HOSPITALS AND TO STUDY THE PROPOSAL TO DISCONTINUE THE SURGICAL UNITS IN VETERANS' HOSPITALS

Senators LOEPER, JUBELIRER, PUNT, PETERSON, BRIGHTBILL, SHAFFER, ROBBINS, ARMSTRONG, WENGER, SALVATORE, GREENWOOD, SHUMAKER, HOPPER, LaVALLE, FUMO, TILGHMAN, JONES, BELL, PECORA, RHOADES, MADIGAN, HELFRICK, O'PAKE, REIBMAN, PORTERFIELD, CORMAN, LEWIS, FISHER, LEMMOND, FATTAH, STAPLETON and MUSTO offered the following resolution (*Senate Resolution No. 108*), which was read as follows:

In the Senate, October 16, 1991.

#### A RESOLUTION

Memorializing the President, the Congress of the United States and the Department of Veterans Affairs to maintain the high priority of veterans' health and welfare, rescind the proposal, eliminate surgical units at three Pennsylvania Veterans Administration Hospitals and to study the proposal to discontinue the surgical units in veterans' hospitals.

WHEREAS, The average age of veterans who have served this country continues to increase requiring additional comprehensive medical care; and

WHEREAS, The veterans have served their country and now are reaching the age where they want to live and die with dignity; and

WHEREAS, The Office of Inspector General conducted an audit of Veterans Health Administration Surgical Programs Realignment, which called for the elimination of surgical units at certain veterans' hospitals; and

WHEREAS, Three Veterans Administration Hospitals located in Pennsylvania were identified in the audit report; and

WHEREAS, The elimination of the surgical units of the veterans' hospitals would deprive veterans of geographically accessible medical attention; and

WHEREAS, The proposed elimination of the surgical units in veterans' hospitals would impose a terrible burden on veterans and their families; and

WHEREAS, The cost-cutting rationale of the proposal is false since the cost of treating veterans at other facilities may not only negate any monetary savings, but providing treatment outside the hospital may even cost more; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the Department of Veterans Affairs to rescind its proposal to eliminate surgical units at the three Pennsylvania Veterans Administration Hospitals; and be it further

RESOLVED, That the Senate of Pennsylvania urge the President and the Congress of the United States and the Department of Veterans Affairs to investigate the current proposal and examine alternate cost-cutting solutions; and be it further

RESOLVED, That copies of this resolution be transmitted to the Honorable George Bush, President of the United States, to the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to the Secretary of the Department of Veterans Affairs.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 108, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 108.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative and the resolution was adopted.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Environmental Resources and Energy to meet during today's Session to consider Senate Concurrent Regulatory Review Resolution No. 2.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, visiting the Senate and the Capitol today are two groups from Berks County. The first is a group of fifth and sixth graders from Saint Mary's School in Reading with their Principal Mrs. Kathleen Scaboria. In addition, there is a group of Berks County Home School Educators who are in the gallery, and I would appreciate if the Chair would extend its usual warm welcome to Saint Mary's School children from the fifth and sixth grades and the Berks County Home School Educators.

The PRESIDENT pro tempore. Would those guests of Senator O'Pake who are in the gallery please rise so that the Senate may give you its usual warm welcome.

(Applause.)

### CALENDAR

#### FINAL PASSAGE CALENDAR

#### BILL OVER IN ORDER

**SB 953** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

**HB 1541 (Pr. No. 2507)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 14, 1991 (P. L. , No. 36), known as the "Lottery Fund Preservation Act," further providing for human service shared ride transportation services for older adults; and providing for grants.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN, by unanimous consent, offered the following amendment No. A2590:

Amend Sec. 1 (Sec. 704), page 3, line 7, by inserting after "contracts": and shall incorporate the preferred alternate approach into contracts executed thereafter

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator CORMAN.

#### BILLS OVER IN ORDER

**SB 6, 197, 205, 221, 413 and 645** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 727 (Pr. No. 1606)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for collective bargaining.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator GREENWOOD. Mr. President, they said it could not be done. For 20 years everyone who has looked at the issue of teachers strikes said that it was impossible for this Legislature to come to an agreement on a way to reform this system that would better serve Pennsylvania's school pupils, its teachers and the taxpayers. Yesterday we did it, Mr. President. We can be proud of what we did yesterday. We forged an agreement that was adopted by voice vote in this Senate that is going to make history. Mr. President, this bill is going to pass today. It is going to pass in the House and it is going to become law, and I believe that is all going to happen very quickly. I want to commend all of the Members of this Senate before the vote for their support yesterday. I think that what we are doing here is worthy of this Senate, one of the few things we have done recently that is worthy of this Senate. There has been a lot of commendation about the Members of the Senate who put time in on this. We have commended the PSBA and the PSEA. I would like to take a moment to commend a couple of people who do not usually get commended on the floor of this Senate, and that is some of the Senate staff members. Judy Borger, my Executive Assistant, has worked tirelessly on this issue for years. Helen Caffrey from the Senate Committee on Education has been a tremendous help to us and also Ed Brown in the legal staff who did our drafting for us. I think it is worthy of us to take a moment to thank the staff who do so much of that important work. I urge a positive vote.

Senator REIBMAN. Mr. President, I, too, would like to commend the Members of the Senate for voting for the amendment to Senate Bill No. 727 last night. While it did take 20 years to reach this point, I regret very much that it has taken all this time because the elements of what was in Senate Bill No. 727 was the amendment which I introduced to Senate Bill No. 727 based on the Jones Commission report studying Act 195 and which was the subject of legislation introduced in previous Sessions. It is too bad that those pieces of legislation never really saw the light of day. If they had, I feel certain that the incidents of unpleasantness and strikes across the Commonwealth would have been significantly decreased as evidenced by what is happening in other states which have adopted last best offer binding arbitration.

I just picked up the telephone in my office. My husband called me to tell me that the bitter school strike in the City of

Bethlehem had been brought before the judge in Northampton County on a motion, and that he had ordered binding arbitration last best offer. That decision is being met with a great deal of approval in the City of Bethlehem because they now finally see a resolution based on what is considered a fair approach of both sides offering a last best offer, and it is recognized that those last best offers will be reasonable and not outrageous, recognizing that one of the two of those offers has to be accepted, and that has been the experience of other states. So I, too, would like to commend my colleagues and the gentleman from Bucks, Senator Greenwood, who worked with us as well and who agreed to have my amendment included into Senate Bill No. 727. Much compromise was being done with the help of other interest groups, and, indeed, I think this is a good day for good labor relations in Pennsylvania with respect to education.

Senator FISHER. Mr. President, this is a significant day at least in the history of the Senate for the past twenty years because I believe it is the first time in which we are soon to approve a bill which will amend Act 195 and provide some change in the way in which negotiations take place between teachers in the public system and school boards throughout the Commonwealth. The gentleman from Bucks, Senator Greenwood, and the lady from Northampton, Senator Reibman, and others have done a tremendous job in putting together a package which at least has some of the interest groups in support. I continue to have some concerns that the reliance on last best offer binding arbitration may not be the best way to go in the final analysis for the people of Pennsylvania, particularly the taxpayers, but I recognize that there are other provisions in this bill which are meaningful and also significant changes in the way school contracts will be negotiated in the future. I refer specifically to the changes in the timetable. I refer specifically to the fact that either side can now request fact-finding, which anybody who has looked at Act 195 believes can be a very valuable tool at arriving at a settlement of a contract and avoiding a strike. But I also recognize that there are certain things that are not contained in this bill. There is still no provision by which a teacher who goes out on strike will necessarily lose any pay as a result of that strike, and that makes strikes in the public school sector altogether different from any other strike in either the public or private sector in this economy. I recognize that, but I still am willing to support this effort today because I think there is significant change, and it is an indication that at least as far as this Body is concerned, we have reached a milestone where we are willing to take a bill that is before us and attempt to make some significant changes in the way school contracts are negotiated in the future. The public, quite frankly, is fed up with strikes. They are fed up with the continued spiraling costs of education. They are fed up to a point where someday it may be, if it is not already, the most paramount issue that we face. So I would urge the approval of this bill. It is not perfect, but it is a major step forward. I commend Senator Greenwood and others for what they have done in putting it together.

Senator BORTNER. Mr. President, I also rise in support of Senate Bill No. 727 as it was amended, while I think it is a little early and a little premature to claim victory and pop the corks off the bottles of champagne, because I think there is still a lot of work to do on this issue. I think there will be opposition when this bill goes to the House. I think that many of these issues that were discussed here last evening will be revisited, and I think there will be organizations and individuals who will not want to see this process move forward. Nevertheless, I do think this is a significant event, and while I do not have the time here that certainly the lady from Northampton, Senator Reibman, has and have not put in the kind of time on this issue as she has, I still can look back over six or seven years and believe that this is a pretty dramatic event. I do want to commend the gentleman from Bucks, Senator Greenwood, who has worked hard on this issue, Senator Reibman, who I believe was able to help forge the compromise that will help garner enough votes to get this bill out of here, and I do commend those representatives of the teachers' associations and those who work on behalf of the school boards for recognizing that this was an important issue and recognizing that it was in the interest of both of their constituencies to work to try to come up with an agreeable solution to the problem of school strikes.

I speak passionately on this issue because over the last several months my area has experienced four different strikes, and there has been an outpouring from my constituents on this issue. I also speak passionately on it because as a parent my children just started school last week and, under the revised calendar, they will be in school until June 30th, have one day at Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and not many other days off between now and then. So I have experienced what it means to a family to have the school year interrupted, what it means to have your children's education interrupted, but beyond that the days will be made up, they will still get their 180 days in school and family life can return to normal. What concerns me even more are some of the more lingering effects that I have seen in districts that have had strikes and that I still see in York County where four districts that had strikes have now returned to school, and I do not believe anybody, not teachers, not administrators, not parents, would argue that things have truly returned to normal. Strikes have created a great deal of turmoil in our communities. They have caused the very people that we want working together to improve the quality of education for our children to be at odds with each other. We need school boards and teachers, superintendents and administrators and parents all pulling in the same direction. I believe that there are still some aspects of this bill that can be improved upon if I were doing it by myself. I understand, however, that through this process nobody ever gets exactly what they want, and in this bill I am sure there will be teachers who will say that there are parts of it that they do not like. I have already talked to some board members who may question a couple of aspects that their association may have agreed to and I think that is all right. But I do think we all

here ought to feel very good that we are moving forward a process, a very important process, that I think will greatly improve the quality of education across the Commonwealth for all of our children.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

**SB 821, 876, 901, 960, 1189, 1254 and 1331** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 424, HB 626, 1132 and SB 1264** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### SENATE RESOLUTION NO. 102, CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 102**, entitled:

A Resolution congratulating the Telephone Pioneers of America on its 80th Anniversary.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 102, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 102.

The motion was agreed to and the resolution was adopted.

#### SENATE RESOLUTION NO. 106, CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 106**, entitled:

A Resolution offering gratitude to the men and women who are and have been career firefighters in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 106, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 106.

The motion was agreed to and the resolution was adopted.

**SENATE RESOLUTION NO. 107, CALLED UP**

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 107**, entitled:

A Resolution designating October 20 through 26, 1991, as "Consumers Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 107, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 107.

The motion was agreed to and the resolution was adopted.

**SB 401 AND SB 1007  
TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I move that Senate Bill No. 401, Printer's No. 426, and Senate Bill No. 1007, Printer's No. 1456, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bills will be placed on the Calendar.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine W. Cowan (Alternate), 840 Bellmont Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice R. David Myers, Camp Hill, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF EDUCATION**

August 2, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edith Isacke, 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1995 or until her successor is appointed and qualified, vice Dr. Paul R. Vochko, Ambridge, whose term expired.

ROBERT P. CASEY.

**BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD**

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel James R. Hendrickson, Box 127, Cowansville 16218, Armstrong County, Forty-first Senatorial District, for appointment as Brigadier General, Deputy Commander, Pennsylvania Air National Guard, to serve until terminated.

ROBERT P. CASEY.

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

ROBERT P. CASEY.

**DISTRICT JUSTICE**

September 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Deberah L. Kula, 512 Bute Road, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as District Justice in and for the County of Fayette, Magisterial District 14-2-02, to serve until the first Monday of January, 1994, vice Eugene J. Simon, deceased.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carl Balliet, 643 Poplar Street, Catasauqua 18032, Lehigh County, Sixteenth Senatorial District, for appointment as District Justice in and for the County of Lehigh, Magisterial District 31-1-05, to serve until the first Monday of January, 1994, vice James E. Stahl, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### SPECIAL ORDER OF BUSINESS

#### SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1541 (Pr. No. 2509)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 14, 1991 (P. L. , No. 36), known as the "Lottery Fund Preservation Act," further providing for human service shared ride transportation services for older adults; and providing for grants.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Greenwood	Mellow	Schwartz
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### RECESS

Senator LOEPER. Mr. President, I would ask for a very brief recess of the Senate at this time for the purpose of a meeting of the Committee on Environmental Resources and Energy and we are awaiting some action from that committee.

The PRESIDENT pro tempore. Senator Loeper has requested a brief recess of the Senate for the purpose of a meeting of the Committee on Environmental Resources and Energy to be held in the Rules Committee room to the rear of the Senate Chamber. The Chair would request that all Members of that committee report immediately to the Rules Committee room for the meeting of the Committee on Environmental Resources and Energy. For that purpose, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

#### RESOLUTION REPORTED FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following resolution:



### **Senate Concurrent Regulatory Review Resolution No. 2 of 1991.**

Disapproving Environmental Quality Board regulations controlling volatile compound emissions from gasoline dispensing facilities.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

### **BILLS IN PLACE**

Senator STOUT presented to the Chair several bills.

### **CONGRATULATORY RESOLUTIONS**

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. George I. Brubaker, Mr. and Mrs. Edgar S. Long, Mr. and Mrs. Wallace R. Bork, Mr. and Mrs. Edward F. Hiltz, Jr., Mr. and Mrs. Daniel G. Lied, Mr. and Mrs. Paul R. Eckman, Mr. and Mrs. Martin S. Franck, Mr. and Mrs. Richard Irvin Coxey and to Lancaster Church of the Brethren by Senator Armstrong.

Congratulations of the Senate were extended to United Methodist Church of West Chester by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Glenn W. Dreibelbis, Mr. and Mrs. David E. Ketner, Mr. and Mrs. Laird Schenck, Mr. and Mrs. Samuel Copenhagen, Mr. and Mrs. Howard Reinard, Joseph DeHaas and to John Ughetto by Senator Corman.

Congratulations of the Senate were extended to Lorraine Warren by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Lewczyk, Sr., Mr. and Mrs. Louis Bollinger, Mr. and Mrs. Frank Staricek, Mr. and Mrs. Roman Korczynski, Mr. and Mrs. Dean Thompson, Mr. and Mrs. Willard Klicker, Mr. and Mrs. John Kurtik, Mr. and Mrs. Victor Bracco and to Mr. and Mrs. Chester Lasinski by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Tressler, Mr. and Mrs. Carl Cassano, Mr. and Mrs. Orville F. Straub, John Maturani and to Saint John's Evangelical Lutheran Church of Watsontown by Senator Helfrick.

Congratulations of the Senate were extended to North Penn Symphony Orchestra of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Briggie, Mr. and Mrs. Edward Rhodes, Mr. and Mrs. Mike Hayduk, Mr. and Mrs. Robert Hurm, Mr. and Mrs. Samuel Robison, Mr. and Mrs. Cecil Goshorn and to Mr. and Mrs. Charles A. Grimminger by Senator Jubelirer.

Congratulations of the Senate were extended to Charles Yetsconish by Senator Lincoln.

Congratulations of the Senate were extended to Albert H. Mc Cann, Southeastern Pennsylvania Chapter of the Ameri-

can Society of Hospital Materials Management, Don Guanella School of Springfield and to C. K. Center of Philadelphia by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Elwyn Wrisley by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew M. Urdzik by Senator Porterfield.

Congratulations of the Senate were extended to Bobbie Wayne Griffith, Jr. and to Nancy Ackerman by Senator Reibman.

Congratulations of the Senate were extended to Francis Bennick and to Fraternal Order of Police, Schuylkill-Carbon Lodge No. 13 of Tamaqua by Senator Rhoades.

Congratulations of the Senate were extended to Michael J. Szymborski by Senator Salvatore.

Congratulations of the Senate were extended to Dr. Thaddeus H. Penar by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. William Leininger, Mary E. Stailey, Mike Ross, Maclay Mansion and to Pennsylvania Driving Under the Influence Association of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Bowersox, Mr. and Mrs. Harold Reed, Mr. and Mrs. Anthony Martillotti, Mr. and Mrs. Bart Yonek, Mr. and Mrs. Vince Sobota, Mr. and Mrs. Kenneth Wingard, Mr. and Mrs. Walter L. Claypool, Mr. and Mrs. Frank Blake, Mr. and Mrs. Delbert Kaufman, Mr. and Mrs. Vernon Rupert and to William G. Brossman by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Engott, Mr. and Mrs. Lindsay H. Stewart, Mr. and Mrs. Steve Borovichka, Mr. and Mrs. Donald Scott, Mr. and Mrs. Harold Scott, Mr. and Mrs. Pete Tihansky, Mr. and Mrs. Roy T. Blacka and to Mr. and Mrs. W. Paul Scott by Senator Stout.

### **CONDOLENCE RESOLUTIONS**

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Timothy H. Furman and to the family of the late Harry Penny by Senator Jubelirer.

### **POSTHUMOUS CITATION**

The PRESIDENT pro tempore laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late John Teyssier was extended to the family by Senator Corman.

### **BILLS ON FIRST CONSIDERATION**

Senator LOEPER. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 186, 1069, 1239, HB 872 and 1146.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### **HOUSE MESSAGE**

#### **HOUSE CONCURS IN SENATE**

#### **CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

**Senate Concurrent Resolution No. 28.**

### **ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, October 21, 1991, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 12:27 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, OCTOBER 21, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 65

### SENATE

MONDAY, October 21, 1991.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend MICHAEL M. MAZER, Pastor of First Baptist Church, Washington, offered the following prayer:

Before we pray, let me first acknowledge that it is my privilege to return to this Chamber to bring the invitational prayer to this Body. We must recognize before we pray that the Members of the Senate have been under a lot of pressure and stress by the members of the Commonwealth, and so we call upon Almighty God to intercede on their behalf to make their tasks a bit easier.

Let us now go to God in prayer.

Almighty God, if ever there was a need for Thy wisdom and Thy guidance, it would be now. As the Members of this Senate begin the work of this week, as they stand on the verge of an election just a few weeks away, as they look at the numerous opportunities that present themselves to the Commonwealth, we pray that Thou will bless these men and women who have been chosen by the citizens of this state, for Thou knowest them, for Thou knowest their needs and their motives, their hopes for a better Pennsylvania and the fears and the concerns which they have for their constituents.

Lord God in heaven, put Thine arms around them and give them strength and speak to them in an encouraging and intimate way to give them wisdom which is greater than their own. May they hear Thy heavenly voice and seek Thy divine guidance this day. May they remember that Thou art concerned about what is said and what is done in this place, and may they have a clear conscience before Thee that they have no fear of anyone back home, colleague or anyone who might be in an adversarial relationship with them. Bless us each this day according to our deepest needs and use us all for Thy glory. We humbly ask this prayer in Thy precious name. Amen.

The PRESIDENT. The Chair thanks Reverend Mazer who is the guest this week of Senator Stout.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 16, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### DISTRICT JUSTICE

October 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven D. Guinter, Esquire, 804 Mohawk Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 02-2-05, to serve until the first Monday of January, 1994, vice Richard A. Sheetz, resigned.

ROBERT P. CASEY.

#### COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY—OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

October 17, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen H. McCullough, 317 Brookline Boulevard, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1994, and until her successor is appointed and qualified, vice Edward F. Mannino, Esquire, Philadelphia, whose term expired.

ROBERT P. CASEY.

**HOUSE MESSAGE****HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 21, 1991

**HB 868, 1631 and 1807** — Committee on State Government.

**HB 1402** — Committee on Consumer Protection and Professional Licensure.

**HB 1675** — Committee on Judiciary.

**HB 1735** — Committee on Transportation.

**SPECIAL ORDER OF BUSINESS****ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Permission has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 1089, certain regulations and executive nominations.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator BAKER, from the Committee on Intergovernmental Affairs, reported the following resolution:

**SR 98 (Pr. No. 1566)**

A Concurrent Resolution memorializing Congress to reject a proposed rule which would prohibit states from using a pooling mechanism for Medicaid funding.

The PRESIDENT. The resolution will be placed on the Calendar.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request a legislative leave for Senator Pecora, a Capitol leave for Senator Hopper and temporary Capitol leaves for Senator Corman and Senator Peterson.

Senator STAPLETON. Mr. President, I ask for a legislative leave for Senator Scanlon and temporary Capitol leaves for Senator Schwartz, Senator Porterfield, Senator Fattah, Senator Andrezeski, Senator Jones and Senator Reibman.

The PRESIDENT. Senator Fisher asks legislative leave for Senator Pecora and temporary Capitol leaves for Senator Hopper, Senator Corman and Senator Peterson. Senator Stapleton asks legislative leave for Senator Scanlon and temporary Capitol leaves for Senator Schwartz, Senator Porterfield, Senator Fattah, Senator Andrezeski, Senator Jones and Senator Reibman. The Chair hears no objection. The leaves will be granted.

**LEAVES OF ABSENCE**

Senator FISHER asked and obtained leave of absence for Senator WENGER, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leaves of absence for Senator DAWIDA and Senator LYNCH, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION****RECESS ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, October 21, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, November 12, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, November 12, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—47**

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS****GUEST OF SENATOR F. JOSEPH LOEPER  
AND ROBERT J. MELLOW  
PRESENTED TO SENATE**

Senator LOEPER. Mr. President, it is my distinct pleasure today to introduce a gentleman who was my predecessor in the 26th District in Delaware County here in the Senate of Pennsylvania. This gentleman served in this Body from 1974 through 1978 and served this district well, the 26th District, and we are very pleased to have him here today. I would ask the Senate on behalf of Senator Mellow and myself to give a warm welcome to Senator John Sweeney.

The PRESIDENT. Would Senator Sweeney please rise so we can afford you the proper accolades.

(Applause.)

The PRESIDENT. Welcome back to the Senate.

**SENATE RESOLUTION****EXPRESSING THE DEEP SADNESS OF THE  
SENATE AT THE DEATH OF FORMER  
MEMBER CLARENCE F. MANBECK AND  
EXTENDING HEARTFELT CONDOLENCES  
TO HIS WIDOW AND FAMILY**

Senators BRIGHTBILL, JUBELIRER, LOEPER, FISHER, WENGER, SALVATORE, TILGHMAN, HOPPER, MELLOW, LINCOLN, BODACK, O'PAKE, FUMO, STAPLETON, REIBMAN, AFFLERBACH, ANDREZESKI, ARMSTRONG, BAKER, BELAN, BELL, BORTNER, CORMAN, DAWIDA, FATTAH, GREENLEAF, GREENWOOD, HART, HELFRICK, HOLL, JONES, LAVALLE, LEMMOND, LEWIS, LYNCH, MADIGAN, MUSTO, PECORA, PETERSON, PORTERFIELD, PUNT, RHOADES, ROBBINS, SCANLON, SCHWARTZ, SHAFFER, SHUMAKER, STEWART, STOUT and WILLIAMS offered the following resolution (*Senate Resolution No. 109*), which was read as follows:

In the Senate, October 21, 1991.

**A RESOLUTION**

Expressing the deep sadness of the Senate at the death of former member Clarence F. Manbeck and extending heartfelt condolences to his widow and family.

WHEREAS, Clarence F. Manbeck was born in 1909 in Bethel, Berks County, Pennsylvania; and

WHEREAS, He served in the General Assembly for 22 years, first as a representative from 1961 to 1966 and as a senator from 1967 through 1982; and

WHEREAS, While in the General Assembly, he served as Chairman of the Senate Transportation and Labor and Industry Committees, as vice chairman of the Agriculture Committee and also served on the Appropriations, Education, Environmental Resources, Game and Conservation, Rules and Executive Nominations and State Government Committees; and

WHEREAS, He was a strong supporter of the legislation that created the Swatara State Park; and

WHEREAS, While his service in the General Assembly brought him the respect and loyalty of Lebanon Countians, he

was perhaps better known in his home town of Fredericksburg as the founder of C.F. Manbeck Poultry Inc., (now known as Farmers Pride, Inc.); and

WHEREAS, C.F. Manbeck Poultry Inc., a poultry processing firm, provided steady employment for many residents of the Fredericksburg area; and

WHEREAS, Clarence Manbeck loved flying and founded the Farmers Pride Inc. Airport in Fredericksburg shortly after World War II and was awarded the Aviation Council of Pennsylvania's Distinguished Aviation Award; and

WHEREAS, He was a school director of the Northern Lebanon School District, a director of Fredericksburg National Bank and Lebanon Mutual Insurance Company, an honorary member of the Board of Trustees of Lebanon's Good Samaritan Hospital and a past director of the Lebanon Valley Chamber of Commerce; and

WHEREAS, Beneath his sometimes seemingly gruff exterior, he was a sentimental man who regularly assisted needy people yet never talked about his benevolence; and

WHEREAS, Clarence F. Manbeck died at his home in Fredericksburg on May 14, 1991, at the age of 82; therefore be it

RESOLVED, That the Senate express its deep sadness at the death of Clarence F. Manbeck, respected Senator, businessman and supporter of his community, and extend heartfelt condolences to his widow, Eve P. Manbeck, and to his family.

Senator BRIGHTBILL asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 109, ADOPTED**

Senator BRIGHTBILL. Mr. President, I move that the Senate do adopt Senate Resolution No. 109.

On the question,

Will the Senate agree to the motion?

Senator BRIGHTBILL. Mr. President, Senator Manbeck, who was my predecessor, was the kind of man who in every respect very much typified what is best about America and what is great about Americans. He was born in 1909 in Bethel, Berks County, a very rural area. He was not born of any means and began his life as a workingman. I remember going door-to-door and meeting people who worked as a full-fashion knitter with Clarence Manbeck. While I am not an expert on that industry, I know that there was a time that full-fashion knitters made a lot of money and there was a later time that you could not make a living as a full-fashion knitter. It was one of those professions that sprung up and grew, was very prosperous in a certain sense and then if you were a working person, you had to find some other way of making a living. I am not sure what got Clarence Manbeck into the poultry business, but in 1940 he and a gentleman by the name of Kissinger founded a firm called Manbeck and Kissinger. He later bought out Mr. Kissinger and changed it to C. F. Manbeck Poultry, Inc. Clarence Manbeck was an entrepreneur. He was a person who, starting with nothing, built up something and today that same firm is quite a prosperous firm. C. F. Manbeck Poultry Inc., now Farmers Pride, Inc., sells chicken products throughout the East Coast, and if you go to the Waldorf you will have Farmers Pride chicken.



Clarence Manbeck was a man who had very much of the simple touch but knew how to accomplish things in the more sophisticated areas of government, politics and business. I first remember Clarence Manbeck when he and my dad used to sit at the end of the counter at the Lincoln Diner. My dad bought his chickens from Clarence Manbeck and my dad had an interest in politics and political happenings and I would imagine it was those two things that would bring Clarence in to sit and talk. This was before Clarence was in politics. He may have been on the school board at that time, but I remember from the way my father introduced me that he was someone important and someone special. My first recollection of Senator Manbeck was in 1966. At that time he was one of two Members of the state House representing Lebanon.

You know, Mr. President, we sometimes think as politicians that only we can goof up things. Well, in the 1960s reapportionment was a hot issue, and somehow the General Assembly and the courts and everyone else had goofed up reapportionment, and from 1964 to 1966 Lebanon County went without a Senator. We did not have one. We had an acting Senator, and it was in that year again this Commonwealth was reapportioned and Lebanon was to be part of a district that included Lancaster County and parts of Berks County. The purpose of this meeting that I attended was for the announcement by Representative Seltzer and Representative Manbeck that the junior Representative Clarence Manbeck would become the candidate for the state Senate. I was there because I was the newspaper reporter who was covering it, and it was my job to write the story. Little did I imagine at the time I wrote that story that I would be Clarence Manbeck's successor.

Senator Manbeck served here from 1967 to 1982. It followed three terms in the House that he was here for 16 years. He retired in 1982. While I was not close to the Senator, I know that he hated to leave because he loved the Senate and he loved the process. While here, he had particular interests in transportation and agriculture, and while here, I have learned from my colleagues, particularly on the other side of the aisle, he was a very fine man, a man of his word and a man of integrity. I say particularly from the other side of the aisle because I expected the people on this side of the aisle to say that, and I was very pleased when the Members on the other side also agreed.

Clarence Manbeck retired in 1982 and went back to the airport. Sometimes you would see him in his old clothes mowing the grass, but he was always interested, he was always active. One of the things I think I feel the best about Clarence is this. Since he retired, I got to know a gentleman by the name of Scott Sechler. Scott Sechler now runs C. F. Manbeck Poultry, Inc., or Farmers Pride. What I learned from Scott was that when Clarence Manbeck sold his business, he sold it to someone who was very much in Clarence's mold—a poor boy from the northern portion of Berks County—and he did not sell his business to the person who was willing to pay the highest price. He sold it to someone who was willing to carry on the hard work and the traditions that Clarence had estab-

lished in his business. I think that speaks very highly of the Senator, and I know that Clarence Manbeck and Mr. Sechler became quite close. I think that speaks as well as anything as to the quality of the human being. Lebanon, Lancaster and Berks Counties were well represented by Clarence Manbeck, not because he was a good politician, which he was, and not because he was a good businessman, which he was, but because he was just a plain old, good human being. He was the best that America has to offer, and I am proud to be here representing the area he represented during his time.

The PRESIDENT pro tempore. Mr. President, I rise to second the resolution and to commend the gentleman from Lebanon County for his very warm and sincere remarks about a person who was very warm and very sincere.

We are here today, Mr. President, to memorialize two of our colleagues, Senator Manbeck and Senator Messinger. It is hard for me to think of one without the other and think of Groundhog Day, February 2nd, when all of us used to enjoy coming in here and listening to Clossie Manbeck and Henry Messinger debate the issue of Groundhog Day in Pennsylvania Dutch, something that has been very special and which all of us enjoyed so very much. Much of Senator Manbeck and Senator Messinger were alike in a sense. They were quiet men. They were not men known for their great emotional oratory on the floor, but they were solid in their political thinking and in their principles. Clarence Manbeck, particularly for me when I came in in 1974, was almost like a father figure. I had the opportunity many times at his invitation—please come into my office—to sit down and talk. Through difficult times, personal times, it would be Senator Manbeck who would counsel me and give me the lift I needed at that time. He was truly very special, as was Senator Messinger, in the sense that he was, I guess, for lack of a better term, he would try to portray the country boy image, but let me tell you, there was no shrewder politician in the Senate of Pennsylvania than was Clarence Manbeck. There was no wiser person in the Senate than was Henry Messinger.

Mr. President, one of the great thrills I had that he enjoyed but did not see and I saw but lived vicariously through is, I saw Clarence Manbeck have a hole in one at Lebanon Country Club. His eyesight had failed him greatly, and I saw it go in. He got the thrill of having that hole in one. It was the first one I had ever seen, but what a joy it was for him. How thrilling it was to have something like that happen. He had never had it happen before, and what a joyous day that was.

Mr. President, as I think of the quiet man, Henry Messinger, and the shrewd, rural politician, Clarence Manbeck, I cannot help but think how, perhaps, times have changed. Those days were fun. There were some great times on the floor. There were some great times afterwards as we were representing the people of Pennsylvania in our respective districts. Somehow, well, I am not sure it is as much fun anymore as it used to be. I have to tell you, Mr. President, those two leaders, those two quiet men, those two well-respected human beings, those two warm and decent people were part of this institution as much as anybody who has ever

served here. I looked to both of them for guidance and counsel. They were highly principled. They were shrewd politicians, and in many ways they represented all that is good about this institution. I think of them often, because as I think back on when I came here in 1974—and it is ironic that my friend John Sweeney should be here because we sat across from one another; Craig Lewis and others also came here in that year—I am not sure that any two people exhibited more of a quiet leadership and gained more respect than did the late Senator Messinger and Senator Manbeck.

So, Mr. President, it is well that this Senate, those of us who were here when they served, use this time to remember two very, very special and decent human beings and two people who represented their districts and their constituents exceedingly well, two people who were able to rise above partisan politics at a time when even though one might have been Chairman of the Committee on Transportation and strong in agriculture and another coming out of the education arena, rising to become Majority Leader of this Body, they gave as much to this Body as anybody could ever ask, and it is well that we pause today to remember these two special leaders, these two very able Legislators and these two very kind and decent human beings. I know that I am better for having served with them and known them, and this Senate and this Commonwealth are better for having had the benefit of their service.

Senator O'PAKE. Mr. President, it is funny how Senator Jubelirer's line of thought parallels mine. He almost took the words out of my mouth, but in the last year and a half or so it seems to me that this Senate in Pennsylvania has lost three of its stalwarts, its living legends, if you will. In many ways Senator Manbeck personified the Senate that used to be. And each year, although he did not speak much during the year, Clossie would get up on my birthday, Groundhog Day, and he and Senator Messinger would involve themselves in a debate. I do not know exactly what they were saying but it had to do with the groundhog. As my neighbor from western Berks, on many occasions Senator Manbeck and I would be speaking to a farmers group or another civic group and every once in a while right in the middle of a sentence he would break out into this Pennsylvania Dutch, so farmers and other people used to laugh generally and then I would have to figure out what he said, but it was usually very positive and very constructive to the point at issue. As Senator Brightbill pointed out, Clossie did represent the typical Horatio Alger story and here in the Senate he brought with him all the best qualities of his district. He did have a tremendous sense of humor. He was as sly and crafty as a fox at times, a very, very gracious gentleman, fiercely independent, who would stand up for what he thought was right even when it bucked his party's caucus at times. He always, and this was something where—and I remember Ernie Kline was Lt. Governor at the time—Clarence initiated his annual summer picnic at his farm and we could always tell we were at a chicken farm. You could smell it. And at a lot of those occasions many problems were resolved, as they say, in the old tradition of the Senate. I

know he did not speak much but he was tremendously effective. He was Chairman of the Senate Committee on Transportation. He was a Member of the Transportation Commission, and jokingly back home people would ask, how come the improvements to this highway end right here? And the answer of course always was, well, that is where Senator Manbeck's district ended. He was tremendously popular back home. At his viewing on a very stormy, rainy night the crowd and the lines were still there almost an hour past the scheduled closing time. I think that speaks well of a public servant whom his constituents appreciated and one who did make an impact here, not by being loud or a show horse, but by being very quiet and effective and by being a true work horse. Senator Manbeck, we will miss you. His lovely wife Evie, Evie was a tremendous partner, a tremendous asset, who helped him through his latest successions of health setbacks, including his heart problems and the bypass surgery which he undertook. So, yes, Senator Manbeck was a tremendous leader in his own way. We will miss him and the Senate has been a better place for the years that he gave to this august Body.

Senator MELLOW. Mr. President, it is quite ironic when you do listen to these speeches on the floor of the Senate here this afternoon, certainly not eulogizing Clarence Manbeck, but talking about Clarence Manbeck the friend because I can recall very vividly when I first walked onto the floor of this Senate back in January of 1971 and one of the first individuals who I was introduced to was Senator Manbeck. The one thing that has always stayed with me about that introduction to Senator Manbeck is that early in my legislative career I found out that Senator Manbeck had a problem with pronouncing "v"s. His "v"s were "w"s. If you talked in Pennsylvania about a vote with Clarence Manbeck, it was "wote," and if you talked about the State of Pennsylvania with Clarence Manbeck it was "Pennsylvania." I think you know there are so many nice, wonderful memories that I have of Clarence that I will take myself to my own grave. Senator O'Pake just talked about the chicken barbeque. I think I attended every chicken barbeque that Senator Manbeck had while I was a Member of the Senate, and I enjoyed each and every one of them. Obviously, the chicken barbeque was delicious, to say the least, but I can recall that both his wife and his daughter would also make desserts and they would make shoo-fly pie. The first time that I, a coal cracker from northeastern Pennsylvania, had an opportunity to eat shoo-fly pie was in Lebanon County at the home of Clarence Manbeck. I can also remember at that particular time there was a delicious apple pie that was made and I commented to his wife on how good the apple pie was, and she did not forget it because shortly thereafter when we came back into Session, Clarence came to my office with a pie and a recipe and it was with the compliments of his wife and he said to me, not only did she make the pie for you, but she also gave you the recipe in case you would like to try to make it yourself.

There are so many other things that I can recall about Clarence. I had the opportunity, Mr. President, of playing golf with Clarence when he had real good eyes, and although

he might want to tell you that his glasses were kind of thick and he could not see, but when he would line up the putt on a green, you had better not bet against him because he probably would have defeated each and every one of us. I remember one particular golf trip I was on with Clarence when we were playing golf and we had it set up in two ways. You had an honest John score and you had the best golfing score, the lowest score. Clarence was my partner in the honest John score and I was no competition for him as far as the low score would go. The way the honest John score would work is that you would select a score that you as a team thought you would be able to reach in 18 holes. Each one of us would put in a very small amount of money and we would play and the winner, obviously the most accurate, would receive the money. Clarence had the opportunity on this particular day we were playing golf, if he sank the putt, he would win the low score and he would win whatever the prize was for himself. If he would go ahead and three-putt from no more than about 18 inches away from the hole, then he and I would win the honest John score. I really thought that what Clarence would have done is that he would have put in the 18 inch putt and he would have won the low score, but he looked at me and he gave me the wink as he would do to us many times and, of course, I do not know if he would pronounce it as wink, but in any event, he gave me the wink and he three-putted so that he did not win the low gross score, but he and I won the honest John score and we shared whatever the gift was at that particular time.

When you talk about an all-star team you have to look at Clarence Manbeck, you have to look at Senator Wood, you have to look at Senator Stroup, you have to look at Senator Wade and Senator Marty Murray. You have to talk about a guy like Ben Donolow and several others who made this particular institution what it is today. When I first came here I was told by Clarence and others who are not with us today, they are not living today, that this is the greatest governmental Body in the United States and I believed them then and I truly believe what they said to be even more accurate today. The main difference then as compared to today was that things were much easier then. When there was a problem on the floor of the Senate, regardless whether it was a problem for the Democratic Members or the Republican Members, you could always come up with an understanding and an agreement. When there was a problem with a budget, you always knew full well that regardless of where the problem may have developed, that at the right time several people would come forward and they would take the leadership on a bipartisan basis and they would say, yes, we will get the job done and we will do it today. So, I think many of those very nice times that we think back upon and we reflect upon on a day such as today in memorializing, in this particular case Senator Manbeck, we also have to think about the other Members who have gone before us, the other Members who have made this Body what it is today and those who will be here for many years to come. I am very happy and proud to say that although Senator Manbeck served in the Senate for some 16

years, that I had the privilege and the honor and the pleasure of having been able to serve with him 12 out of those 16 years, and, Clarence, wherever you are today, I am sure you are looking down upon us and you are telling us that remember that Election Day is a couple of weeks away and make sure you go out there and you "wote" for "Pennsylvania."

Senator LOEPER. Mr. President, I also would like to second the resolution for Senator Manbeck. I came here as a young Senator, a freshman, in January of 1979, and like some of the previous speakers have indicated, I found the same type of fair and compassionate gentleman, and much like Senator Mellow just related, I had a very difficult time understanding Senator Manbeck when he would speak once in a while as far as that Pennsylvania Dutch dialect that he had. But I also soon learned that he was the kind of gentleman who would take you under his wing, so to speak, any time he could counsel you or help you to understand better some of the ways of the Senate or the committee process. I particularly remember as Chairman of the Senate Committee on Transportation, Senator Manbeck working on an issue with us dealing with truck axle weights, and we had a series of hearings throughout the state, and working very closely with Senator Lynch at the time who also was involved with the Committee on Transportation, and many of those committee hearings and the functions that would follow those hearings and really to listen to Senator Manbeck and the knowledge that he could impart about the various issues affecting the state. But I recall also most vividly some of the conversations that we would have within the confines of our caucus and where it would be Senator Manbeck who sometimes with his dry wit and humor might really break the ice, so to speak, of a caucus room on a particular critical issue. I think also that it was interesting the stories that Senator Manbeck used to be able to relate, whether it be in the lunchroom over a sandwich or out in the evening, that Senator Manbeck would have stories of the folklore of Lebanon and Lancaster Counties as well as things about his business, his childhood and how they affected the way he looked at life. I think also very important was upon his retirement from the Senate of Pennsylvania we still saw Senator Manbeck very active in many of the activities that he so much liked to participate in, as we heard earlier, the variety of activities in which he was involved. Certainly, his local bank board, one which he very much cherished and worked continuously and tirelessly on behalf of the people in Fredericksburg, and also with his business until the time that he did sell his business. He certainly was a genuinely warm person that we are all going to miss, and it is with that that I second this resolution.

Senator FUMO. Mr. President, I rise too, to echo the sentiments of the other speakers and to bring out another area of Senator Manbeck that has not been talked about. Clarence and I were friends when I first got here and remained friends through his tenure in office when I was here. He was like a father figure and, as Senator Loeper said, one who would help you along and explain the process and give you a wink from time to time as Senator Mellow would say. He was also

someone who told stories about the fact that he had a store in Philadelphia where he used to sell some of his chickens, and he had some affinity for Philadelphia. I will never forget one of the last things he ever did when he left the Senate, right before he left the Senate, before he retired, was that there was a very critical vote concerning the Philadelphia wage tax, and it was a very close vote. At that time the Republican caucus was either playing games with us, or whatever, but it was serious stuff, and Clarence gave us the vote that protected Philadelphia. I remember going to his retirement dinner and he came over to me and said, in his inimitable way, those guys really did not like that, meaning his Republican colleagues, but he said, I know the problems of Philadelphia and they cannot have this happen to them, and plus, if it happens to Philadelphia, we will only have to pay for it anyway. So he had a brilliance about him that escaped the thought processes of others. But he was a very good friend of mine. He will be sorely missed by all of us. He was very close to Senator Lynch and, regrettably, Senator Lynch is not with us today to speak about the many good times they had. But I remember when I needed that vote for Philadelphia, I sent Senator Lynch to Senator Manbeck and he came back and said he will be okay, and he was. So the citizens of Philadelphia owe a great debt to him as well. Some of the people in his district will not be happy to remember that, but I think we all as Pennsylvanians are happy, and I share the grief of his leaving us on this earth. He was truly, as someone else said, the essence of what American politics should be about and was about during his time.

The PRESIDENT. With the indulgence of the Senate, the Chair would like to add just one very brief anecdote. In my early career as a young state Senator, I recall delivering a speech on the floor of the Senate. It was one of the first times I rose to speak on this floor, and I remember finishing with a flourish, returning to my chair and sitting down, flushed with the excitement of what I thought was a brilliant and moving speech, and Senator Clarence Manbeck came over, leaned his hands on my desk, leaned right in toward me and said, "Windy, aren't we?" I have always been grateful for that subtle but important admonition and like to think that it has helped me temper some of my excessive rhetoric.

### MOMENT OF SILENCE

The PRESIDENT. On the resolution, all those in favor of the resolution please rise and join in a moment of silence in memory of Senator Clarence F. Manbeck.

(Whereupon, the Senate en banc stood in a moment of silence in solemn respect to the memory of Senator CLARENCE F. MANBECK.)

The PRESIDENT. The resolution is hereby unanimously adopted by the Senate.

## SENATE RESOLUTION

### EXTENDING CONDOLENCES ON THE DEATH OF SENATOR HENRY C. MESSINGER

Senators AFFLERBACH, JUBELIRER, MELLOW, LINCOLN, BODACK, O'PAKE, FUMO, STAPLETON, REIBMAN, LOEPER, FISHER, WENGER, SALVATORE, TILGHMAN, BRIGHTBILL, HOPPER, ANDREZESKI, ARMSTRONG, BAKER, BELAN, BELL, BORTNER, CORMAN, DAWIDA, FATTAH, GREENLEAF, GREENWOOD, HART, HELFRICK, HOLL, JONES, LAVALLE, LEMMOND, LEWIS, LYNCH, MADIGAN, MUSTO, PECORA, PETERSON, PORTERFIELD, PUNT, RHOADES, ROBBINS, SCANLON, SCHWARTZ, SHAFFER, SHUMAKER, STEWART, STOUT and WILLIAMS offered the following resolution (*Senate Resolution No. 110*, which was read as follows:

In the Senate, October 21, 1991.

#### A RESOLUTION

Extending condolences on the death of Senator Henry C. Messinger.

WHEREAS, Former State Senator Henry C. Messinger of Allentown passed away May 13, 1991, at the age of 75; and

WHEREAS, Senator Messinger represented the 16th District of Lehigh County in the Pennsylvania Senate for three terms, serving from 1970 to 1982. He held the posts of Senate Majority Leader, Majority Whip and Democratic Policy Chairman during his tenure. Among his notable achievements, he was a driving force in campaign financing reform and the elimination of senatorial scholarships, and he authored the resolution which opened up all Senate records to public inspection; and

WHEREAS, Senator Messinger began his career as a science teacher in Chester County and moved to the Lehigh Valley in 1943. He taught science at Allen High School and was named head of the science department and science supervisor for the Allentown School District in 1960. He resigned in 1968 to become eastern field officer of the National Education Association. A graduate of Kutztown State College, he held a master's degree from Cornell University. He served with the United States Marines during World War II and was an active community servant, generously contributing to the benefit of Planned Parenthood of the Lehigh Valley, Saint Mark's Lutheran Church in Allentown and the Lehigh County Conference of Churches; therefore be it

RESOLVED, That the Senate note with sadness the passing of Henry C. Messinger, distinguished educator, legislator and community steward; extend heartfelt condolences to his wife, Mrs. Ruth E. Messinger; son, Allan; daughter, Tish Steward; foster daughter, Patricia Hunsicker; two brothers and a sister; four grandchildren; five foster grandchildren; and six foster great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by Senator Roy C. Afflerbach, be transmitted to Mrs. Ruth E. Messinger, 1001 South Sixth Street, Allentown, Pennsylvania.

Senator AFFLERBACH asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?



## SENATE RESOLUTION NO. 110, ADOPTED

Senator AFFLERBACH. Mr. President, I move that the Senate do adopt Senate Resolution No. 110.

On the question,

Will the Senate agree to the motion?

Senator AFFLERBACH. Mr. President, I think it is only appropriate that we also say a few words in memory of Senator Henry Messinger. Henry Messinger and I came here to the Senate together in December of 1970 just after he had won an election which, frankly, very few people expected him to win, including some of our closest and most ardent campaign workers in Lehigh County. I will never forget that. He and I met just several months prior to that election on the campaign trail at which time he asked me to serve as his campaign manager and campaign coordinator and I was under no illusions. I was being asked to serve in that position, in part, because, frankly, it was an uphill battle. Virtually no one expected him to win. We had no money and no one else would take the job. But Henry, being the kind of an individual that he was, was willing to give some young fresh upstart from the countryside a chance to show what they could do and he gave me that opportunity. And with \$2,200 we won a Senate seat and defeated the then incumbent Majority Whip.

When Henry came to Harrisburg in December of that year and sat in the Democratic caucus for the first time, he was always fond of remembering that then Senator Tom Lamb, who was to be the Majority Leader, and Senator Martin L. Murray looked across the table and said to each other, we are going to have trouble with that fellow. That was really because they did not know Henry Messinger. They had not really paid a great deal of attention to the campaign for reasons I have already mentioned. Henry had a stature about him and a gruff look on his face that generally terrorized people until they got to know him, because it seemed that he would never crack a smile and would not say a friendly word and yet as soon as you began speaking with the gentleman you realized that his outward appearance was totally the opposite of his inward self.

Henry was a teacher all of his life. He was very proud of that fact and he conducted his office in the same fashion. He believed that you taught not simply through the didactic method of telling people what they should do or how to do things but by giving them the opportunity to find out for themselves what really works and what does not work. As a result he provided me and every member of his staff a great deal of freedom to do what we thought was the proper thing to do and to make the recommendations that we thought were appropriate to him. In fact, on very many occasions a lot of those recommendations probably were not the best thing that we could have done, but Henry was never one to criticize. He would take the recommendation and he would run with it and he would modify it as he saw fit at the time that he was following it, and in that way he taught all of us who worked with him how we might better do the job the next time around. He had many favorite times in this Senate and particularly as he

rose through the ranks to the Secretary of the Caucus, the Majority Whip, the Majority Leader and then continued to serve as the Policy Chairman after that and then chairman of a number of committees in this Senate. And I do remember many times he would say that despite some of the turmoil and some of the trying times, he generally enjoyed the entire opportunity because he really did believe that he was able to make a difference and that the people whom he worked with in this Body, even though they may disagree almost violently on occasion, he knew that they too were trying to do what they believed was best and believed that they would really make a difference. He was also not given to long and windy speeches. Perhaps not because it was not necessarily that he did not have something to say but that he just believed what you had to say you could say in simple terms, and he always tried to do that and did it very, very effectively. I think it is ironic that both he and Senator Manbeck, who had become very close friends while they served here, would pass on on almost the same day, the two Dutchmen of the Pennsylvania Legislature. I recall one time when Henry was the Majority Leader a bill was on the floor that Senator Manbeck was promoting. He wanted to interrogate Senator Manbeck, but did not want to embarrass him on the floor and asked for the indulgence of the Members while he interrogated Senator Manbeck in Pennsylvania Dutch. Senator Manbeck responded in Pennsylvania Dutch, and those were the only two gentlemen on the floor who knew what either one was talking about. But it was very short, very crisp and the bill passed unanimously because the exchange had settled all of the questions, and that was Henry's manner, to get to the root of things without embarrassing anyone and then do what was necessary. In all the things he did here, however, there was one thing that Henry Messinger still believed and that is that he did not happen to be a teacher who became a Senator, rather he just happened to be a Senator who was a teacher. If there is one thing for which he would like to be remembered, it was truly that, that he just happened to be a Senator who was a teacher and, indeed, he was.

Senator MELLOW. Mr. President, I also had the opportunity of spending some very informative years with Senator Messinger as I did with Senator Manbeck. November of 1970 was quite an astonishing year for the Democratic Party here in the Senate. I believe, if my memory serves me correctly, that there were ten new Members of the Pennsylvania State Senate elected in that year. I believe three were Republican and seven were Members of the Democratic Party. That was the first time in many years that there were 26 Democrats in the Senate and 24 Republicans, and I say this only for background information because that is when I had the opportunity of being elected to the Senate and, once again, one of the first individuals who I was able to meet not only during the campaign but when I got here in Harrisburg, was Senator Henry Messinger. Because if you go downstairs, Mr. President, and you walk into the Capitol on the Senate side, you come to the office where now Senator Lincoln is located, you will find that in January of 1971 there were three Senators in that office, three

newly-elected freshmen Senators. Senator Henry Messinger was one, Senator Joe Ammerman was another and I was the young kid on the block. I had a lot of fun with both Senator Ammerman and Senator Messinger in that office until we were given little better facilities that would give us better accommodations. But I learned a lot from Senator Messinger in that very short period of time that we worked closely together as far as the relationships of our offices would go. I found out that he was a very charming individual. He was extremely bright, and he was a very competent person who was loyal to the people who were loyal to Henry. Mr. President, I think if you go back to 1977—and obviously history repeats itself, because we had in reality the same type of financial fiasco and budgetary problems here in 1991 that we had in the summer of 1977—the fellow we are talking about right now and memorializing—I hate to use the word “eulogy”, but I guess to a certain point we must—was the man who was the Majority Leader for a good part of that 1977 budget battle. I think, Mr. President, that really did take a tremendous amount of work to go ahead and to accomplish the final resolve and the final resolution that eventually sometime in August gave us a tax package and then later on in the year finally gave us a budget. The one thing I heard Senator Messinger say many times, not only here on the floor but also in caucus when he would conduct and preside over our caucuses as the Majority Leader, he talked about consistency and he would say that foolish consistency is the hobnob of small minds. When you think about that, it is so true that sometimes we want to go ahead and we want to be consistent on what we do regardless of whether it is right or it is wrong. I think in that little message he was telling us that to be consistent is great, but to be consistent only because we want to be foolish and not recognize that we are not doing the right thing basically is to mean that we have kind of a small mind. I think when we talk about a hall of fame of the Senate of Pennsylvania the same way, one of the shining stars would be Clarence Manbeck. I think right there along with Clarence Manbeck and the others that we have mentioned would be Henry Messinger. To his family, his lovely wife and to the other colleagues who had the opportunity of serving with Henry for the 12 years he was a Member of the Senate, including me, it was an honor and a privilege and it was something that I will remember forever and ever. And Henry, to you too, wherever you are, today I am sure you are looking down over us and saying, you people down there are having a lot to say about me when I really do not deserve to have that much said. But Henry was a true stalwart, a man that has been missed and a great Pennsylvanian, and I would like to also second the resolution, Mr. President.

Senator LINCOLN. Mr. President, it is strange when you have to stand and talk about someone who you served with and it seems like we have been doing a great deal of this in recent years in this Senate. But Henry Messinger was a special person to me because I worked with him when I was in the House. He was a staunch advocate of education and I had the privilege of working with him and Senator Reibman while I

was still in the House. I remember my first term and my first month of being here when we did that crazy thing we call reorganization when we elect leaders, and there was an effort being made at that time to remove Henry as the Majority Leader. A very good friend of mine who I did not know at all at that time who became a very good friend later, Eddie Zemprelli, was his opponent. As we all know, the craziest elections we go through in this business are the ones for leadership positions. I had made a commitment to Henry Messinger early, even before we even thought about reorganizing. One of my friends who is no longer here in the Senate talked to me about that election and said to me, well, you vote for Henry Messinger, but whenever you meet with Senator Zemprelli, you tell him that you do not know what you are doing, or whatever. So I went to Henry and I said, Henry, I have a problem. One of your friends wants me to lie to Eddie Zemprelli. He looked me square in the eye and he said, young man, if you have to lie to vote for me, then I do not want you to vote for me, and I said, well, I had no intention of doing that but I just wanted you to know some of your supporters maybe are doing a disservice to you. I went to Zemprelli and told him the truth and told him that I was going to vote for Henry. I think later when “Zemp” and I became friends the fact that I told him the truth probably had a great deal to do with the fact that we could develop a friendship. I think, when I hear people talk about public officials who have no integrity and no ethics, then I say that they have never met Henry Messinger, because there was a man who just absolutely lived every day of his life the same way, with humility. He was straightforward. He was decent and he was honest. He led the fight in opening up a lot of the very old traditional standards of keeping things secret here in the Senate and throughout the rest of government. Henry Messinger was one of the people who led the fight in opening everything up for the public. I feel honored that I have had the opportunity to serve with him, and I feel honored that he was my friend and I would say to Henry, wherever he is today, that he made us all look better and I wish we had a few more like him around now.

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

Senator O'PAKE. Mr. President, it is ironic that the two groundhog debaters both retired from the Senate on the same day and both died on almost the same day. As we all know, when Henry Messinger was elected to the Senate in 1970, he shocked the political world because, as I understand it, he spent about \$1,500 to unseat the Senate Majority Whip, Senator VanSant, who had served for 16 years. No Democrat had been elected from that district since the mid-1930s, and Senator Messinger, spending the grand total of about \$1,500, unseated that incumbent by a victory margin, I am told, of 1,299 votes, but it was a victory. Fortunately for the Senate Senator Messinger was here as Majority Leader through very, very stormy times, and it was good that we had a man of his honesty and candor and firm hand on the reins of the Senate because those were very difficult years. As Senator Lincoln pointed out, a lot of reforms happened under Senator

Messinger's short tenure as the Senate Majority Leader in the '70s. It was hard to get to know Henry because, as Senator Afflerbach pointed out, on first measure he seemed very, very reserved and very gruff and very authoritarian and teacher-like, but underneath that veneer was a very gentle and warm and kindhearted person, someone who always examined legislation in terms of how it would affect people. We talk a lot about serving the little guy and the little people of Pennsylvania. Senator Messinger did just that for many, many years here on the floor of the Senate and in his church. He was the President of the Lehigh Valley Council of Churches. He held an office in the statewide board and was dearly loved by the clergy and those who worked with that organization, and you got the distinct impression that here was a man who brought to politics a refreshing sense of values. He did stand up strongly for what he believed. He was very, very effective in his own way, a very modest and unassuming person who never carried the aura of being a Senator, the trappings of Senatorship. As a matter of fact, I understand that when he was a Senator and even the Majority Leader, he insisted that his administrative assistant, who I think was someone by the name of Roy Afflerbach, would have a larger office than he because Roy was here every day and the Senator was only here when we were in Session.

Ruth Messinger was also a tremendous asset to the Senator, and we were speaking earlier about the culinary skills of the spouses of both Senator Manbeck and now Senator Messinger. She, too, was an excellent baker, and as Henry's neighbor I used to look forward to when she would visit because she would usually bring a homemade cake or pie with her to share with us.

I do not know how you can more properly sum up Senator Messinger's contributions to the Senate and the Lehigh Valley and to the people of Pennsylvania than the sign that was handwritten and posted on the Lehigh Valley Conference of Churches' Office the day of Henry's funeral. It said, "Closed today for the funeral of Henry Messinger, our President and a man who did more for you than you will probably ever know."

Senator REIBMAN. Mr. President, so much has been said about both of our friends, Senator Messinger and Senator Manbeck. I would only add that for most of the time that they were present in the Senate, I was the only woman here. I might add that I was impressed not only with their sincerity, their honesty, but also with the respect that they accorded me as one of their colleagues. I was also impressed with the fact that both gentlemen had a life experience that encompassed many aspects of everyday living, family living, and that their values were expressed in the kind of legislation they espoused and supported. One other aspect, and it was touched on very briefly, was the sense of humor of both of these gentlemen. Both had, I do not know whether it is indigenous to Pennsylvania Dutch, a dry sense of humor, and when they would come out with a witticism, there was always a warm sparkle in their eyes. Never was their humor directed to anyone in a sarcastic way or in a way that would hurt, but it was always

kind. It was funny. It had a lot of meaning to it and somehow you would take it, and when you would think about it you would think, you know, what they said was true. So I, as a neighbor of Senator Messinger, when I represent Northampton County and when he represented Lehigh County, we always considered our two counties—as Senator Afflerbach and I do today, and it started with Senator Messinger—as the Lehigh Valley, and that both of our counties had so much in common. I, too, feel very pleased that I had the honor of serving with both Senator Manbeck and Senator Messinger. They will be missed.

### MOMENT OF SILENCE

The PRESIDENT pro tempore. Will those in favor of the resolution please rise for a moment of silence.

(Whereupon, the Senate en banc stood in a moment of silence in solemn respect to the memory of Senator HENRY C. MESSINGER.)

The PRESIDENT pro tempore. The resolution is unanimously adopted.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes that during the course of the resolution several Members returned from leave and the Chair would like to note for the record that Senator Corman, Senator Schwartz, Senator Andrezski, Senator Reibman and Senator Jones are on the floor, having voted on the resolution. The Chair also notes the presence on the floor of Senator Porterfield and his leave is cancelled.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4:15 p.m.

Senator LINCOLN. Mr. President, I would ask that the Members of the Democrat caucus report to the caucus room off the floor immediately after we break.

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses in their respective caucus rooms, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Scanlon. His temporary legislative leave will be cancelled.



## CALENDAR

## FINAL PASSAGE CALENDAR

## BILL OVER IN ORDER

**SB 953** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 6 (Pr. No. 6)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments on account of building costs; and imposing powers and duties on the Department of Education.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 197 (Pr. No. 206)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," providing for the commitment of certain children; prohibiting the expenditure of State funds outside this Commonwealth; and providing a negligence standard relating to assessment and treatment of certain children.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—46

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Madigan	Salvatore
Baker	Hart	Mellow	Scanlon
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis		

## NAYS—1

Schwartz

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

## RECONSIDERATION OF SB 197

Senator MELLOW. Mr. President, I move to reconsider the vote by which Senate Bill No. 197, Printer's No. 206, just passed finally.

The motion was agreed to.

And the question recurring,  
Shall the bill pass finally?

Senator SCHWARTZ. Mr. President, first, let me say that I understand that I am somewhat alone in this position, but I did want to express my feelings about this particular piece of legislation. Let me say that I do sympathize with parents, probably across this state, who have had serious frustrations with not being able to get the proper kind of care or found that their children, particularly youth between the ages of 14 and 18 who have been uncooperative, have drug and alcohol problems, and they really are not sure what to do about these children and would like to get care for them. Unfortunately, while this bill does attempt to address this concern, it does not, I think, provide the answer, and I think voting for it makes us feel a little bit better but, in fact, will not help these youth or the parents who we are trying to help. It does require single county authorities to do assessments when requested by parents, and it does say that if the youth are found to be dependent on drugs or alcohol that they should authorize placement.

There are several problems with this, and I will try and be brief about it. First, there are no funds in this bill, which means that we know already there are inadequate facilities for youth and particularly for appropriate facilities for young adolescents, many of whom are suffering from alcoholism or the use of alcohol and not necessarily drugs. I think we should address that problem of requiring single county authorities to refer youth to services that do not exist and no provision being made to assure that those services exist and this bill will not, in fact, help those parents or those youth.

Secondly, there are no advocates for the children. Children in the Child Welfare System do often have appointed advocates and, of course, in the delinquency system they do have legal representation. We are now creating another system in

which the youth will have no one representing them and, in fact, the only allowance in this bill is that parents would be able to, if they did not agree with the single county authority, ask for an appeal of that decision so that the youth who may have something to say or want to have something to say about this would not, in fact, have any right to any kind of appeal process. So that is my second point.

Third, the system applies only to youth who have insurance and I assume medical assistance as well, which means those families who do not have drug and alcohol coverage for their children, which includes, as we know, thousands and thousands of Pennsylvanians, would not, in fact, be affected by this bill. So you are talking about working families who do not have adequate health insurance or may have no health insurance who may have the same problems. So you are creating at least a two-tiered system where if you have health coverage you can be confined to treatment but if you do not then you cannot as a parent go to the single county authority and seek care for your child against their wishes. Of course, you can now with their consent.

Fourth, drug and alcohol treatment facilities are not locked facilities. There is, in fact, no way to keep youth there. Many of these young people are already runaways, they have already left one or two other kinds of treatment facilities and the drug and alcohol treatment people tell me this is not going to be easy to do. There is no way for them to keep the children there.

Next, I would say that the 30 days which is renewable every 30 days means that you could potentially detain a youth between the ages of 14 and 18 against their will on an ongoing basis. Yes, the single county authority has to review the child's progress every 30 days, but nothing prevents them from keeping them there on an ongoing basis.

I would just conclude by saying that the bill will not assure more available treatment for youth. It may make us feel better for a few minutes but, in fact, I do not think this will address the problems these parents have apparently come to some of the Senators and asked them to help with. I will also say that when I discussed this with some of my colleagues, they said, what else can we do? And I think this is, in fact, a desperate move. I think what else we can do is, in fact, maybe harder because it confronts our willingness to deal with some very difficult problems—use of drugs and alcohol by our youth, some of whom have seen the experience in their own families and have to confront their families in this experience. But I think what we should do and if we are, in fact, serious about dealing with the problems of youth who have drug and alcohol problems, is that we have to, one, do a much better job of prevention. We have to make sure that we are in schools at a very young age explaining about drugs and alcohol to young kids. I think we ought to consider offering counseling on drug and alcohol in the schools. I do not see anything about that in the bill. I think we should be sure that there are available and accessible services for adolescents. There are not adequate services for adolescents. Maybe one of the reasons that the kids run away is that we are not meeting

their needs in these facilities. In fact, drug and alcohol experts will tell me that not only was the drug and alcohol system set up for adults, it was set up for male adults. It is only newly coming for how to treat women and certainly newly coming for how to treat adolescents. So I think we have a long way to go on this, but I would just say, Mr. President, that this bill will not get to the problem that I have a great deal of sympathy for, both for the parents and the young people involved. I understand that my colleagues "want to do something," but I am afraid that this bill itself will cause confusion at the county level with single county authority. It will not increase availability of services. It will exclude groups of parents and children, frustrating many of our constituents who will then be angry at us that we excluded them from this process and we may well have a group of even angrier adolescents coming back at us once they turn eighteen. I thank you for the opportunity to speak on this bill and I will just say that I will be voting against this bill.

Senator WILLIAMS. Mr. President, some few years ago, not too very long ago, maybe three or maybe four, maybe two and one-half, I do not know, the question and the problem of the threat of drugs was not really upon us in the Legislature and the administration as something we really, really, really were concerned about. Some events in our state, even though things were happening in other states, drove many of us in this Body and in the House to organize and to confront and challenge the administration and ourselves to the issue and the question that far into the next century, if we do not do something comprehensive, intelligent, organized and cogent, that all the other issues that we debate about and legislate about would be of little or no meaning because of the drug threat, so overpowering and especially on young lives, that our energy and our productivity, indeed, would be sapped and we would have been destroyed internally. After a few short years I do not judge that that judgment has changed a bit. The urgency may change from day to day, depending on what calamity has taken place or what drug raids had been had or what criminals in that trade had been brought before the TV camera and arrested and convicted. But, nevertheless, the day-to-day inching toward some comprehensive and organized attack on the problem is yet to come, and so we do inch along, and some of us, as we combine and present to this Legislature and to the Governor some steps to take in our conference, some of those steps were taken. Now in Pennsylvania many community-based groups are getting help along the way, and some police units are getting help along the way, and the state Attorney General, his energetic efforts have been supported and promoted, and so we have a glimmer that we might get to the best possible arming on this question that we can. My hope is that there will be a department some day because the issue will not go away.

Along the way, in all of my discussions and deliberations and my experience both as a citizen and as a community person and as a Legislator, connected with that frustration and looking into the eyes of mothers and also looking into the eyes of judges, the proposal on the floor has great merit

because I tell you, Mr. President, that the power of the drug to disorient the intelligent, to disorient the nice and the meek, to disorient the responsible is total, and there are chapters and verses of cases. If we are talking about young people on top of that, there is no question in my mind, there is no question in the minds of those who plead for some order, some system, that those of younger age can terrorize the quietude of a family who is on a shoestring already and terrorize the families who are not on shoestrings into almost total social dismemberment is very great. So this small measure is one, Mr. President, of order. It is a proposition well thought out by both experience and inquiry among people of all persuasions and all situations, and a very small but significant step, and so I rise to support the legislation as only one recognition of something we have to have. This is not an issue where we can be wishy-washy. This is not a situation where we can be theoretical. This is not an issue where we can think that the people who actually suffer in neighborhoods from this danger, that the danger is not real and unrelenting, and so I want to assure the Members of this Body that a lot of us involved with the sponsor that the issue is well thought out and, hopefully, an addition to what might become a comprehensive plan one day by this Legislature.

Senator JONES. Mr. President, I do appreciate the opportunity to stand and speak on this bill. Listening to both of my colleagues from Philadelphia, I understand their concerns as I have some of the same concerns. I really want that understood. However, coming from a very drug-infested community, a drug-infested city and, I might say, a state, young people now are not allowed to get treatment. They are uncontrollable when it comes to their parents. It is because of the substances of drug and alcohol. They lose control of their real thinking. I held hearings with adults and I know what happens, and these drugs can be even more, I think, devastating on young people's brains. Even though I do not support everything in this bill, I support the concept as a temporary healing ground to try to help some of the parents get control of their children. So not to totally disagree with my colleagues from Philadelphia, but I have to, since working in this field for a while, disagree and say that we have to start somewhere. I think something is better than nothing. After 30 days of the treatment of these kids or a reexamination of the problem, we can see whether or not it has helped or not helped, and I think this helps the parents because until we really stop drugs from coming into this country, we have to try to find some solutions to help our young people because young people are our future, and even though some of us may not like the whole idea of this, we have to rethink in our minds, are we really trying to preserve our young people? I see this as a start, and if this bill is passed, we will certainly be watching it and see what happens.

Senator GREENLEAF. Mr. President, I will not take much time, but I would like to point out that the reason for the introduction of this legislation, as the previous speakers have touched on, is that over the years parents have come to me and I have seen situations in which children have become

involved with drug or alcohol abuse and the family has no recourse. Many times they resort to the police and they almost ask the police to arrest their children so they can put a stop to their downward spiral to prevent them from killing themselves or injuring someone else. I have seen that over the years and I think it is something we should not allow, to allow our parents in this Commonwealth to just stand by helplessly while they see their children self destruct. This bill certainly is not perfect. It is not all-encompassing, but it does start and at least give an opportunity to parents to provide treatment for their children. It provides all types of safeguards, as many safeguards as we could possibly think of in regard to the procedure. It is very similar to the mental health AFDC procedure. It provides a single county agency setting up standards. It provides for licensing professionals to make sure they are drug or alcohol dependent. It provides for a Department of Health review. It provides for a common pleas court review of the procedures from this administrative procedure and it also provides for regular 30-day reviews of the process. There are many parents' groups that support this. The Pennsylvania Family Advocacy supports it as do MADD and the Federation of Women's Clubs. I also understand that in a little over a year that also Medicaid would kick in here and provide for assistance for those families who may not be able to completely afford all of this. It is a beginning, and I would hope that we would be able to pass this and for the first time in Pennsylvania give parents the right to intervene and to try to help their children in their dependency.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—46

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Madigan	Salvatore
Baker	Hart	Mellow	Scanlon
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis		

#### NAYS—1

Schwartz

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

**SB 205 and 221** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 413 (Pr. No. 438)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the status of payments received by foster parents.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### BILL OVER IN ORDER

**SB 645** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 821 (Pr. No. 1138)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," requiring State correctional institutions to comply with drug and alcohol treatment standards.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker

Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 876 (Pr. No. 945)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from registration fees.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 901 (Pr. No. 972)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for dissemination of criminal history record information.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton

Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 960** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS ON THIRD CONSIDERATION AMENDED

**SB 1007 (Pr. No. 1456)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," eliminating the requirement that two-thirds of a savings bank's directors be residents of the Commonwealth.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SALVATORE, by unanimous consent, offered the following amendment No. A2636:

Amend Title, page 1, lines 16 and 17, by striking out "eliminating the requirement that two-thirds of a" in line 16, all of line 17, and inserting: further providing for residency requirements of directors or trustees.

Amend Sec. 1 (Sec. 1403), page 2, lines 1 through 5, by striking out all of said lines and inserting: (b) Qualifications—Each director or trustee shall be a citizen of the United States and at least two-thirds of the directors or trustees [shall be residents of Pennsylvania] must have resided in Pennsylvania or within one hundred miles of the location of the institution for at least one year immediately preceding their election and must be a resident of Pennsylvania or reside within one hundred miles of the location of the institution during their continuance in office.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator SALVATORE.

**SB 1189 (Pr. No. 1337)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1939 (P. L. 134, No. 65), entitled, as amended, "Fireworks Law," further providing for unlawful activities relating to fireworks; providing for display of permits; further providing for out-of-State shipments of fireworks and penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER, by unanimous consent, offered the following amendment No. A2629:

Amend Sec. 2 (Sec. 4), page 3, line 8, by inserting after "damage," or when used as authorized by a permit for safety testing purposes,

Amend Sec. 3 (Sec. 6), page 3, line 27, by inserting after "fireworks": in violation of this act

Amend Sec. 3 (Sec. 6), page 4, line 5, by inserting after "fireworks": in violation of this act

Amend Sec. 3 (Sec. 6), page 4, line 10, by inserting after "fireworks": in violation of this act

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1254 (Pr. No. 1444)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, restricting the use of "911".

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1331 (Pr. No. 1545)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for gas pipeline safety violations.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—47

Afflerbach	Fumo	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis	Rhoades	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SECOND CONSIDERATION CALENDAR

## BILL REREFERRED

**SB 186 (Pr. No. 1610)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment, organization, operation and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and on the Insurance Commissioner; providing penalties; and making repeals.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**SB 401** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL REREFERRED

**SB 424 (Pr. No. 1578)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, adding provisions relating to the regulation of limousine services; and further providing for disposition of fines and penalties.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**HB 626** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL REREFERRED

**HB 872 (Pr. No. 2508)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), known as the "Milk Marketing Law," further providing for expenses of the Milk Marketing Board; further providing for certain payments; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 1069** and **HB 1132** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS REREFERRED

**HB 1146 (Pr. No. 1627)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment, operation and administration of the State Food Purchase Program.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1239 (Pr. No. 1608)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for long-term care insurance, for disclosure and performance standards, for authority to regulate, for administrative procedures and for penalties.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1264 (Pr. No. 1462)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for leaves of absence for certain government employees.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:



**MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond S. Angeli (Alternate), 589 Hilltop Road, Peckville 18452, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Earl F. Gohl, Jr., Harrisburg, resigned.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Vincent Gianetti, 5185 Delores Drive, Pittsburgh 15227, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Theodore Lewandowski, Drexel Hill, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL**

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Claudia M. Dezwick, 274 Jean Drive, Pittsburgh 15236, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Frank L. Fontana, M.D., Pittsburgh, resigned.

ROBERT P. CASEY.

**MEMBER OF THE MILK MARKETING BOARD**

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leon H. Wilkinson, R. D. 1, Box 185, Landenberg 19350, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Milk Marketing Board, to serve until May 1, 1997 and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE**

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul E. Hair (Republican), 203 Llysven Court, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Father Bonaventure Midili, Altoona, resigned.

ROBERT P. CASEY.

**NOMINATIONS LAID ON THE TABLE**

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**REPORT FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

**SB 1089 (Pr. No. 1206)**

An Act requiring fiscal notes to be prepared by the Appropriations Committees prior to third consideration by either the Senate or the House of Representatives regarding legislation containing certain mandates to local government; and providing for exceptions.

**BILL ON FIRST CONSIDERATION**

Senator HOLL. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**SB 1089.**

And said bill having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Service Electric Cable TV and Super 2 by Senator Afflerbach.

Congratulations of the Senate were extended to John Grygier, Hyle Richmond, James Thompson and to Debbie M. Lewicki by Senator Andrezeski.

Congratulations of the Senate were extended to Scott A. Fryer, James Claffey, Jerry Spinelli and to Barbara E. Mancini by Senator Baker.

Congratulations of the Senate were extended to First United Methodist Church of McKeesport by Senator Belan.

Congratulations of the Senate were extended to Jonathan W. Battey by Senator Bell.



Congratulations of the Senate were extended to Sue Siar by Senator Bodack.

Congratulations of the Senate were extended to James L. Edmonds, Jr. by Senator Bortner.

Congratulations of the Senate were extended to Lou Ann Evans by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Antol and to Monsignor Ernest L. Dunda by Senator Dawida.

Congratulations of the Senate were extended to Winston Oscar Williams by Senator Fattah.

Congratulations of the Senate were extended to Jonathan Christopher Nipar and to Dr. Ross F. DiMarco, Jr. by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. Theodore Strenk by Senator Fumo.

Congratulations of the Senate were extended to Nancy Kathryn Bierlin, Daniel D. Bleicher and to Philip L. Beal by Senator Greenleaf.

Congratulations of the Senate were extended to Sister Kirk Glunk by Senator Hart.

Congratulations of the Senate were extended to Dr. Charles Yost and to Stella L. Wagner by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin Detweiler, Dr. Helen Rawson, Adam Raybuck and to West Norriton Ambulance Squad of Jeffersonville by Senator Holl.

Congratulations of the Senate were extended to Willie C. Riley, Gwendolyn Thomas Hundley and to Sidney L. Booker II by Senator Jones.

Congratulations of the Senate were extended to Michael C. Prokopchak, John R. Stofko, Richard D. Montross, Robert A. Pealer, William J. Simonitis, John W. Katrenicz, Gerardo Marini, Joseph A. Kwak, William F. Gately, Thomas H. Biggar, Thomas C. Bachman, Russell G. Bigus and to Buckingham Baptist Church of Starlight by Senator Lemmond.

Congratulations of the Senate were extended to Les Barnes by Senator Loeper.

Congratulations of the Senate were extended to Thomas P. Baggott, Francis J. Anzelmi, Nicholas A. Genova and to Guy Valvano by Senator Mellow.

Congratulations of the Senate were extended to Brad Christensen by Senator Pecora.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence Lessig by Senator Porterfield.

Congratulations of the Senate were extended to Douglas J. Williams by Senator Rhoades.

Congratulations of the Senate were extended to Thomas L. Critchlow by Senator Robbins.

Congratulations of the Senate were extended to WISR 680 AM Radio Station by Senator Shaffer.

Congratulations of the Senate were extended to Andrew D. Gould and to Clarence Fortney by Senator Shumaker.

Congratulations of the Senate were extended to Opal Spence Jones by Senators Shumaker and Hopper.

Congratulations of the Senate were extended to Joseph L. Carcaci by Senator Tilghman.

Congratulations of the Senate were extended to Peter D. Truman by Senator Williams.

### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Anthony Russian by Senator Rhoades.

### POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Charles Oliver by Senator Belan.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE FARM PRODUCTS SHOW COMMISSION

October 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Samuel W. Morris, Box 360, R. D. 2, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified, vice James B. Bogar, Camp Hill, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF HAMBURG CENTER

October 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Pamela Evans, 321 Penn Valley Road, Bernville 19506, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Patricia J. Bressler, Leesport, resigned.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER**

October 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Hohenwarter, 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Evelyn C. Marboe, State College, confirmed to another position.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF NURSING**

October 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brenda E. Brown (Public Member), 403 Rochelle Street, Pittsburgh 15210, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen Reigle, Harrisburg, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE  
AND HEARING**

October 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. William R. Henwood, 291 Buhl Boulevard, Sharon 16146, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Alvin A. Kinsel, M.D., Pittsburgh, confirmed to another position.

ROBERT P. CASEY.

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY**

October 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 1, 1991 for the appointment of Maureen F. Fitzpatrick, Esquire, 10 Harmil Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Howard F. Reed, Jr., mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

October 21, 1991

Senators GREENLEAF and AFFLERBACH presented to the Chair **SB 1375**, entitled:

An Act defining full-service and self-service motor vehicle fuel stations; establishing minimum services; requiring motor vehicle fuel stations to have air pumps for the public; prohibiting certain provisions in agreements; restricting promulgation of certain rules and regulations; and providing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 21, 1991.

Senators TILGHMAN, HOPPER, HELFRICK, PETERSON, SALVATORE, WENGER, SHAFFER, SHUMAKER, CORMAN, BELL, PECORA, HART, PORTERFIELD, ROBBINS, BAKER, PUNT, AFFLERBACH, RHOADES and LEMMOND presented to the Chair **SB 1376**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," repealing certain provisions imposing sales tax on various services; and further providing for the sales tax on certain bakery products.

Which was committed to the Committee on FINANCE, October 21, 1991.

Senators TILGHMAN, BELL, PORTERFIELD, SHAFFER, RHOADES, REIBMAN, WENGER, SALVATORE, CORMAN, MADIGAN, HOPPER, ROBBINS, HELFRICK, SHUMAKER, JUBELIRER, FISHER, SCHWARTZ, LEMMOND, PETERSON and AFFLERBACH presented to the Chair **SB 1377**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for exclusion from the tire fee.

Which was committed to the Committee on TRANSPORTATION, October 21, 1991.

Senators TILGHMAN, SHAFFER, HOPPER, WENGER, SALVATORE, HELFRICK, HART, WILLIAMS, BAKER and ANDREZESKI presented to the Chair **SB 1378**, entitled:

An Act amending the act of May 26, 1988 (P. L. 448, No. 73), entitled "College and University Security Information Act," providing for daily logs of college and university police and security department activities and for public access to the daily logs.

Which was committed to the Committee on EDUCATION, October 21, 1991.

Senators BAKER, CORMAN, PECORA, BORTNER and STOUT presented to the Chair **SB 1379**, entitled:

An Act amending the act of July 10, 1987 (P. L. 246, No. 47), entitled "Financially Distressed Municipalities Act," further providing for standing to request a determination, for determination procedure, for contents of the coordinator's plan, for plan implementation, for termination of status and for economic and community development grant priority; and making repeals.

Which was committed to the Committee on LOCAL GOVERNMENT, October 21, 1991.

Senators AFFLERBACH, O'PAKE, REIBMAN, STOUT, PORTERFIELD, HELFRICK, SCHWARTZ and ANDREZESKI presented to the Chair **SB 1380**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of dealer registration plates.

Which was committed to the Committee on TRANSPORTATION, October 21, 1991.

Senators AFFLERBACH, SCANLON, SALVATORE, LEWIS, PECORA, O'PAKE and PORTERFIELD presented to the Chair **SB 1381**, entitled:

An Act amending the act of December 18, 1984 (P. L. 1004, No. 204), entitled "An act extending benefits to police chiefs or heads of police departments of political subdivisions of the Commonwealth who have been removed from bargaining units by the Pennsylvania Labor Relations Board," providing for fire officers.

Which was committed to the Committee on LABOR AND INDUSTRY, October 21, 1991.

Senators O'PAKE and AFFLERBACH presented to the Chair **SB 1382**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring seat belts for school buses; and providing penalties.

Which was committed to the Committee on TRANSPORTATION, October 21, 1991.

Senators RHOADES and CORMAN presented to the Chair **SB 1383**, entitled:

An Act placing a moratorium on the construction of contaminated soil incinerators; and establishing a commission to study the effects of contaminated soil incinerators on public health, the environment and the economy.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 21, 1991.

Senators SCANLON, BODACK, STOUT, STEWART, MELLOW and AFFLERBACH presented to the Chair **SB 1384**, entitled:

An Act providing for workers' compensation insurance; providing for additional duties of the Insurance Department; providing for premium rates and rate filings, for the administration of classifications, for experience ratings and for certain reports by insurers; licensing and regulating advisory organizations; and providing for compliance, compliance procedures and for penalties.

Which was committed to the Committee on BANKING AND INSURANCE, October 21, 1991.

Senators SCANLON, BODACK, STOUT, STEWART, MELLOW and AFFLERBACH presented to the Chair **SB 1385**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," adding certain definitions; further providing for charges and costs of medical treatment and for certain review procedures relating thereto; adding provisions and requirements relating to workplace health and safety; establishing the Safety and Health Council and providing for its powers and duties; providing for additional duties of the Insurance Department and the Department of Labor and Industry; providing for self-insurance pooling; and establishing the Self-Insurance Guaranty Fund.

Which was committed to the Committee on LABOR AND INDUSTRY, October 21, 1991.

Senators STOUT, BELAN, HART, REIBMAN and SALVATORE presented to the Chair **SB 1386**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a safe driving course.

Which was committed to the Committee on TRANSPORTATION, October 21, 1991.

Senators STOUT and CORMAN presented to the Chair **SB 1387**, entitled:

A Supplement to the act of (P. L. , No. ), entitled "Highway Supplement to the Capital Budget Act of 1991-1992," itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

Which was committed to the Committee on TRANSPORTATION, October 21, 1991.

## ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, OCTOBER 22, 1991

10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 773, 1324 and House Bills No. 219 and 1735)	Room 156 Main Capitol
11:00 A.M.	FINANCE (to consider Senate Bills No. 402, 790, 849, 1190, 1368 and 1369)	Room 460 4th Floor North Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 273, 797, 1294, 1295 and 1296)	Room 8E-B Hearing Room East Wing

12:00 Noon	LABOR AND INDUSTRY to consider Senate Bills No. 1238, 1273, 1364; Dennis Martire, Labor Relations Board Nominee, and any other matter which may come before the Committee)	Room 461 4th Floor North Wing
12:30 P.M.	BANKING AND INSURANCE (to consider Senate Bills No. 7, 250, 251, 800, 1271 and 1272)	Room 460 4th Floor North Wing
1:00 P.M.	PUBLIC HEALTH AND WELFARE (Confirmation Hearing, Dr. Allan S. Noonan, Secretary of Health)	Room 8E-A Hearing Room East Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Committee Conference Room

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, October 22, 1991, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:50 p.m., Eastern Daylight Saving Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 22, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 66

### SENATE

TUESDAY, October 22, 1991.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend MICHAEL M. MAZER, Pastor of First Baptist Church, Washington, offered the following prayer:

Let us pray.

Almighty God, we first and foremost come before You to acknowledge that all good gifts have come from above and have come from Thy mighty hands, and so we gather here in a spirit of thankfulness and of deep appreciation. But we also recognize the matters at hand, and so we would pray to You, O God, that You would keep this moment from being merely a gesture of tradition and custom, but rather that You would make this moment a real experience whereby we may recognize Your presence in this place and thus we are capable of calling upon You for guidance and for help.

Lord, as we have felt Your presence and nearness in the experience of worship, we would ask that we could feel that same presence and nearness in the business of this day. We would pray that what the Senators say and what they do may be in accordance with Thy will for the people of Pennsylvania. We are reminded, O God, that when we stand praying that we should forgive, if we have anything against one another. And so, I pray on behalf of the Senate that You would give them grace to lay aside all bitterness and resentment which they may be nursing in their hearts, lest the acid from such bitterness would eat into their souls, would mar them from peace and would corrode their spirits.

We are also mindful that it is more blessed to give than to receive and so, God, we pray that You would give the Senators grace to think not what they can get out of these meetings and out of committee, but rather what they can give on behalf of the people they represent, that what You would give them would be the ability to have a new spirit, whereby they may enter their work for this day, that You would give them a new vision for the possibilities of Pennsylvania and that You would renew their purpose to doing that which would be pleasing unto Thee, so that You would delight to

bless their efforts of this day. We offer this prayer in Your name, the God of all people. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 21, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 22, 1991

**HB 1443** — Committee on Consumer Protection and Professional Licensure.

**HB 1510 and 1663** — Committee on Judiciary.

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess Adjournment.

### RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

October 22, 1991

#### MEMORIALIZING CONGRESS TO MAINTAIN THE STRENGTH OF THE NATIONAL GUARD

Senators PUNT, O'PAKE, SALVATORE, REIBMAN, SHUMAKER, HELFRICK, CORMAN, MADIGAN, LaVALLE, PORTERFIELD, BELAN, MUSTO, STEWART, LEWIS, AFFLERBACH, STAPLETON, FISHER, HOPPER, BELL, BRIGHTBILL, JUBELIRER, DAWIDA and TILGHMAN offered the following resolution



(Senate Resolution No. 111), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, October 22, 1991.

#### A RESOLUTION

Memorializing Congress to maintain the strength of the National Guard.

WHEREAS, The men and women of the Pennsylvania Army and Air National Guard have repeatedly demonstrated the wisdom and success of maintaining a strong, ready National Guard, most recently by the mobilization and deployment of the National Guard in support of Operations Desert Shield and Desert Storm; and

WHEREAS, A Department of Defense study has recommended relegating major portions of the National Guard to a reinforcing role with little or no responsibilities in contingency operations; and

WHEREAS, There are enormous pressures being brought to bear on the Congress to concur in proposed drastic reductions in National Guard and Reserve Forces; and

WHEREAS, These proposed cuts would, if approved by Congress, ultimately result in the loss of fully one-third of the authorized strength of the Pennsylvania Army National Guard, including the loss of one full brigade of the 28th Infantry Division and many units of the 213th Area Support Group; and

WHEREAS, Staggering cuts of this magnitude would result in the loss of over 30 million dollars per year in Federal funding of the National Guard, closure of one-third of our armories and layoffs among the National Guard's full-time support force; and

WHEREAS, The massive proposed troop cuts would seriously reduce the National Guard's ability to aid local governments and our citizenry in times of State emergencies; and

WHEREAS, The proposed steep reductions in the end strength of the National Guard ignore the following facts:

(1) The National Guard represents our nation's best and most cost-effective insurance policy in an era of massive international instability and uncertainty.

(2) Cuts in the active components will force quality-trained personnel from their military careers, but there will be no vacancies for them to preserve their military experience and skills in the National Guard and reserves.

(3) Unlike the active components, National Guard forces lack the ability to expand quickly once units are deactivated and community ties severed; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to support maintaining the end strength of the National Guard and modernization of the National Guard with equipment displaced by active component reductions; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

### SENATE RESOLUTIONS

#### CONTINUING EXISTENCE OF THE PUBLIC EMPLOYEE RETIREMENT STUDY COMMISSION SCHEDULED FOR TERMINATION UNDER THE SUNSET ACT

The PRESIDENT pro tempore laid before the Senate the following resolution (Sunset Review Resolution No. 1), which was read as follows:

#### A RESOLUTION

Continuing existence of the Public Employee Retirement Study Commission scheduled for termination under the Sunset Act.

WHEREAS, Section 8 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the Public Employee Retirement Study Commission is subject to the review and termination cycle provided in that act; and

WHEREAS, the Public Employee Retirement Study Commission was created by the act of July 9, 1981 (P.L.208, No.66), and therefore terminates on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the Public Employee Retirement Study Commission has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the Public Employee Retirement Study Commission continue in existence until the next review and termination cycle scheduled for the agency.

#### CONTINUING EXISTENCE OF THE MUNICIPAL PENSION ADVISORY COMMITTEE SCHEDULED FOR TERMINATION UNDER THE SUNSET ACT

The PRESIDENT pro tempore laid before the Senate the following resolution (Sunset Review Resolution No. 2), which was read as follows:

#### A RESOLUTION

Continuing existence of the Municipal Pension Advisory Committee scheduled for termination under the Sunset Act.

WHEREAS, Section 8 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the Municipal Pension Advisory Committee is subject to the review and termination cycle provided in that act; and

WHEREAS, The Municipal Pension Advisory Committee was created by the act of July 9, 1981 (P.L.208, No.66), and therefore terminates on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the Municipal Pension Advisory Committee has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the Municipal Pension Advisory Committee continue in existence until the next review and termination cycle scheduled for the agency.

**CONTINUING EXISTENCE OF THE  
PENNSYLVANIA ADVISORY COUNCIL ON  
DRUG AND ALCOHOL ABUSE SCHEDULED FOR  
TERMINATION UNDER THE SUNSET ACT**

The PRESIDENT pro tempore laid before the Senate the following resolution (**Sunset Review Resolution No. 3**), which was read as follows:

**A RESOLUTION**

Continuing existence of the Pennsylvania Advisory Council on Drug and Alcohol Abuse scheduled for termination under the Sunset Act.

WHEREAS, Section 6 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the Pennsylvania Advisory Council on Drug and Alcohol Abuse is subject to the review and termination cycle provided in that act; and

WHEREAS, Section 4 of the act of December 20, 1985 (P.L.529, No.119), provides that the Pennsylvania Advisory Council on Drug and Alcohol Abuse shall terminate on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the Pennsylvania Advisory Council on Drug and Alcohol Abuse has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the Pennsylvania Advisory Council on Drug and Alcohol Abuse continue in existence until the next review and termination cycle scheduled for the agency.

**CONTINUING EXISTENCE OF THE STATE  
BOARD OF OPTOMETRY SCHEDULED FOR  
TERMINATION UNDER THE SUNSET ACT**

The PRESIDENT pro tempore laid before the Senate the following resolution (**Sunset Review Resolution No. 4**), which was read as follows:

**A RESOLUTION**

Continuing existence of the State Board of Optometry scheduled for termination under the Sunset Act.

WHEREAS, Section 6 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the State Board of Optometry is subject to the review and termination cycle provided in that act; and

WHEREAS, Section 12 of the act of May 15, 1986 (P.L.186, No.58), provides that the State Board of Optometry shall terminate on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the State Board of Optometry has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the State Board of Optometry continue in existence until the next review and termination cycle scheduled for the agency.

**CONTINUING EXISTENCE OF THE  
PENNSYLVANIA HUMAN RELATIONS  
COMMISSION SCHEDULED FOR TERMINATION  
UNDER THE SUNSET ACT**

The PRESIDENT pro tempore laid before the Senate the following resolution (**Sunset Review Resolution No. 5**), which was read as follows:

**A RESOLUTION**

Continuing existence of the Pennsylvania Human Relations Commission scheduled for termination under the Sunset Act.

WHEREAS, Section 6 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the Pennsylvania Human Relations Commission is subject to the review and termination cycle provided in that act; and

WHEREAS, Section 14 of the act of December 16, 1986 (P.L.1626, No.186), provides that the Pennsylvania Human Relations Commission shall terminate on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the Pennsylvania Human Relations Commission has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the Pennsylvania Human Relations Commission continue in existence until the next review and termination cycle scheduled for the agency.

**CONTINUING EXISTENCE OF THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION SCHEDULED FOR  
TERMINATION UNDER THE SUNSET ACT**

The PRESIDENT pro tempore laid before the Senate the following resolution (**Sunset Review Resolution No. 6**), which was read as follows:

**A RESOLUTION**

Continuing existence of the Pennsylvania Public Utility Commission scheduled for termination under the Sunset Act.

WHEREAS, Section 6 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the Pennsylvania Public Utility Commission is subject to the review and termination cycle provided in that act; and

WHEREAS, Section 15 of the act of July 10, 1986 (P.L.1238, No.14), provides that the Pennsylvania Public Utility Commission shall terminate on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the Pennsylvania Public Utility Commission has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the Pennsylvania Public Utility Commission continue in existence until the next review and termination cycle scheduled for the agency.

#### **CONTINUING EXISTENCE OF THE CRIME VICTIM'S COMPENSATION BOARD SCHEDULED FOR TERMINATION UNDER THE SUNSET ACT**

The PRESIDENT pro tempore laid before the Senate the following resolution (**Sunset Review Resolution No. 7**), which was read as follows:

##### **A RESOLUTION**

Continuing existence of the Crime Victim's Compensation Board scheduled for termination under the Sunset Act.

WHEREAS, Section 6 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the Crime Victim's Compensation Board is subject to the review and termination cycle provided in that act; and

WHEREAS, Section 7 of the act of December 11, 1986 (P.L.1490, No.155), provides that the Crime Victim's Compensation Board shall terminate on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the Crime Victim's Compensation Board has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the Crime Victim's Compensation Board continue in existence until the next review and termination cycle scheduled for the agency.

#### **CONTINUING EXISTENCE OF THE ADVISORY COUNCIL FOR THE DEAF AND HEARING IMPAIRED SCHEDULED FOR TERMINATION UNDER THE SUNSET ACT**

The PRESIDENT pro tempore laid before the Senate the following resolution (**Sunset Review Resolution No. 8**), which was read as follows:

##### **A RESOLUTION**

Continuing existence of the Advisory Council for the Deaf and Hearing Impaired scheduled for termination under the Sunset Act.

WHEREAS, Section 8 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, provides that the Advisory Council for the Deaf and Hearing Impaired is subject to the review and termination cycle provided in that act; and

WHEREAS, Section 7 of the act of December 16, 1986 (P.L.1621, No.184), provides that the Advisory Council for the Deaf and Hearing Impaired shall terminate on December 31, 1991; and

WHEREAS, Section 7(b) of the Sunset Act provides that, unless legislation is enacted prior to November 1 reestablishing an agency, the presiding officer of each house shall cause to be placed on their respective calendars for the first legislative day in November, the question, in the form of a resolution, of whether an agency scheduled for termination on December 31 of that year shall be continued; and

WHEREAS, Section 7(b) of the Sunset Act further provides that, if a majority of the members elected to each house approve the resolution prior to the scheduled termination date of December 31, the agency shall be continued until the next review and termination cycle scheduled for the agency; and

WHEREAS, Legislation reestablishing the Advisory Council for the Deaf and Hearing Impaired has not been enacted prior to November 1, 1991; therefore be it

RESOLVED, That the Advisory Council for the Deaf and Hearing Impaired continue in existence until the next review and termination cycle scheduled for the agency.

The PRESIDENT pro tempore. The resolutions will be placed on the Calendar.

#### **APPOINTMENTS BY PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointments:

Senator Richard A. Tilghman as a member of the Advisory Council of the Southeastern Pennsylvania Veterans' Home.

Senator D. Michael Fisher as Senate representative to the Governing Board of the Council of State Governments.

#### **REPORTS FROM COMMITTEES**

Senator BELL, from the Committee on Appropriations, reported the following bills:

##### **SB 865 (Pr. No. 1633) (Amended) (Rereported)**

An Act regulating credit services; prohibiting certain activities; providing for certain information to be given to buyers, for the contents of contracts and for enforcement; prohibiting advance fees by loan brokers; and providing penalties.

##### **SB 1359 (Pr. No. 1634) (Amended) (Rereported)**

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for the membership, powers and duties of the Pennsylvania Advisory Council on Substance Abuse, creating single county authorities; further providing for the powers, duties and responsibilities of the department, local authorities and single county authorities, and reestablishing and continuing the Council as the Pennsylvania Board on Drug and Alcohol Abuse.

**SB 1360 (Pr. No. 1635) (Amended) (Rereported)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and for definitions; transferring the powers and duties of the Crime Victim's Compensation Board to the Bureau of Victim Services within the Pennsylvania Commission on Crime and Delinquency; further providing for crime victims' compensation eligibility and claims, for crime victims' compensation awards and subrogation, for law enforcement responsibilities relating to crime victims' compensation, for proceeds from crimes and for responsibilities of employers, service providers and insurers as to crime victims' compensation.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

**SB 7 (Pr. No. 7)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a motor vehicle theft prevention program.

**SB 250 (Pr. No. 259)**

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," requiring that complete copies of insurance policies be provided to policyholders upon request.

**SB 1271 (Pr. No. 1469)**

An Act creating an incentive for small business employers to offer health insurance to employees.

**SB 1272 (Pr. No. 1470)**

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for group accident and sickness insurance.

Senator MADIGAN, from the Committee on Labor and Industry, reported the following bills:

**SB 1157 (Pr. No. 1293)**

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for the definition of "firefighter, ambulance service or rescue squad member or law enforcement officer."

**SB 1238 (Pr. No. 1632) (Amended) (Rereported)**

An Act amending the act of June 23, 1978 (P. L. 537, No. 93), entitled "Seasonal Farm Labor Act," further providing for declaration of intent; adding and amending definitions; further providing for minimum wages, piece rates, employment of minors, prohibition on account of sex, required records, notice to workers, wage payment, hours of labor, rules and regulations, inspections and entry, permit to operate seasonal farm labor camp, enforcement orders, tenancy rights, annual registration requirement, qualifications of registrants, exemption of agents from registration, employment agencies, farm labor contractors and agents, prohibited activities, powers and duties of secretary, administrative procedure, pending proceedings and criminal penalties; and providing for lack of affirmative duty, interference with access and right of privacy, and civil remedies and penalties.

**SB 1273 (Pr. No. 1471)**

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," further defining "public work" by excluding public school construction projects.

**SB 1364 (Pr. No. 1592)**

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), entitled "Pennsylvania Conservation Corps Act," further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors and for appropriations; and making editorial changes.

Senator ARMSTRONG, from the Committee on Finance, reported the following bills:

**SB 402 (Pr. No. 427)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors.

**SB 790 (Pr. No. 842)**

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the times for reports to the Secretary of Revenue.

**SB 1190 (Pr. No. 1338)**

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the deposit of moneys and for State depositories.

**SB 1368 (Pr. No. 1596)**

An Act amending the act of July 9, 1981 (P. L. 208, No. 66), entitled "Public Employee Retirement Study Commission Act," changing the name of the Public Employee Retirement Study Commission; further providing for time limits for actuarial notes; and extending the term of the commission.

**SB 1369 (Pr. No. 1597)**

An Act reestablishing the Municipal Pension Advisory Committee.

Senator CORMAN, from the Committee on Transportation, reported the following bills:

**SB 773 (Pr. No. 1630) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for confidential registration for judges.

**SB 1324 (Pr. No. 1631) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating off-road lighting equipment on vehicles.

**HB 219 (Pr. No. 228)**

An Act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 273 (Pr. No. 282)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mediation in divorce and custody matters.

**SB 797 (Pr. No. 849)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing an additional class of criminal homicide known as homicide by abuse.

**SB 1295 (Pr. No. 1636) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the grounds for divorce, for counseling and for equitable division of marital property.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for today for Senator Pecora and a Capitol leave for Senator Robbins.

The PRESIDENT pro tempore. Senator Fisher requests legislative leave for Senator Pecora and a temporary Capitol leave for Senator Robbins. The Chair hears no objection. The leaves will be granted.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Jones, Senator Reibman and Senator Schwartz.

The PRESIDENT pro tempore. Senator Stapleton requests temporary Capitol leaves for Senator Jones, Senator Reibman and Senator Schwartz. The Chair hears no objection. Those leaves will be granted.

### LEAVES OF ABSENCE

Senator FISHER asked and obtained leaves of absence for Senator WENGER, for today's Session, for personal reasons and for Senator TILGHMAN, for today's Session, for health reasons.

Senator STAPLETON asked and obtained leaves of absence for Senator DAWIDA and Senator LYNCH, for today's Session, for personal reasons.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### CALENDAR

#### FINAL PASSAGE CALENDAR

##### BILL OVER IN ORDER

**SB 953** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### THIRD CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**SB 205, 221 and 645** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

### BILL REREFERRED

**SB 960 (Pr. No. 1404)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Rules and Executive Nominations.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1007 (Pr. No. 1626)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for residency requirements of directors or trustees.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—45

Afflerbach	Greenleaf	Lincoln	Rhoades
Andrezeski	Greenwood	Loeper	Robbins
Armstrong	Hart	Madigan	Salvatore
Baker	Helfrick	Mellow	Scanlon
Belan	Holl	Musto	Schwartz
Bell	Hopper	O'Pake	Shaffer
Bodack	Jones	Pecora	Shumaker
Bortner	Jubelirer	Peterson	Stapleton
Brightbill	LaValle	Porterfield	Stewart
Corman	Lemmond	Punt	Stout
Fattah	Lewis	Reibman	Williams
Fisher			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Robbins, Senator Jones and Senator Reibman. Their temporary Capitol leaves will be cancelled.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Permission is given for the following committees to meet during today's Session: the Committee on Finance in the Rules room to consider Senate Bill No. 849 and



the Committee on Rules and Executive Nominations to consider certain nominations.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1189 (Pr. No. 1627)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1939 (P. L. 134, No. 65), entitled, as amended, "Fireworks Law," further providing for unlawful activities relating to fireworks; providing for display of permits; further providing for out-of-State shipments of fireworks and penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—45

Afflerbach	Fumo	Lewis	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Madigan	Salvatore
Baker	Hart	Mellow	Scanlon
Belan	Helfrick	Musto	Schwartz
Bell	Holl	O'Pake	Shaffer
Bodack	Hopper	Pecora	Shumaker
Bortner	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stewart
Corman	LaValle	Punt	Stout
Fattah	Lemmond	Reibman	Williams
Fisher			

#### NAYS—1

Lincoln

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo who is present and voting.

### SECOND CONSIDERATION CALENDAR

#### BILL ON SECOND CONSIDERATION

**SB 401 (Pr. No. 426)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

### BILLS OVER IN ORDER

**HB 626, SB 1069, 1089 and HB 1132** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

### SENATE CONCURRENT RESOLUTION NO. 98, CALLED UP

Senator LOEPER, without objection, called up from page 3 of the Calendar, **Senate Concurrent Resolution No. 98**, entitled:

A Concurrent Resolution memorializing Congress to reject a proposed rule which would prohibit states from using a pooling mechanism for Medicaid funding.

On the question,

Will the Senate adopt the resolution?

### SENATE CONCURRENT RESOLUTION NO. 98, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 98.

On the question,

Will the Senate agree to the motion?

Senator O'PAKE. Mr. President, very briefly, this resolution speaks for itself but, basically, what it does is ask Congress to stop the Health Care Finance Agency in Washington from preventing Pennsylvania from using a pooling device to draw down federal funding for our Medicaid programs. As we know, much of the problems created for state governments these days are a result of federal action or inaction. Congress has very generously increased the eligibility for Medicaid programs but has not provided the financing for the states to pay for that care. Several states, including Pennsylvania, have entered into a pooling arrangement whereby hospitals pay to the state a "tax" and then the state has used that to draw down federal funding. Last year an additional \$376 million in federal funding for hospital care was brought to Pennsylvania as a result of our pooling law. Now, however, HCFA, the Health Care Finance Agency, is saying that this type of arrangement will not be condoned in Washington and, as a result, we are told by the Department of Public Welfare that our state's \$70 million pool for nursing home care, which would create a federal match of \$93 million a year from the Medicaid fund to nursing home care, is in jeopardy. We are told that unless HCFA is reversed by Congress, this could cost Pennsylvania about a billion dollars over the next two to three years. Without this pooling, the state may have no choice but to cut some basic health services to the poor in order to balance the books on Medicaid. Those services most vulnerable include outpatient surgery, prescription drugs, medical supplies, dental, podiatric, chiropractic and hospice care, midwife and birthing center services, outpatient psychiatric care and drug and alcohol rehabilitation. What we are doing in adopting this resolution, Mr. President, is asking our congressional delegation to do what is necessary to prevent the Health Care Finance Agency's plan from taking effect. If



we are not successful, we are going to face another possible tax increase or a substantial cutback in services available to our needy in Pennsylvania.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

#### SENATE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2, CALLED UP

Senator LOEPER, without objection, called up from page 3 of the Calendar, **Senate Concurrent Regulatory Review Resolution No. 2**, entitled:

Disapproving Environmental Quality Board regulations controlling volatile organic compound emissions from gasoline dispensing facilities

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 2, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Concurrent Regulatory Review Resolution No. 2.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—45

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Hart	Madigan	Salvatore
Baker	Helfrick	Mellow	Scanlon
Belan	Holl	Musto	Schwartz
Bell	Hopper	O'Pake	Shaffer
Bodack	Jones	Pecora	Shumaker
Bortner	Jubelirer	Peterson	Stapleton
Brightbill	LaValle	Porterfield	Stewart
Corman	Lemmond	Punt	Stout
Fattah	Lewis	Reibman	Williams
Fisher			

#### NAYS—1

Greenwood

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

#### SB 1109 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 1109, Printer's No. 1226, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

#### SENATE RESOLUTION

#### RECOGNIZING THE STATE EMPLOYEES COMBINED APPEAL

Senators BORTNER, SHUMAKER, JONES, JUBELIRER, CORMAN, TILGHMAN, STAPLETON, HELFRICK, SCHWARTZ, REIBMAN, LaVALLE and BELAN offered the following resolution (**Senate Resolution No. 112**), which was read as follows:

In the Senate, October 22, 1991.

#### A RESOLUTION

Recognizing the State Employees Combined Appeal (SECA).

WHEREAS, The State Employees Combined Appeal (SECA) is an effective and accountable system for State employees to support a variety of human services which improve the quality of life for millions of citizens in need; and

WHEREAS, SECA supports over 2,500 human service programs through the International Service Agencies, National Health Agencies, The United Negro College Fund, The Pennsylvania United Way, Women's Way of Pennsylvania, National United Service Agencies, the American Cancer Society, The Black United Fund of Pennsylvania, Independent Charities of America and The Pennsylvania Coalition Against Domestic Violence; and

WHEREAS, These agencies and programs help communities meet critical health and human care needs such as drug and alcohol abuse, child abuse, disease research, worldwide poverty and education for the needy; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania salute the State Employees Combined Appeal for encouraging State employees to participate in the cooperative mission of caring for others in our communities, our Commonwealth, our nation and our world; and be it further

RESOLVED, That a copy of this resolution be transmitted to SECA, 17 South Market Square, Harrisburg, Pennsylvania, 17102.

Senator BORTNER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 112, ADOPTED

Senator BORTNER. Mr. President, I move that the Senate do adopt Senate Resolution No. 112.

On the question,

Will the Senate agree to the motion?

Senator BORTNER. Mr. President, my friend and colleague, Senator Shumaker, is joining me along with other Members in offering this resolution on the floor today. SECA has long been recognized by citizens of this Commonwealth as an effective and accountable system for state employees to support over 2,500 human services programs. SECA supports programs through organizations such as the International Service Agency, National Health Agency, the United Negro College Fund, the Pennsylvania United Way, Women's Way of Pennsylvania, National United Service Agency and the American Cancer Society. I am personally most familiar with the work of United Way since I serve as a member of the

Board of Directors of the United Way of York County. These programs help communities throughout Pennsylvania in a variety of ways by addressing many human needs such as drug and alcohol abuse, child abuse, disease research, worldwide poverty and education. What is especially appealing in the SECA campaign is the fact that thousands of state employees all across this state have contributed for many years toward this campaign to help their own communities meet critical health and human care needs. I commend our state employees for their past participation in SECA and I urge their continued support, and I would like to particularly urge all Members of the Senate and their staffs to support this effort to help those less fortunate to the best of their ability.

Senator SHUMAKER. Mr. President, I am very pleased to join with my colleague, Senator Bortner, from York County in sponsoring this resolution which recognizes the important efforts of the State Employees Combined Appeal. As a Senator who represents Pennsylvania's capital city, quite a few of my constituents are employed by the Commonwealth. Through the State Employees Combined Appeal, or SECA, state workers show their genuine concern for the less fortunate among us. Through their generosity over the years, state employees have offered a helping hand to those in need all over Pennsylvania. So today we honor and thank those who have contributed to this worthwhile cause in the past, and we express the Senate's encouragement to all who contribute what they can this year. I am proud to represent the state capital, proud of the men and women who work for our Commonwealth and proud of the fine work that the State Employees Combined Appeal does throughout Pennsylvania.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a brief recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be followed by a meeting of the Committee on Finance.

The PRESIDENT. Senator Loeper requests a brief recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be followed by a meeting of the Committee on Finance. Would the Members of the Committee on Rules and Executive Nominations report immediately to the Rules room at the rear of the Chamber, and would the Members of the Committee on Finance stand by for a meeting in the same aforementioned cubicle. For those purposes, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

October 21, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 1, 1991 for the appointment of Maureen F. Fitzpatrick, Esquire, 10 Harmil Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable Howard F. Reed, Jr., mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

### MEMBER OF THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMMISSION

August 19, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond S. Angeli (Alternate), 589 Hilltop Road, Peckville 18452, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Earl F. Gohl, Jr., Harrisburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Vincent Gianetti, 5185 Delores Drive, Pittsburgh 15227, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Theodore Lewandowski, Drexel Hill, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

September 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Claudia M. Dezwick, 274 Jean Drive, Pittsburgh 15236, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Frank L. Fontana, M.D., Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

July 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul E. Hair (Republican), 203 Llysven Court, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified, vice Father Bonaventure Midili, Altoona, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—46

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Madigan	Salvatore
Baker	Hart	Mellow	Scanlon

Belan	Helfrick	Musto	Schwartz
Bell	Holl	O'Pake	Shaffer
Bodack	Hopper	Pecora	Shumaker
Bortner	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stewart
Corman	LaValle	Punt	Stout
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE MILK MARKETING BOARD

August 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leon H. Wilkinson, R. D. 1, Box 185, Landenberg 19350, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Milk Marketing Board, to serve until May 1, 1997 and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—46

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Madigan	Salvatore
Baker	Hart	Mellow	Scanlon
Belan	Helfrick	Musto	Schwartz
Bell	Holl	O'Pake	Shaffer
Bodack	Hopper	Pecora	Shumaker
Bortner	Jones	Peterson	Stapleton
Brightbill	Jubelirer	Porterfield	Stewart
Corman	LaValle	Punt	Stout
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis		

NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**UNFINISHED BUSINESS****CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Michael Oros by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Roy A. Horning II, Mr. and Mrs. Martin Gible and to Mr. and Mrs. Chester A. Kneisley by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Woodrow Thomas and to Fred Mancini by Senator Bell.

Congratulations of the Senate were extended to Eric Miklos Csizmazia by Senators Bell and Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Thaddeus J. Rosol, Mr. and Mrs. James M. McCarthy, Mr. and Mrs. William E. Kelly, Mr. and Mrs. Edwin McQuaid, Mr. and Mrs. Edward H. Bittner, Mr. and Mrs. Herbert Gallagher, Mr. and Mrs. Fred Fischer, Mr. and Mrs. Al Salinski, Mr. and Mrs. Walter Micknowski, Cyril M. Wagner, Cheryl A. McKinley, Chief Robert L. Dugan, Jr. and to Franke's Nursery of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Howard Grove, SMS Charles L. Elfner, Jr. and to Chad Kauffman by Senator Bortner.

Congratulations of the Senate were extended to Saint Elizabeth Church of Pittsburgh by Senators Dawida, Fisher and Belan.

Congratulations of the Senate were extended to Officer Frank Kennelly and to Officer Tom Henry by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Shipman, Mr. and Mrs. Bud D. Hess, Mr. and Mrs. Roy E. Leitzel, Mr. and Mrs. Harold T. Dent, Mr. and Mrs. Michael Matzura, Mr. and Mrs. Stanley E. Watts, Mr. and Mrs. Donald W. Drumm, Michael E. Whipple and to Mount Carmel Borough Hall Junior Troop 80 and Cadette Troop 102 by Senator Helfrick.

Congratulations of the Senate were extended to Private First Class Barry Charles by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Howard Miller, Mr. and Mrs. George L. Reed, Mr. and Mrs. George F. Harpster, Sr., Dr. and Mrs. Harold G. Hawn, Mr. and Mrs. Ardie J. Dillen, Mr. and Mrs. Christ G. Boliski, Mr. and Mrs. Sheldon A. Mallory, Mr. and Mrs. Daniel Metzler, Mr. and Mrs. H. Thomas Pennell and to Staff Sergeant Ronald L. Eaken, Jr. by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. William D. Young, Christian Assembly Church of Ellwood City and to Christ Presbyterian Church of Ellwood City by Senator LaValle.

Congratulations of the Senate were extended to Carl M. Allen, John P. Remus and to Azalea Lodge No. 687, Free and Accepted Masons by Senator Lemmond.

Congratulations of the Senate were extended to C. R. Pennoni by Senator Lewis.

Congratulations of the Senate were extended to Republic Community Library by Senator Lincoln.

Congratulations of the Senate were extended to Joseph W. Dorsey and to Mayor James J. Ward by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Jerry E. Meredith, Mr. and Mrs. Francis M. Dooris, Sr., Mr. and Mrs. W. Edward Moon, Mr. and Mrs. Robert L. Keller, Mr. and Mrs. Everett L. Fuller, David W. Brubaker, Joseph W. Yankalunas, Merlin J. Horn, William J. Shutkufski, Jr., William L. Sullivan, Robin Wilbur, Henry L. Stone, Harold J. Renninger, Jr., Jack R. Pierce, Charles A. Muchichko and to George E. Duchemin by Senator Madigan.

Congratulations of the Senate were extended to Steve Demanovich and to David Grasso by Senator Mellow.

Congratulations of the Senate were extended to Whirley Industries, Incorporated of Warren by Senator Peterson.

Congratulations of the Senate were extended to A1C Nichol D. Amsler by Senator Punt.

Congratulations of the Senate were extended to Brian John Behler by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. John Sisak, Mary Lutzkanin and to George Durilla by Senator Rhoades.

Congratulations of the Senate were extended to Jacob I. Sitlinger by Senators Rhoades and Punt.

Congratulations of the Senate were extended to Mr. and Mrs. George W. Shaffer by Senator Robbins.

Congratulations of the Senate were extended to Robert R. Mueser, TSG Craig E. Kline, Sr., SSG David C. Mathis, SSG Donald L. Wilson, Jr., SSG Martyn R. Nevil, SSG Richard M. Stotz, TSG Keith A. Clark and to Community General Osteopathic Hospital of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Donald L. Bash, Mr. and Mrs. Joseph Klamar, Mr. and Mrs. Anthony Lorelli, Mr. and Mrs. Glenn Sober, Mr. and Mrs. Eugene J. Latini, Mr. and Mrs. Victor J. Rutkoski, Sr., Mr. and Mrs. Clifford Lindenpitz, Mr. and Mrs. Robert Murray and to Michael C. Leightley by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Harry W. Noble, Mr. and Mrs. Cecil Sprowls, Mr. and Mrs. Byron N. Lacock, Mr. and Mrs. Harry Pridgen, Mr. and Mrs. Charles F. Passieu and to Trooper Donald L. Corbett by Senator Stout.

Congratulations of the Senate were extended to Anna Gladys Holley by Senator Williams.

**CONDOLENCE RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Ethel Macon by Senator Fattah.

Condolences of the Senate were extended to the family of the late Dr. Ralph S. Blasiole by Senator Stout.

## REPORT FROM COMMITTEE

Senator ARMSTRONG, from the Committee on Finance, reported the following bill:

### SB 849 (Pr. No. 1638) (Amended)

An Act providing for a tax credit for manufacturing consumption.

## BILLS ON FIRST CONSIDERATION

Senator MADIGAN. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 7, 250, 273, 402, 773, 790, 797, 849, 1157, 1190, 1271, 1272, 1273, 1295, 1324, 1364, 1368, 1369 and HB 219.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

## LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fattah and Senator Schwartz. Their temporary Capitol leaves will be cancelled.

## SENATE RESOLUTION

### RECOGNIZING THE MONTH OF OCTOBER AS "BREAST CANCER AWARENESS MONTH"

Senators SCHWARTZ, AFFLERBACH, LaVALLE, REIBMAN, STAPLETON, JONES, O'PAKE, MUSTO, STOUT, LEWIS and PORTERFIELD offered the following resolution (Senate Resolution No. 113), which was read, considered and adopted:

In the Senate, October 22, 1991.

#### A RESOLUTION

Recognizing the month of October as "Breast Cancer Awareness Month."

WHEREAS, The American Cancer Society has designated the month of October as Breast Cancer Awareness Month; and

WHEREAS, Breast cancer is the most common cancer and the second leading cause of cancer deaths in the United States; and

WHEREAS, It is estimated that there will be 10,300 new cases of breast cancer in this Commonwealth in 1991 and 2,600 breast cancer deaths; and

WHEREAS, One of every ten women can expect to develop breast cancer in her lifetime; and

WHEREAS, Early detection of breast cancer is the most effective means to reduce breast cancer mortality; and

WHEREAS, Periodic screening mammography, in conjunction with good health care and monthly self-examination, can reduce a woman's risk of dying from breast cancer by 30%; therefore be it

RESOLVED, That the Senate acknowledge the month of October as "Breast Cancer Awareness Month" and urge all citizens and health care professionals to participate in community

activities to expand public education on the benefit of early detection and treatment of breast cancer and to work to improve availability and access to mammography services.

## PETITIONS AND REMONSTRANCES

Senator BELAN. Mr. President, I was prepared to offer today an amendment to Senate Bill No. 221. Unfortunately, the bill was marked over for the day. I did, however, Mr. President, want to take just a moment to explain a little bit about my amendment and ask that strong consideration be given to moving this proposal once we return from the election recess.

Under my proposal, Mr. President, grants would be made by the Department of Commerce to municipalities, municipal or local authorities, nonprofit economic development agencies or similar agencies to assess the degree of hazardous waste contamination at abandoned industrial sites. Creating jobs at abandoned industrial sites is one of the greatest challenges, Mr. President, which we face in the Mon Valley and western Pennsylvania, as you well know. We cannot simply continue looking at undeveloped property as the site for future development. We need to do something to attract businesses back to develop abandoned industrial sites, and we need to find a way to leverage private investment and create opportunities in industrial areas now idle. This is especially a problem in many towns where heavy manufacturing facilities have gone out of business, have left plants vacant, rotting and perhaps contaminated with hazardous waste. The development officials in the Mon Valley have worked with me in developing this proposal because it is a problem which they confront every day in their efforts to bring business and industry into the Mon Valley and western Pennsylvania. They have told me, Mr. President, time and time again, that one of the first questions which developers ask when they are visiting a site is, what is the degree of hazardous waste contamination and what is the cost of the cleanup? In these instances, the developer is not going to front the cost of the assessment and most local development agencies cannot afford to complete the study. A mechanism, Mr. President, is needed to enable local development agencies to find out the level of the contamination and have that information available, especially if a site is waste free and ready for development.

Under my amendment, Mr. President, they would have this tool at their disposal to begin the process of redeveloping the sites and put people back to work. We need to recycle industrial property. We need to bring these facilities back into production. The revitalization program which I am sponsoring would not cost the taxpayers of this Commonwealth one cent. The program would be entirely funded from the proceeds of a ten percent surcharge on the violators of our waste disposal laws. My proposal, Mr. President, would take the responsibility for determining the level of hazardous waste at industrial sites from the backs of the taxpayers of this Commonwealth and put it where it belongs, on the environmental outlaws, the ones who left the problems behind.



I would hope, Mr. President, that in the very near future this Senate would take a hard look at this issue and my proposal to help meet this very apparent need. I stand ready and willing to move forward on this issue so that we can start bringing these sites back into production and get people back to work.

Senator MELLOW. Mr. President, this topic that now has been opened by Senator Belan for discussion on the floor of the Senate would have been much more appropriately discussed if we had the opportunity either yesterday or today to consider in final passage or at least to consider on the floor of this Senate a vehicle in which we could have offered Senator Belan's amendment to, and that vehicle, Mr. President, in this particular case, would have been Senate Bill No. 221, which is a bill that amends the Administrative Code. Mr. President, there are parts of Senate Bill No. 221 which we feel very strongly about and endorse wholeheartedly, and the only reason why we have had to take the extraneous approach of trying to offer a substantive piece of legislation in amended form into a bill, Mr. President, is because, quite simply stated, any time the Members on this side of the aisle come up with a program such as the one that has been offered and introduced back in April by Senator Belan that establishes an abandoned industrial site environmental assessment program, and any time the Democratic Members come up with a program that is substantive in nature, the committee in which the bill is referred to, that particular proposal will never see the light of day under a Democrat sponsorship. Maybe, Mr. President, we could use or accept the argument that the proposal was introduced by Senator Belan in April and it was referred to the Committee on Community and Economic Development on April 25, 1991, and because of the tremendous amount of work that was done in this Body to bring about a budget and a subsequent revenue raise to pay for that budget, which took a lot of time, and then we recessed for the summer, I guess, perhaps, we could have used that as some reasoning that the bill had not been considered. Then if you will follow it a bit further, Mr. President, and you say, well, on top of all of this was reapportionment, and the Members of the General Assembly are faced with the very difficult task once every ten years with regard to reapportioning the General Assembly based on the shifting of populace patterns in Pennsylvania, I think if that was given to us as a reason why the bill could not be considered in the appropriate committee, I think that also would be understandable. But, Mr. President, the part I cannot understand is this, as we stand here before you today we are just several weeks away from a very important election, and I guess every election in this free democracy of ours is very important, but I think that this particular election this year, Mr. President, is probably as important an election facing the people of Pennsylvania that we have faced in many years because we have the opportunity of electing a member or a resident, a constituent, a citizen, if you will, of Pennsylvania to serve the unexpired term of a man who was considered a legend in Washington and that is to follow the late John Heinz to finish out his term. We all know

that currently the gentleman who has been appointed to that position, Harris Wofford, at least in my opinion, has done an excellent job over the several months that he has been there, but we are now going to be confronted with the election. And it would have been fine, Mr. President, not considering this proposal, at least I think in principle it would have been fine for another several weeks, if it had not been brought into the campaign through some campaign advertising. Mr. President, on September 23rd on a news release that is entitled "Thornburgh for the Senate," it was a release that was put out from the Thornburgh for Senate Committee, and the release talks about Thornburgh calls for industrial renaissance initiative to create jobs at abandoned industrial sites. Now to me that is quite ironic that just the week before that a Republican staff member was in to the Democratic Members of the Senate, at least one Member, asking for information with regard to the proposal that was introduced back in April on the abandoned industrial sites by Senator Belan. We were kind of happy about that because we figured that the Senate of Pennsylvania, coming through the committee in which the bill was referred, would consider Senator Belan's proposal. Little did we realize at that time, Mr. President, that we were involved in plagiarism, if you will. And that is the fact that a Republican candidate for the United States Senate saw fit to go into the Pennsylvania State Senate to take a proposal that was introduced by a Democratic Member of the Senate from that great County of Allegheny—it happens to be the same county from which the Republican candidate for the United States Senate is from—and take his proposal, adds a \$100 million appropriation from the federal government—and we all know what types of fiscal straits and the types of fiscal problems the federal government has in view of the recession that we are in and the tremendous deficit spending that President Bush has been responsible for in Washington—and to take his proposal and to go ahead and use it as a campaign ad on television. Maybe that in itself, Mr. President, would not be all that bad. After all, it is politics, and after all, after election day on November 5th people tend to forget about what has taken place on television advertising, but, Mr. President, it has been done by the same individual who had the opportunity of serving for eight years as the Governor of Pennsylvania. It has been done by the same individual who had the opportunity of serving for more than three years as the Attorney General of the United States under two Presidents. And if my memory does not fail me, I believe that he was one of those who was responsible for the domestic agenda as advocated by President Bush, or should I say the lack of domestic agenda that has come from the White House in Washington. And, Mr. President, if it were not for the fact that this same individual presided over the demise, if you will, the rusting, if you will, the doing away, if you will, of the steel industry in western Pennsylvania when he was Governor, perhaps I could understand that. But, Mr. President, when I look at the type of advertising that is on television, I see the way the gentleman has now come into the Democratic Senate and has taken our idea, the idea of Senator Belan, the idea that has been lan-



guishing in a Republican committee since April, some five months ago, and he has taken that as his own agenda and his own initiative in political campaigns, and I read and I see more of his advertising where he is now and he has taken credit for a PACE Program with the lottery, a program that the gentleman opposed. I see that he talks about the fact that when he left as Governor of Pennsylvania that we had a surplus of somewhere around \$300 million, but the thing that he does not tell people is that he raided the Lottery Fund to the tune of some \$600 million while he was Governor of Pennsylvania which, basically, would have left us, when he left office, with a deficit of approximately 300 million bucks. I guess, Mr. President, that I can kind of understand the nature of the campaign and the willingness at any extent that the Republican Party has in this country to go ahead and to try to elect a Republican from Pennsylvania to serve the remaining term of Senator John Heinz. So I am not surprised that Senate Bill No. 221 was put over yesterday because we shared with my Republican colleagues that we would be offering this amendment that Senator Belan introduced in bill form some five months ago as an amendment to that proposal so that we could put the 26 Members of the state Senate who have been elected as Republicans in a position to go ahead and to support their candidate for the United States Senate, to support their Governor when he served as Governor of Pennsylvania and to support their Attorney General when he served as Attorney General in the United States. We gave them that opportunity by offering the amendment and they chose not to do that. So we on this side of the aisle, Mr. President, think that it is extremely important that we at least make that public.

We think it is important that we remind people once again that the individual who presided over the demise of the steel industry in his home county of Allegheny County and the surrounding counties in southwestern Pennsylvania, the same individual who has taken credit for a PACE Program that he knows in his own heart that he opposed, and it is just so unfortunate the way the twist of fate is that Jim Lloyd was taken from us at such a young age in life because I can only see if Senator Lloyd was here with us today how he would be absolutely livid about the fact that the candidate for the United States Senate tries to take credit for something that he opposed. So I am not really surprised that the Republican Party in the Senate saw fit, for whatever reason, to not only put the bill over yesterday but to put the bill over today. I can only conclude, Mr. President, that if this was done by a Republican that perhaps the bill would have been reported out of committee prior to this particular time or prior to the September 23rd news release by candidate Dick Thornburgh, and I can only conclude, Mr. President, by the lack of action on the floor of the Senate that the Republican Members of the Senate do not support Dick Thornburgh in his position to try to go ahead and to bring about some industrial renaissance, as he says, to the abandoned industrial sites, the same proposal that has been, as we said, introduced and supported in this Body by Senator Belan. I would hope, Mr. President, that we

have seen enough of the political rhetoric and we have heard enough of it on TV. I would hope that the Republican Members of the Senate and the chairman of the committee, Senator Shaffer, would hold a committee meeting as soon as we come back following our election recess and would consider this proposal under his sponsorship, if he wants to. We have no pride of authorship on this side of the aisle because I realize full well over a ten-year period of time that if we had that type of pride of authorship, very few pieces of legislation that we introduced would pass. But I think it is just unfortunate, Mr. President, that a candidate for the United States Senate would have to steal an idea of the Democratic Members of the Senate of Pennsylvania and say that it is his own in his political advertising on television by his paid political hands, and then to go ahead and ask the Republican Members of the Senate, by our people, to consider that proposal on this floor in an amended form, and when they have the opportunity to support their candidate, they choose, Mr. President, instead to put the bill over. I would only have to think of what will happen if, unfortunately, this gentleman is elected to the United States Senate when we deal with such very serious problems in Pennsylvania in dealing with industrial development.

Senator LOEPER. Mr. President, it was my intent originally to move that the Senate adjourn. However, I think in light of Senator Belan's comments and certainly those of the Minority Leader who is much more interested in political rhetoric than he is in substance, which is tradition, I guess, on that side of the aisle, that once again we see ourselves like two weeks from an election and we are trying to address issues on this Senate floor that the gentleman believes are very important and vital to those in Pennsylvania, which we all agree that they are. I think that the gentleman, when he talks about the timetable this year and how, unfortunately, because of the budget debacle of this summer, the raising of taxes in Pennsylvania and how that has delayed the legislative agenda of the General Assembly, he is absolutely correct because during the Dick Thornburgh years and administrations we never had a debacle like we faced this past summer. We never had the huge budget deficits. We never had the highest tax increase in history that we experienced this year, and that certainly did take some time. When we talk about industry and jobs in Pennsylvania and job creation, I think all we have to do, Mr. President, is to look at the Thornburgh record. Look at the innovative programs such as the Ben Franklin Partnership, programs that created jobs in this state, not lose them, and certainly with the tax package that was passed this past summer, jobs are going to migrate from Pennsylvania, and I think, Mr. President, the people of Pennsylvania will judge who is best suited to represent this state in Washington.

Senator MELLOW. Mr. President, I would just like the record to show also, if memory serves me correctly, that in the early 1980s not only did Dick Thornburgh have a substantial increase in taxes of which he requested, the Senate and the House of Representatives went ahead and we adjourned—we adjourned in April—after a phoney budget that was presented

by Dick Thornburgh was passed, and then we had to come back in November after election to go ahead and to increase taxes substantially.

I have seen once again the advertising that talks about how the Democratic Members of the General Assembly and the Democratic Governor here in Harrisburg have increased taxes. I guess, unfortunately, Dick Thornburgh does not recall the fact that he presided not only over the demise and the rusting of the steel industry in western Pennsylvania, but he also presided over a major tax increase in Pennsylvania back in 1983, and it was the Casey Administration that on some 16 different occasions, with 24 reductions in taxes, including the largest reduction in taxes ever for businesses in Pennsylvania, when we went ahead and we paid off the Unemployment Compensation Fund account in Washington and gave business the largest reduction ever. Perhaps Dick Thornburgh does not remember those things, but then again, after watching and listening to the type of campaign that he has been running, after listening to his trying to take credit for a program that he opposed, the PACE program, and the way he went in and the way he raided the Lottery Fund, and now the way he is taking Senator Belan's idea with regard to abandoned industrial sites and has taken his idea and he is using it as his own in TV advertising, I am not surprised, Mr. President, that the Majority Leader of the Senate also would forget those things.

Senator FUMO. Mr. President, regrettably, I was not here when this debate started. I was in my office and then started to listen to it, and I felt compelled to come back to the floor to discuss the issue of slick Dick Thornburgh. I do not know why we are all surprised. Dick Thornburgh has always been a liar. He stole money from the Lottery Fund. It was not until he gained control of both the House and the Senate that the first dollar bill came out of the Lottery Fund as a raid to help him balance his budget. Mr. President, anybody can balance the budget by stealing money from the Lottery Fund. That does not require rocket scientists. In fact, it requires just the type of personality that slick Dick has. He will do anything, anything to further his own personal political agenda, the abuses in the Justice Department, be it persecutions, be it lies, anything, so I do not know why we are surprised. It fits his modus operandi. Mr. President, I was appalled when I first saw the ads of slick Dick taking credit for the Lottery Fund back when we first implemented the PACE Program. He added insult to injury. Not only did he fight the PACE Program, not only did he blackmail this General Assembly into placing another \$100 million of General Fund money on the Lottery Fund's back in order to get that program for senior citizens, but to add insult to that injury, he had the unmitigated gall to take more money from the senior citizen Lottery Fund to put that smiling boob face of his on television to lie to people and say, aren't I wonderful? I did the PACE program. Mr. President, it is despicable and, regrettably, only in Pennsylvania do we have such sleaze as Governors and candidates. No other state has the audacity to do that kind of nonsense, not even in New Orleans where David Duke, the Republican candidate, has

been known for a lot of sleaziness. Dick Thornburgh takes the cake. Mr. President, I watched him on the television debate when he was shocked and horrified that Senator Wofford cleaned his clock. I watched his comments afterwards, that it was obvious that somebody coached him or prepped him. Of course, if you are a U.S. Senator you should be prepared, and if you want to be a U.S. Senator, you should care enough to get prepared yourself. But I watched him lie on that program as well, Mr. President, and I recognize now as a lawyer I take my future into my hands. But I watched him say that every federal judge that his Justice Department recommended was approved by the American Bar Association. Another lie, Mr. President. Do you know which federal judge was never approved because it had to get done "quickly" because there was a crisis in the courts? Jay Waldman. Jay Waldman, his lackey who always stood at his side, who went down and got paid off by a law firm in Philadelphia after clean Jay Waldman and slick Dick gave that firm millions of dollars in legal fees. He went down there to take a cushy job for a year or so until slick Dick had the chance to put his buddy in the judiciary. There was no ABA approval. It just sailed through like a rocket ship. This person who calls himself our Attorney General, who is supposed to be beyond politics, is the sleaziest of all. He let the BCCI scandal fester. We know that. I do not honestly know what the motive was, but I am sure he had a friend somewhere. He made the slogan "You have a friend in Pennsylvania" an abomination because it meant if you have a friend who is a Pennsylvanian and is an Attorney General, you do not have to worry about the law. We will look the other way. Mr. President, I watched him in western Pennsylvania when he started his sleazy career as a U.S. Attorney. I watched him indict a Democratic politician for selling tickets to a dinner and then I watched him wait until the statute of limitations expired on the Republican who did the same thing, only to come out and say, gee, it is a shame we did not get to it in time. He is scum of the earth, Mr. President. It is a disgrace that we are wasting our time talking about his horrendous career here which was a lie from day one. He stole from the senior citizens, walked out the door and claimed a surplus on their backs. He left us with the problems. Yes, and he left my friends in the Majority who had to put up the votes last time to help us solve that problem. It comes from Dick Thornburgh's Administration. We started to pay back the monies that he stole from the Lottery Fund. I said it the day it started when he stole it, but nobody wanted to listen. Mr. President, Dick Thornburgh does not deserve to be a page in the U.S. Senate, let alone disgrace that Body with his presence. I would hope to God that the citizens of Pennsylvania step up to the plate and do the right thing and send slick Dick back to wherever he can rip somebody off for some more money. Maybe he will go back to the law firm which is paying him now. Who knows what other deals he has lurking out there in the wilderness and the depths of the bowels of the Justice Department. Only he and his sleazy friends know for sure, Mr. President. So let us not get bent out of shape. We all know what happens. The Majority Leader knows what

happens. He was here. And I recognize he has a partisan duty to defend his candidate, but come on, let us get with it. For him to put that senior citizen on television from Hershey, Pennsylvania, to talk about the things he did for senior citizens, it is a lie, and if there is anything the American public is turned off by more than anything else, it is the dishonesty in politics. We in this Chamber have stood up and given people the bad news—it was not easy when we voted \$3 billion in taxes, but we did it. We did not lie about it. We stood up and we did it. Dick Thornburgh is still lying today. God forbid what kind of U.S. Senator he will ever be if he ever got there. One of the biggest problems in America today has been the transference of wealth from the middle class to the upper class. We read it now in the *Inquirer*, and I want to commend Barlett and Steele for the phenomenal reporting that they have started on Sunday that continues of what happened during the Reagan years. Remember trickle-down economy? Dick Thornburgh bought into that nonsense, trickle-down economy.

We see today the effects of trickle-down economy. A country that is in the deepest recession it has known, in fact, it is probably in a depression. More bankruptcies since the depression, people out of work not understanding what is going on. And granted, Mr. President, in today's times it is no different than it was in the days of Thomas Jefferson, when he said for a democracy to work it requires an educated electorate. The problem is, Mr. President, that the economic issues of today are too complicated and the public has been conned by Ronald Reagan's let me cut your taxes and I will still spend money on B1 bombers and whatever else you want. We will go and invade Grenada for kicks. We will show what tough guys we are. We will go to Kuwait. We are a tough country. Mr. President, the fact of the economics is that fully one fourth of every dollar America pays in taxes goes to pay off the interest on the national debt. How is this country ever to get ahead? I will be the first to say, Mr. President, that my colleagues in the U.S. Senate and the House who are Democrats ran away too. They are just as guilty for buying into the Reagan nonsense because it looked good. But there was one candidate who had the courage to say what has to be done. He got beaten badly at the polls. Walter Mondale came up and talked about a tax increase and they stoned him. So what did we do. We did it the easy way, we allowed the deficit to continue and continue and continue. And who suffers? Our states suffer. Our local government suffers. Our internal policy of America suffers. And when we speak about internal policy, Dick Thornburgh takes credit for being the top guy of the President's Internal Advisory Council or whatever bureaucracy they call it down there. It is the man in charge of the agenda. I do not have to ask who did what, because we can go back and forth and say that, but what I ask the people of Pennsylvania is the same old question that Ronald Reagan used to ask—Are you better off today than you were four years ago? Are you better off today than you were twelve years ago? It is a Republican Administration that made you the way you are, and Dick Thornburgh now had the audacity

to come back to this Commonwealth and ask the good people of this state to send him back to Washington so he can continue to be part of the problem. Mr. President, it was not my intent to make a strictly partisan speech today, but I will get into some politics. Harris Wofford at least had the courage—because he is truly an outsider—to stand up to his own colleagues, Democrat or Republican alike, and say no more health benefits for us until we enact the same things for the general populace. No other Senator did that, Democrat or Republican. And maybe, Mr. President, it is time for a party of the outside because our institutions in Washington have failed us. We here in this General Assembly, I think, have been somewhat responsive to our people, but in Congress they go on and on and on on their own. This is not the time to send back slick Dick, who is part of the problem, back to perpetuate the problem for generations to come. It is time for a change. I would hope the people of Pennsylvania would forget the promises, just see through the integrity issue of who is the liar, who is the one not only lying, but lying about things that he never did for poor people, for senior citizens, trying to come back and con those people who are the least in society to be able to take care of themselves. That is unbelievably unconscionable, and only one person who I know of would have the guts to do a bold faced lie like that—slick Dick Thornburgh. God help us if he wins this election.

Senator LOEPER. Mr. President, obviously the party on the other side of the aisle must feel some desperation when we draw the second half of the dynamic duo from his office to get on the floor to make a purely partisan speech. It is very obvious there is desperation on the other side as November 5th looms. I think, Mr. President, that when the gentleman from Philadelphia referred to the Democratic candidate as an outsider, I guess that one could interpret that, particularly when the Governor of this state went all the way to Detroit to try and recruit a candidate to fill that vacancy and finally ended up with this gentleman as his appointment, but, yet, in debate—and I think the gentleman referred to the debate—the incumbent called Pennsylvania the Commonwealth of Massachusetts, so I guess you could interpret that maybe, in fact, he was an outsider. I think also, Mr. President, we have heard from the two previous speakers about the raid on the Lottery Fund. You know we have heard that kind of debate on this floor many times before, and I think that maybe once before even I entered into the record—and I intend to do so again today—just some information to set the record straight. I think, Mr. President, if we look back to 1983, we saw that during the deliberations in 1983 on the budget and supplemental budget that there was a \$100 million transfer for long-term care and also a \$100 million appropriation from the Lottery Fund set aside for a program of paid prescriptions and medically related reimbursements. It is interesting, Mr. President, to listen to the previous speakers because on July 19th of that year, 1983, the Senate voted by a vote of 38-12 to make those transfers. I think it is very interesting to note that among those who are still here that voted for that transfer of money from the Lottery Fund includes Senator Fumo,

Senator Mellow and also now Lieutenant Governor, Senator Singel who voted for those transfers of Lottery Fund money. I think, Mr. President, finally, that November 5th is approaching, the people of Pennsylvania are going to have to make the decision as to who they want as their Senator. I think that also when we take a look at the credibility of the people of Pennsylvania, the question is going to be, which Governor of Pennsylvania lied to the people, and I think that decision will be made clear, quite frankly, by the people on November 5th.

Just as a footnote, Mr. President, because I see the gentleman from Philadelphia getting up to speak at his mike, when we said that the gentleman who spoke about the Commonwealth of Massachusetts, that was Fred Friendly who talked about the Commonwealth of Massachusetts and not the incumbent, Harris Wofford.

The PRESIDENT. Prior to recognizing further speakers, even though there is a great deal of latitude in Petitions and Remonstrances, it is somewhat unseemly to use terms like "liars" and things like that. The Chair would simply urge all Members of the Senate to observe the usual standards of decorum in this exchange.

Senator MELLOW. Mr. President, Senator Loeper started out by using the word "desperation," and he said that we are desperate as November 5th approaches. I am not right and real certain that that is the proper word, Mr. President. I think maybe the word is "frustration" as opposed to "desperation," and I think it is frustration because of the truth, and the truth, pure and simply, is not being stated. It was not stated when Senator Loeper said that—and he then corrected himself—the incumbent, appointed United States Senator Harris Wofford, referred to Pennsylvania as the Commonwealth of Massachusetts. Senator Loeper then correctly made the proper notification that it was Fred Friendly who did that, the moderator of the debate. But Senator Loeper, either out of desperation, frustration or something else—and I would never say that Senator Loeper would try to mislead us purposely because I do not believe at the time he was a Member of the Republican leadership. I know he was not the Republican leader at the time, if memory would serve us correctly, and I do not think that Senator Loeper or any of his Republican colleagues could deny this—is that we were forced into a deal, if you will, and, of course, politicians, by many standards, are not supposed to deal, but politics is the art of compromise, and if you want to use the word "deal" and/or "compromise," I guess possibly you could, but with Dick Thornburgh then it was a deal and the deal was this: that you either approve my transfer of money from the lottery to the General Fund or I will not go along with you and approve a program that I have scuttled for the past year and a half, or today better known as the PACE Program. And what used to offend me, as it was stated by Senator Fumo, Mr. President, is when I would see tricky Dick, as I like to call him, standing in a pharmacy and it was not done as a paid political ad. It was done in another way, paid for by the Department of Commerce, when he would state, isn't it nice. He would have his senior citizens stating, isn't that Dick Thornburgh who

gave us the PACE Program? How intellectually dishonest can you be to the people of Pennsylvania? So, no, Senator, it is not desperation because of the election because I think people can see right through this election. There is no question in my mind that the momentum has changed. In fact, I do not think Dick Thornburgh ever had the momentum of the people in Pennsylvania, and I think if your caucus could be polled privately, he would not have been your first, second or third choice to be your candidate for the United States Senate because most of your people privately complain like the dickens about Dick Thornburgh, the guy who they really do not care for. So, Mr. President, I really think we are dealing with some frustration here, frustration because we cannot get our legislative agenda considered by the Republican dominated committees here in the state Senate, frustration because the former governor of Pennsylvania, the former United States Attorney General for this great country of ours, has been trying to badly mislead the public with regard to the lottery program and with regard to the financial condition of Pennsylvania when he was governor, because not once has he mentioned that he was responsible for a major tax increase in Pennsylvania. Not once, Mr. President, has he mentioned the fact that he was not supportive of the PACE Program as we know it today. Not once did he mention, Mr. President, the fact that he raided the lottery on not one occasion but a number of occasions to go ahead and to balance his budget. Now he wants the people of Pennsylvania to say to him, Governor Thornburgh, Attorney General Thornburgh or maybe just Mr. Thornburgh, we support you for the office of the United States Senate. I really, Mr. President, do not believe that is going to happen. I very strongly feel that after having watched a tape of the debate, Dick Thornburgh got his clock cleaned last Friday, and he is going to get his clock cleaned again on November 5th.

Senator FUMO. Mr. President, I recognize the extremely heavy burden that the Majority Leader was having to defend slick Dick but, Mr. President, I say clearly in my remarks that, yes, we voted for the \$100 million extra deal because it was extorted from us. I said clearly in my remarks that we were blackmailed. I do not know of a nicer word for that. We were blackmailed by their administration. Senator Jim Lloyd who was one of our chief negotiators, along with the now Lieutenant Governor, came back to our caucus and was told that unless we allowed slick Dick to move another \$100 million over to the Lottery Fund in General Fund expenses, that we could not pass the PACE Program. At the time, Mr. President, the PACE Program cost \$100 million, so slick Dick thought it was a fair exchange. I will give you \$100 million for senior citizens. You give me \$100 million so I can run around the state and say I am a responsible manager and lie some more. I said that in my remarks. I did not hide from the fact that I voted for that. Does that mean if I am walking down the street and a guy puts a gun to my head and says give me all the money in your pocket that I gave it to him willingly? It was outright extortion and blackmail. Slick Dick knows it and everybody here knows it. I wish to God we had a felony prose-



cution in this state for blatant lies in political advertising. Then we could put slick Dick in the can. He would love it. We can laugh and laugh and laugh, but the fact is that everyone takes certain liberties with their campaigns, but no one has ever, in the history of the Commonwealth to date and since, taken the blatant, not liberties, but has made the blatant misstatements of fact that slick Dick has. I would say they were lies, Mr. President, but I do not want to be admonished.

Mr. President, we would like to see maybe some additional debates, but slick Dick runs away from that. And as far as Fred Friendly, that friendly guy who slick Dick was calling Fred, Fred, Fred until he got caught and then called him Mr. Friendly, and slick Dick got admonished for that. As far as he is concerned, that was not the agenda that we wanted. The Democrats wanted a full and open debate. It was slick Dick who ran away like a little coward from a debate and decided to set up this little discussion and now that he got his clock cleaned on that, he does not even want to discuss any more. I do not blame him. If I were going to be exposed as the prevaricator—that is a better word than liar—that he is, I do not think I would want to debate either, Mr. President. And as far as people making remarks, it was one of slick Dick's stooges who said Pennsylvania was a sorry-assed state. It was not anybody else but slick Dick's people who said that Pennsylvania was a sorry-assed state. I would hope that that prevaricator of prevaricators would at least have the human decency not to refer to his own state or have his staff refer to his own state as a sorry-assed state. I am proud of this state, as I think we all are. Slick Dick ought to just go back down on the Potomac and stay where he belongs, as a lobbyist probably. I am sure that the oil company that he cut the deal on in Alaska will give him a fat fee. I am sure BCCI will put him on their payroll, or maybe some of the other creeps that he has let go will find a deal for him. Maybe the law firm that is paying him now for doing no work will find a nice contract for him. I am sure he can go see his friend George Bush and cut a few tax deals for some friends. That is what he belongs doing, hanging out with the sleazes of the world. It is time for slick Dick to get lost. As far as desperation, Mr. President, I am desperate for the truth, that is true. I do not think the Wofford campaign is desperate because look at the polls. If anybody is desperate, it is slick Dick and the rest of the clowns around him. If he were not desperate he would say, let us debate, but not him. He is going to go hide somewhere, shake down some people and put on some more untruths on television. He does not want to come out in public and I do not blame him. If he came out in our area he probably would get stoned by the senior citizens. I will now invite him to come to South Philadelphia to the Marconi Senior Citizens at Broad and Oregon and let him go tell them what he did for them. If he has the guts to do it, I will gladly walk in the door with him, but he will not do that. He does not want to go anywhere where someone is going to discuss an issue with him that he might not like. He has lived in an ivory tower all of his life, good old slick Dick, and he has the audacity to put his credentials before the people of Pennsylvania to ask to be United

States Senator and go down and defile that body. He should go down to New Orleans and campaign with David Duke. That is where he belongs, with the other standard bearer of the Republican Party.

Senator MELLOW. Mr. President, this time I, hopefully, will be very brief. I just think it is important that the record is clear on what Senator Fumo stated and who made the comment. The comment was made in September, obviously of this year, to an Associated Press reporter, and it was done by former Governor Thornburgh's campaign manager, Michele Davis, and her quote was, "Dick Thornburgh is the salvation of this sorry-assed state," just so there is not any question about what Dick Thornburgh's campaign manager thinks about the state that the individual whose campaign she is running served as governor, and I think it is important that the record clearly states that.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1541**.

## BILL SIGNED

The **PRESIDENT** (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

**HB 1541.**

## ADJOURNMENT

Senator LOEPER. Mr. President, before I make the motion to adjourn today, I would just respectfully suggest that maybe to alleviate some burden to the taxpayers of the Commonwealth, it might be well for the printing of this Journal and the expense associated therewith be sent to the Wofford for Senate campaign committee.

Mr. President, on that note I would move that the Senate do now adjourn until November 12, 1991, at 2:00 p.m., Eastern Standard Time.

On the question,

Will the Senate agree to the motion?

The **PRESIDENT**. If the Majority Leader does not mind, I have a suspicion that the Wofford campaign will see a copy of this Journal sooner rather than later.

Senator FUMO. Mr. President, may I ask the gentleman to withdraw his motion just for a very brief moment so I might comment on his comment? Briefly, I promise.

The **PRESIDENT**. The Majority Leader does not seem adverse to one or two or a few more brief comments.

Senator FUMO. Mr. President, I am sure that the Wofford—

Senator LOEPER. One, Mr. President.

Senator FUMO. I am sure, Mr. President, that the Wofford campaign committee would pay for this. I would help supplement it if they did not have the money provided Dick Thornburgh pays Philadelphia for the \$400,000 he cost us in cops when he came and people protested his presence along with the President. So, if they give us the \$400,000 for Philadelphia, which is broke, we will gladly pay for transcribing this record.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The Senate adjourned at 2:45 p.m., Eastern Daylight Saving Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 12, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 67

### SENATE

TUESDAY, November 12, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty God, we pause this afternoon to express our gratitude for Your gift of this, another day. We ask that Your guiding spirit be with these Members of the Senate as they gather here. Fortify them with courage and bless them with wisdom that they may successfully address the issues before them. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 22, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Grace Hampton, 861 Oak Ridge Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1992, and until her successor is appointed and qualified, vice Kay W. Harte, State College, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael D. Marino, 1093 Anders Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Dorothy Hamilton, Blue Bell, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF PODIATRY

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph J. Trautlein, M.D., 6430 Colchester Avenue, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John M. Ferretti, D.O., Erie resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

October 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia L. Brown, 5720 Pemberton Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years or until her successor is appointed and qualified, vice Joseph Levi, II, Oil City, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA MINORITY  
BUSINESS DEVELOPMENT AUTHORITY

October 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerri H. Walker, 454 West Clapier Street, Philadelphia 19141, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1996, and until her successor is appointed and qualified, vice Ronald Reese, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF DENTISTRY

October 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman C. Clark, D.M.D., 7756 Green Valley Road, Wyncote 19095, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Saul W. Greenwald, D.D.S., Indiana, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF DENTISTRY

October 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin F. Weaver, III, D.D.S., 272 Elm Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

SECRETARY OF PUBLIC WELFARE

October 30, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karen Snider, 20 Manor Drive, Mechanicsburg 17055, Cumberland County, Thirty-First Senatorial District, for appointment as Secretary of Public Welfare, to serve until the third Tuesday of January, 1995 and until her successor shall have been appointed and qualified, vice The Honorable John F. White, Jr., Hummelstown, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

November 1, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald J. Edwards, R. R. 1, Beach Lake 18405, Wayne County, Twentieth Senatorial District, for appointment as District Justice in and for the County of Wayne, Magisterial District 22-3-04, to serve until the first Monday of January, 1992, vice Edward H. Dix, mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John M. Aichele (Public Member), Box 302, 278 East Chocolate Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified, vice Katherine Reese, Mendenhall, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Norman A. Jenkins, resigned.

ROBERT P. CASEY.  
JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, D. Webster Keogh, 6463 Sherwood Road, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF OPTOMETRY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jonathan Bigley (Public Member), 24 Aqueduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF OPTOMETRY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel Savino, 1036 Tasker Street, Philadelphia 19148, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Optometry, to serve until February 3, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Martin Krauss, O.D., Pittsburgh, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January, 1994, vice Arthur Sabulsky, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF PHARMACY

November 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ethel S. Walker, 720 Harding Avenue, Williamsport 17701-2403, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until June 24, 1992 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Orlean C. Ricco, Pittsburgh, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF COSMETOLOGY

November 6, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joyce Taljan (Public Member), 2423 Berryhill Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John M. Aichele, Hershey, whose term expired.

ROBERT P. CASEY.

#### SECRETARY OF THE COMMONWEALTH

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brenda K. Mitchell, Ph.D., 792 Brentwater Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of the Commonwealth, to serve until superceded, vice The Honorable Christopher A. Lewis, Philadelphia, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF MEDICINE

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE BLAIR COUNTY BOARD OF ASSISTANCE

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 1991 for the appointment of John D. Faulds (Republican), Box 3, Sylvan Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Gregory L. Murawsky, Altoona, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE BLAIR COUNTY BOARD OF ASSISTANCE

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 1991 for the appointment of Robert Isacke (Republican), 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Barry J. Halbritter, Duncansville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE SNYDER COUNTY BOARD OF ASSISTANCE

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 7, 1991 for the appointment of Richard E. Felker (Democrat), 429 Grand Street, Middleburg 17842, Snyder County, Twenty-seventh Senatorial District, as a member of the Snyder County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Lorenah C. Mutschler, Middleburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### MEMBER OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

October 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 22, 1991 for the appointment of Michael D. Marino, 1093 Anders Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Dorothy Hamilton, Blue Bell, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 17, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia

19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BRANDYWINE BATTLEFIELD  
PARK COMMISSION

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified, vice Katherine Reese, Mendenhall, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Norman A. Jenkins, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, TRAFFIC COURT

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 1, 1991 for the appointment of Joseph A. Diorio, 928 Magee Avenue, Philadelphia 19111-4814, Philadelphia County, Fourth Senatorial District, as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1992, vice The Honorable Dominic N. Cermele, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Jonathan Bigley (Public Member), 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Daniel



Savino, 1036 Tasker Street, Philadelphia 19148, Philadelphia County, First Senatorial District, as a member of the State Board of Optometry, to serve until February 3, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Martin Krauss, O.D., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
DISTRICT JUSTICE

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 12, 1991 for the appointment of Ronald E. Bertugli, 433 Route 88, Carmichaels 15320, Greene County, Forty-sixth Senatorial District, as District Justice in and for the County of Greene, Magisterial District 13-3-03, to serve until the first Monday of January, 1992, vice Emil Bertugli, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
**CORRECTION TO NOMINATION BY THE  
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE FARM PRODUCTS  
SHOW COMMISSION

October 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated October 21, 1991 for the appointment of Samuel W. Morris, Box 360, R. D. 2, Pottstown 19464, Montgomery County, Twenty-fourth Senatorial District, as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified, vice James B. Bogar, Camp Hill, resigned, should be corrected to read:

Samuel W. Morris, Box 360, R. D. 2, Pottstown 19464, Chester County, Thirty-sixth Senatorial District, as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified, vice James B. Bogar, Camp Hill, resigned.

## HOUSE MESSAGE

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 29, 1991

**HB 432** — Committee on Consumer Protection and Professional Licensure.

**HB 1385** — Committee on Labor and Industry.

**HB 1515** — Committee on Aging and Youth.

November 12, 1991

**HB 1289 and 1817** — Committee on Transportation.

**HB 1375** — Committee on Local Government.

**HB 1387, 1547 and 1623** — Committee on Judiciary.

**HB 1529** — Committee on Labor and Industry.

**HB 1620** — Committee on Law and Justice.

**HB 1628** — Committee on Agriculture and Rural Affairs.

**HB 1859** — Committee on State Government.

## BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

October 22, 1991

Senator SHAFFER presented to the Chair **SB 1388**, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled, as amended, "Real Estate Tax Sale Law," further providing for costs.

Which was committed to the Committee on LOCAL GOVERNMENT, October 22, 1991.

October 29, 1991

Senators BRIGHTBILL, HART, WENGER, CORMAN, SALVATORE, AFFLERBACH and MUSTO presented to the Chair **SB 1389**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for a Solid Waste Fund; and making a repeal.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 29, 1991.

Senators BELAN, BODACK and SCANLON presented to the Chair **SB 1390**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing the Department of Transportation to convey excess real property to certain public agencies or tenants.

Which was committed to the Committee on TRANSPORTATION, October 29, 1991.

Senator SCANLON presented to the Chair **SB 1391**, entitled:

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), entitled "Second Class City Law," providing for land use appeals.

Which was committed to the Committee on LOCAL GOVERNMENT, October 29, 1991.

Senators SCHWARTZ, GREENWOOD, FUMO, AFFLERBACH, JONES, HOPPER, CORMAN, LEWIS,

BORTNER and FATTAH presented to the Chair **SB 1392**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for informed consent, parental consent, husband notification and restrictions on State payments relating to abortion; and making repeals.

Which was committed to the Committee on JUDICIARY, October 29, 1991.

Senators SCHWARTZ, PETERSON, O'PAKE, FUMO, BRIGHTBILL, JONES, BELAN, AFFLERBACH, LYNCH, FATTAH, ANDREZESKI, LINCOLN, BORTNER, REIBMAN, STAPLETON, MUSTO, JUBELIRER, MELLOW, STOUT, LEWIS, PORTERFIELD, CORMAN, SALVATORE, ARMSTRONG, HELFRICK, RHOADES, BELL, HART, FISHER, HOLL, GREENLEAF, MADIGAN, LAVALLE, DAWIDA, WILLIAMS and SCANLON presented to the Chair **SB 1393**, entitled:

An Act providing for the authorization by the Department of Health of radiation machines used to perform mammography; specifying application and inspection procedures; providing for withdrawal and reinstatement of authorization; and imposing a penalty.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 29, 1991.

Senators CORMAN, SHAFFER, FISHER, WENGER, HELFRICK, STAPLETON, ANDREZESKI, SALVATORE, ROBBINS, STOUT and RHOADES presented to the Chair **SB 1394**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for visitor information signs.

Which was committed to the Committee on TRANSPORTATION, October 29, 1991.

Senator BRIGHTBILL presented to the Chair **SB 1395**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for licensing of adoption intermediaries; and conferring powers and duties upon the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 29, 1991.

November 4, 1991

Senators SALVATORE and HELFRICK presented to the Chair **SB 1396**, entitled:

An Act amending the act of July 10, 1990 (P. L. 404, No. 98), entitled "Real Estate Appraisers Certification Act," providing for registration of appraisers.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 4, 1991.

Senators SALVATORE and HELFRICK presented to the Chair **SB 1397**, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," defining "financing"; making amendments to conform with these defini-

tional amendments; specifying duties of certain officers of public bodies; adding criminal and civil remedies; and changing certain time limitations.

Which was committed to the Committee on LABOR AND INDUSTRY, November 4, 1991.

Senators SALVATORE and HELFRICK presented to the Chair **SB 1398**, entitled:

An Act amending the act of May 21, 1937 (P. L. 774, No. 211), entitled "Pennsylvania Turnpike Commission Act," further authorizing the commission to revise and set tolls for certain vehicles; and making editorial changes.

Which was committed to the Committee on TRANSPORTATION, November 4, 1991.

Senators SALVATORE, HOPPER and HELFRICK presented to the Chair **SB 1399**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for obscene and other sexual materials and performances.

Which was committed to the Committee on JUDICIARY, November 4, 1991.

Senators SALVATORE, HOPPER and HELFRICK presented to the Chair **SB 1400**, entitled:

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled, as reenacted and amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," further providing for manner of registration of certain persons.

Which was committed to the Committee on STATE GOVERNMENT, November 4, 1991.

Senators SALVATORE, HOPPER and HELFRICK presented to the Chair **SB 1401**, entitled:

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), entitled "The First Class City Permanent Registration Act," further providing for manner of registration of certain persons.

Which was committed to the Committee on STATE GOVERNMENT, November 4, 1991.

Senators SALVATORE, HOPPER and HELFRICK presented to the Chair **SB 1402**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for applications for official absentee ballots.

Which was committed to the Committee on STATE GOVERNMENT, November 4, 1991.

Senators SALVATORE and HELFRICK presented to the Chair **SB 1403**, entitled:

An Act authorizing deferral of real property tax for senior citizens and persons with total disability residing in a city of the first class.

Which was committed to the Committee on FINANCE, November 4, 1991.

Senator SHUMAKER presented to the Chair **SB 1404**, entitled:

An Act amending the act of June 18, 1941 (P. L. 137, No. 74), entitled, as amended, "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, township or home rules municipality," further providing for the powers of special fire police.

Which was committed to the Committee on LAW AND JUSTICE, November 4, 1991.

Senator GREENLEAF presented to the Chair **SB 1405**, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey a tract of land situate in the Township of Upper Gwynedd, Montgomery County, Pennsylvania, to the Wissahickon Valley Watershed Association, Inc.

Which was committed to the Committee on STATE GOVERNMENT, November 4, 1991.

### GENERAL COMMUNICATIONS

#### DEPARTMENT OF ENVIRONMENTAL RESOURCES ANNUAL REPORT OF THE HAZARDOUS SITES CLEANUP PROGRAM

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
Post Office Box 2063  
Harrisburg, Pennsylvania 17105-2063

October 22, 1991

The Honorable Mark R. Corrigan  
Secretary of the Senate  
Senate of Pennsylvania  
462 Main Capitol Building  
Harrisburg, PA 17120

Dear Mr. Corrigan:

Pursuant to Section 902(c) of Act 108 of 1988, the Hazardous Sites Cleanup Act, I am transmitting all annual reports on the activities of this program. Under separate cover, I have transmitted copies of the report to the respective chairs of appropriate standing committees.

Sincerely,  
ARTHUR A. DAVIS  
Secretary

The PRESIDENT. This report will be filed in the Library.

#### DEPARTMENT OF ENVIRONMENTAL RESOURCES ANNUAL REPORT OF THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
Post Office Box 2063  
Harrisburg, Pennsylvania 17105-2063

October 23, 1991

The Honorable Mark R. Corrigan  
Secretary of the Senate  
Senate of Pennsylvania  
462 Main Capitol Building  
Harrisburg, PA 17120-0030

Dear Mr. Corrigan:

Pursuant to the "Municipal Waste Planning, Recycling and Waste Reduction Act" of 1988, by this letter, I am transmitting the Department of Environmental Resources Annual Report to the Pennsylvania Legislature on Act 101.

Under separate cover, I have sent copies of this report to the respective majority and minority chairs of the appropriate committees of jurisdiction in the General Assembly.

Sincerely,  
ARTHUR A. DAVIS  
Secretary

The PRESIDENT. This report will be filed in the Library.

#### DEPARTMENT OF HEALTH 1990 ABORTION STATISTICS REPORT

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HEALTH  
Post Office Box 90  
Harrisburg, PA 17108

October 29, 1991

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Senate Post Office  
Harrisburg, PA 17120

Dear Senator Jubelirer:

I am submitting the attached statistical report in compliance with Section 3214 (g) of the Abortion Control Act, 18 PA. C.S. § 3214(g). This report contains data on 1990 maternal deaths reported to the Department.

Sincerely,  
ALLAN S. NOONAN, M.D.  
Acting Secretary

The PRESIDENT. This report will be filed in the Library.

#### OFFICE OF CONSUMER ADVOCATE BUDGET REQUEST FOR FISCAL YEAR 1992-1993

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

OFFICE OF CONSUMER ADVOCATE  
COMMONWEALTH OF PENNSYLVANIA  
1425 Strawberry Square  
Harrisburg, Pennsylvania 17120

October 29, 1991

Hon. Robert P. Casey  
Governor of Pennsylvania  
Commonwealth of Pennsylvania

Room 225, Main Capitol Bldg.  
Harrisburg, PA 17120

Hon. Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Room 292, Main Capitol Bldg.  
Harrisburg, PA 17120

Hon. Robert W. O'Donnell  
Speaker  
House of Representatives  
Room 139, Main Capitol Bldg.  
Harrisburg, PA 17120

Gentlemen:

Enclosed with this letter is the Budget Request of the Office of Consumer Advocate (OCA) for the Fiscal Year 1992-1993. The OCA's requested budget for Fiscal Year 1992-93 is \$3,443,000. This amount represents an increase of \$172,000, or 5.3%, over our approved 1991-92 budget of \$3,271,000.

The present budget request is submitted pursuant to Act No. 25 of July 20, 1983. Under this Act, which amended the OCA budget-setting mechanism, this budget request must be submitted simultaneously to the Governor and General Assembly. The OCA budget is not derived from the General Fund, but is funded through a direct assessment on the public utilities which are regulated by the Pennsylvania Public Utility Commission (PUC).

It should be noted that, by law, the OCA budget may never exceed five one hundredths of one percent (0.05%) of the prior calendar year's total intrastate gross revenues of the public utilities subject to the jurisdiction of the PUC. According to the present PUC estimate of 1991 public utility revenues, the OCA's budget "cap" for Fiscal Year 1992-93 would be approximately \$8,254,872. The OCA's proposed budget thus represents approximately 42% of its cap.

If you have any questions about the OCA's budget request or about the Office of Consumer Advocate, I would be pleased to meet with you or members of your staff at your convenience.

Sincerely,  
IRWIN A. POPOWSKY  
Consumer Advocate

The PRESIDENT. This report will be filed in the Library.

**REPORT OF THE TREASURER  
OF TEMPLE UNIVERSITY  
FISCAL YEAR 1990-1991**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

TEMPLE UNIVERSITY  
Office of Financial Affairs  
Philadelphia, Pennsylvania 19122

October 31, 1991

The Honorable Mark R. Corrigan  
Secretary of the Senate  
462 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Secretary Corrigan:

In compliance with Act 15A of July 4, 1990, I submit to you herewith the report of the Treasurer of Temple University - of the Commonwealth System of Higher Education for the fiscal year 1990-91 which contains the audited financial statements of the University for that year.

Sincerely,  
TIMOTHY C. O'ROURKE  
Associate Vice President  
and Controller

The PRESIDENT. This report will be filed in the Library.

**OFFICE OF SMALL BUSINESS ADVOCATE  
BUDGET REQUEST FOR  
FISCAL YEAR 1992-1993**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

OFFICE OF SMALL BUSINESS ADVOCATE  
COMMONWEALTH OF PENNSYLVANIA  
City Towers Building, Suite 500B  
301 Chestnut Street  
Harrisburg, Pennsylvania 17101

October 31, 1991

Hon. Robert P. Casey  
Governor of Pennsylvania  
Room 225, Main Capitol Bldg.  
Harrisburg, PA 17120

Hon. Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Room 292, Main Capitol Bldg.  
Harrisburg, PA 17120

Hon. Robert W. O'Donnell  
Speaker of the House  
House of Representatives  
Room 139, Main Capitol Bldg.  
Harrisburg, PA 17120

Dear Governor Casey, Senator Jubelirer and Representative O'Donnell:

In accordance with the requirements of Section 6 of Act 181 of 1988, 73 P.S. §391.46 et seq., I am submitting the enclosed Budget Request of the Office of Small Business Advocate for Fiscal Year 1992-1993. Copies are also being delivered today to the Secretary for Budget and to the Acting Secretary of Commerce within whose Department this Office has been established.

The enclosed Budget Request represents an increase of \$171,000 above the Office's budget for the current fiscal year. An expected increase in the volume of major litigation in which this Office participates before the Public Utility Commission, with attendant increases in the expenses we incur for the expert witnesses we must retain for those cases, and my request for a fourth attorney for our staff account for the increase in this Budget Request compared to last year's request. The total amount sought for the next fiscal year, however, is only 39% of the maximum amount allowed by law for the expenses of the Office of Small Business Advocate. I would also note that the funds for operating this Office come from assessments that are made against the utilities, not from the general funds of the Commonwealth.

Please let me know if you or members of your staffs have any questions or would like to meet with me to discuss this Budget Request.

Sincerely,  
BERNARD A. RYAN, JR.,  
Small Business Advocate

The PRESIDENT. This report will be filed in the Library.

**LISTS OF LOBBYISTS AND ORGANIZATIONS**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

**SENATE OF PENNSYLVANIA**

November 1, 1991

To the Honorable, the Senate of the  
Commonwealth of Pennsylvania  
To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 1, 1991 through October 31, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN

Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

**SPECIAL ORDER OF BUSINESS****ANNOUNCEMENTS BY THE SECRETARY**

The SECRETARY. Consent has been given for the following committee meetings during today's Session: the Committee on Rules and Executive Nominations to consider Senate Bill No. 960 and certain nominations; also the Committee on Judiciary to consider the nomination of John Tylwalk to the Lebanon County Court of Common Pleas.

**REPORT FROM COMMITTEE**

Senator GREENLEAF, from the Committee on Judiciary, reported the following bill:

**SB 1296 (Pr. No. 1657) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for establishment of an arbitration program.

**LEGISLATIVE LEAVE**

Senator STAPLETON. Mr. President, I ask for a temporary Capitol leave for Senator Porterfield.

The PRESIDENT. Senator Stapleton asks for temporary Capitol leave for Senator Porterfield. The Chair hears no objection and the leave will be granted.

**LEAVE OF ABSENCE**

Senator STAPLETON asked and obtained leave of absence for Senator LEWIS, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION****WEEKLY ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, November 12, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 18, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 18, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher			

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO SENATE**

Senator BRIGHTBILL. Mr. President, we are pleased to have two Senate guests in the gallery today. First, with us today is Judge Jack Tylwalk who recently was elected to be the third judge of the Court of Common Pleas of the 52nd Judicial District, which is Lebanon County, and I would appreciate if we could give Judge Tylwalk our traditional warm welcome.

The PRESIDENT. Would the judge please rise so that we could welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

Senator BRIGHTBILL. Mr. President, we also have in the gallery today the class from Harrisburg Area Community College, I believe it is the Lebanon Branch, called Politics in Cities and States, and I think their Professor, Peter Zug, is with them today. So I would appreciate if we could also welcome the Politics in Cities and States class from the Harrisburg Area Community College.

The PRESIDENT. Would the guests of Senator Brightbill please rise so that we could welcome you to the Senate of Pennsylvania.

(Applause.)

### **GUEST OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE**

Senator BORTNER. Mr. President, I would also like to introduce a guest who is visiting with me today. He is Steve Gierasch from York. He is a freshman at Bucknell University. Also, I might point out, he does the placekicking for Bucknell's football team. Steve is in Harrisburg visiting today because he is doing a research project as a freshman on reapportionment and has been down here today meeting various members of the commission and others involved with reapportionment as part of his research for that project, and I would like to ask that the Senate give him its usual warm welcome.

The PRESIDENT. Will the guest of Senator Bortner please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

### **GUEST OF SENATOR EARL M. BAKER PRESENTED TO SENATE**

Senator BAKER. Mr. President, I am honored to have today a visiting teacher from my district, Ms. Winnie Anderson, who is on a sabbatical and as part of her sabbatical she is studying the Senate of Pennsylvania. I would like to introduce her at this time.

The PRESIDENT. Would the guest of Senator Baker please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

### **PERMISSION TO ADDRESS SENATE**

Senator BRIGHTBILL asked and obtained unanimous consent to address the Senate.

Senator BRIGHTBILL. Mr. President, late as usual, my class from HACC is just now showing up and they will not realize that we have already given them a warm welcome, so could we repeat that, please.

The PRESIDENT. We are certainly delighted to have the guests of Senator Brightbill with us and we have already afforded you a Senate greeting, but we will do it again. Welcome to the Chamber of the Senate of Pennsylvania.

(Applause.)

### **RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator STAPLETON. Mr. President, I would ask the Democrats to report to their caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

### **AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### **LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request temporary Capitol leave for Senator Loeper.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Andrezeski, Senator Lynch, Senator Stewart and Senator Williams.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Loeper. Senator Stapleton asks temporary Capitol leaves for Senator Afflerbach, Senator Andrezeski, Senator Lynch, Senator Stewart and Senator Williams. Those leaves, without objection, will all be granted.

### **CALENDAR**

#### **FINAL PASSAGE CALENDAR**

#### **BILL OVER IN ORDER TEMPORARILY**

**SB 953** — Without objection, the bill was passed over in its order temporarily at the request of Senator FISHER.

#### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Porterfield. His temporary Capitol leave will be cancelled.

### **RECESS**

Senator FISHER. Mr. President, I would ask for a short recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room to be followed by a meeting of the Committee on Judiciary in the Rules Committee room.



The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber, followed by a meeting of the Committee on Judiciary, followed by another meeting of the Committee on Rules and Executive Nominations—for the Members' information, the sequence of events is a meeting of the Committee on Rules and Executive Nominations, a meeting of the Committee on Judiciary, a meeting of the Committee on Rules and Executive Nominations.

Senator MELLOW. Mr. President, prior to going into a recess, perhaps there might be a problem. We may have to wait with Members coming to the floor because from the box in my office I did not hear the call for Session, although the box is turned on. I heard the five minute call, but I never heard us going into Session, and perhaps that is the reason why some Members are not on the floor.

The PRESIDENT. The Chair advises the gentleman that we have checked the electronics and, in fact, the information is being piped into the various offices. Would the Members please find their way to the meeting of the Committee on Rules and Executive Nominations which is now beginning in the Rules room at the rear of the Senate Chamber, and to the floor. We will be reconvening shortly after the committee hearings. For purposes of the aforementioned meetings, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

##### MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

October 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harold E. Connell, 513 Broughton Road, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

##### MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

August 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, L. Dennis Martire, 917 Parkview Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

##### MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John B. Lewis (Public Member), 524 White Oak Road, Blue Bell 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul Breon, Centre Hall, whose term expired.

ROBERT P. CASEY.

##### DISTRICT JUSTICE

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January, 1994, vice Arthur Sabulsky, resigned.

ROBERT P. CASEY.

##### DISTRICT JUSTICE

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan Sussman, 915 Heatherstone Drive, Berwyn 19312, Chester County, Nineteenth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-1-02, to serve until the first Monday of January, 1994, vice Armand A. Pomante, resigned.

ROBERT P. CASEY.

##### DISTRICT JUSTICE

August 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy Skerchock, 90 Oak Street, Gilbertsville 19525, Montgomery County, Eleventh Senatorial District, for appointment as District Justice in and for the County of Montgomery, Magisterial District 38-2-03, to serve until the first Monday of January, 1992, vice Nancy Moore, deceased.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
LEBANON COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Charles Tylwalk, Esquire, 231 East Penn Avenue, Cleona 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Thomas Gates, resigned.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

#### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### MEMBER OF THE BRANDYWINE BATTLEFIELD PARK COMMISSION

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of John P. O'Boyle, 1446 Bradley Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified, vice Katherine Reese, Mendenhall, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Patrick T. Beaty, 202 Gettysburg Street, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 17, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Norman A. Jenkins, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

JUDGE, TRAFFIC COURT

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 1, 1991 for the appointment of Joseph A. Diorio, 928 Magee Avenue, Philadelphia 19111-4814, Philadelphia County, Fourth Senatorial District, as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1992, vice The Honorable Dominic N. Cermele, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF OPTOMETRY

July 24, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1991 for the appointment of Jonathan Bigley, 24 Aquaduct Road, Duncannon 17020, Perry County, Thirty-third Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eileen W. Leibowitz, State College, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE STATE BOARD  
OF OPTOMETRY

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of Daniel Savino, 1036 Tasker Street, Philadelphia 19148, Philadelphia County, First Senatorial District, as a member of the State Board of Optometry, to serve until February 3, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Martin Krauss, O.D., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 1991 for the appointment of John D. Faulds (Republican), Box 3, Sylvan Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Gregory L. Murawsky, Altoona, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE SNYDER COUNTY  
BOARD OF ASSISTANCE

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 7, 1991 for the appointment of Richard E. Felker (Democrat), 429 Grand Street, Middleburg 17842, Snyder County, Twenty-seventh Senatorial District, as a member of the Snyder County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Lorenah C. Mutschler, Middleburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

October 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 1991 for the appointment of Robert Isacke (Republican), 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Barry J. Halbritter, Duncansville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.  
DISTRICT JUSTICE

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 12, 1991 for the appointment of Ronald E. Bertugli, 433 Route 88, Carmichaels 15320, Greene County, Forty-sixth Senatorial District, as District Justice in and for the County of Greene, Magisterial District 13-3-03, to serve until the

first Monday of January, 1992, vice Emil Bertugli, mandatory retirement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

August 29, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, L. Dennis Martire, 917 Parkview Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### JUDGE, COURT OF COMMON PLEAS, LEBANON COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Charles Tylwalk, Esquire, 231 East Penn Avenue, Cleona 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Lebanon County, to serve until the first Monday of January, 1992, vice The Honorable Thomas Gates, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher			

NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**SB 865** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY**

**SB 1359** — Without objection, the bill was passed over in its order temporarily at the request of Senator FISHER.

**BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**SB 1360** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILLS OVER IN ORDER**

**SB 205, 221 and 401** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

**BILL REREFERRED**

**SB 645 (Pr. No. 675)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for eligibility for medical assistance.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Public Health and Welfare.

**SECOND CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS AMENDED REREFERRED**

**SB 1238 (Pr. No. 1632)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1978 (P. L. 537, No. 93), entitled "Seasonal Farm Labor Act," further providing for declaration of intent; adding and amending definitions; further providing for minimum wages, piece rates, employment of minors, prohibition on account of sex, required records, notice to workers, wage payment, hours of labor, rules and regulations, inspections and entry, permit to operate seasonal farm labor camp, enforcement orders, tenancy rights, annual registration requirement, qualifications of registrants, exemption of agents from registration, employment agencies, farm labor contractors and agents, prohibited activities, powers and duties of secretary, administrative procedure, pending proceedings and criminal penalties; and providing for lack of affirmative duty, interference with access and right of privacy, and civil remedies and penalties.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**BILLS OVER IN ORDER**

**SB 7, HB 219, SB 250 and 273** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

**BILL REREFERRED**

**SB 402 (Pr. No. 427)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**BILLS OVER IN ORDER**

**HB 626, SB 773, 790 and 797** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

**BILL REREFERRED**

**SB 849 (Pr. No. 1638)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a tax credit for manufacturing consumption.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**BILL OVER IN ORDER**

**SB 1069** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILL ON SECOND CONSIDERATION**

**SB 1089 (Pr. No. 1206)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring fiscal notes to be prepared by the Appropriations Committees prior to third consideration by either the Senate or the House of Representatives regarding legislation containing certain mandates to local government; and providing for exceptions.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILL OVER IN ORDER**

**SB 1109** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILL ON SECOND CONSIDERATION**

**HB 1132 (Pr. No. 1282)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, relating to stay of proceedings.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**BILL REREFERRED**

**SB 1157 (Pr. No. 1293)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Per-

sonnel Death Benefits Act," further providing for the definition of "firefighter, ambulance service or rescue squad member or law enforcement officer."

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1190, 1271, 1272, 1273, 1295 and 1324** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL REREFERRED

**SB 1364 (Pr. No. 1592)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), entitled "Pennsylvania Conservation Corps Act," further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors and for appropriations; and making editorial changes.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**SB 1368 (Pr. No. 1596)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1981 (P. L. 208, No. 66), entitled "Public Employee Retirement Study Commission Act," changing the name of the Public Employee Retirement Study Commission; further providing for time limits for actuarial notes; and extending the term of the commission.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator FISHER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

**SB 1369 (Pr. No. 1597)** — The Senate proceeded to consideration of the bill, entitled:

An Act reestablishing the Municipal Pension Advisory Committee.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

Upon motion of Senator FISHER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### SB 953 CALLED UP

**SB 953 (Pr. No. 1581)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Final Passage Calendar, by Senator FISHER.

#### BILL OVER IN ORDER ON THIRD CONSIDERATION

**SB 953 (Pr. No. 1581)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring interest to be paid on certain late subsidy payments to school districts.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, Senate Bill No. 953 was a bill that was considered by the Members of the Senate prior to our recessing for the election break, and on that particular day the Members of the Senate decided in their wisdom to defeat this proposal, I believe along party lines, Mr. President, and I am certain that the reason why it is being reconsidered today is because one of the Republican Members who was on personal leave on that particular day is here today, I would assume, to cast a vote in the affirmative. Mr. President, I think we should look at what the bill actually does. Senate Bill No. 953 amends the Public School Code. What it does, Mr. President, is it provides that the Department of Education must pay interest on the Equalized Subsidy for Basic Education, or what we refer to as ESBE payments, if the payments are made after the due date. The interest would have to be paid based on the United States Treasury note rate for one year. On the surface, Mr. President, this might seem like it is a good proposal, but if we are going to go ahead and if we are late in a reimbursement to a school district and we are going to make an interest payment to that school district, then what should we do if we are late on a payment to a judiciary, to a local common pleas court? What should we do, Mr. President, if we are late on the payments we owe hospitals for a reimbursement for medical care given to the poor or to the indigent or to people who are in need of medical assistance as provided for by the state? What do we do, Mr. President, if we are late on our reimbursement to pharmacies in Pennsylvania because of not having sufficient money in the Lottery Fund to go ahead and to reimburse pharmacies on PACE? What do we do, Mr. President, if we go ahead and we find that we have not been able to reimburse our mental health and mental retardation groups the type of money they have coming because of some problem at that particular point in time with state money? I have a difficult time, Mr. President, when we go ahead and we only identify the school payments that are going to be made to school districts for the reimbursement of ESBE for a payment that might be late, and because of this and the reasons that I have just mentioned, I would ask for a negative vote, as we did in the past, and vote this down. I think it would be important once again, Mr. President, that we cast a negative vote on Senate Bill No. 953.

Senator SHAFFER. Mr. President, I had initially intended to amend Senate Bill No. 953. As the Members of this Chamber will remember, back on October 15th we had quite a lengthy discussion of a bill, Senate Bill No. 727. The prime sponsor was the gentleman from Bucks, Senator Greenwood. That bill had attached to it, during the course of the debate on October 15th, an amendment by the gentleman from



Cambria, Senator Stewart, to outlaw the so-called selective strikes. At that time I rose in this Chamber and said that it pained me very much to vote against Senator Stewart's position because, while I think it is an appropriate one in most cases, at that time, on October 15th, I felt that a possibly historic agreement had been reached with the school union organizations and the School Boards Association and the Pennsylvania Department of Education whereby we might actually decrease the number of horrendous strikes that has made Pennsylvania so infamous in the last almost 30 years. At that time I rose and told the Members of this Chamber and others that I was going to vote against Senator Stewart and his selective strike measure.

Since that time there have been a number of other selective strikes that have been proposed in the Commonwealth, and I have been, I cannot say inundated, but I have been requested on a number of occasions to continue the effort to outlaw what I have heretofore said, in my judgment, was a truly vicious anti-education tool and that is the selective strike. With that in mind I prepared an amendment that I was going to offer today to Senate Bill No. 953 which, of course, amends the Public School Code and makes it illegal, first of all, for any bargaining unit, any public employee school unit, to strike unless at least 50 percent of all eligible employees, that is to say eligible in the bargaining unit, have voted in favor of a strike and that that strike would be by secret ballot. Interestingly enough, Mr. President, even though teachers' strikes, teachers' work stoppages cause, by everyone's admission, terrible turmoil, regardless of whether you believe in the right to strike or not, I think everybody agrees that the decimation to a community is overwhelming and that perhaps, just perhaps there ought to be a little order, a few guidelines before a bargaining unit actually took the ultimate work stoppage, ultimately took the right to strike. Today, Mr. President, there is very little organization, and the votes to strike can be held with as few as a handful of the bargaining members present. It can be a voice vote. It can be a ballot vote. There is no organization. There is no procedure whatsoever whereby we legitimize this enormous and economic and education tool. I believe, Mr. President, we should, at a minimum, require a secret ballot and, at a minimum, require that at least 50 percent plus one of the people who are eligible to vote actually do vote. Additionally, my amendment was going to prohibit the so-called selective strike, and that is, in very brief fashion, the strike whereby a school building or a particular school time or a particular school grade or a particular day of the week is targeted. It is not a so-called full-blown strike. It is frequently referred to as the hit-and-run strike where the parents, where the families, where the students do not know from day one to day two to day three whether or not their educational process is going to be disrupted. If you have ever been through one, Mr. President, I think you and any Member of this Chamber will agree they are not a pretty sight, and they do great damage to the educational process and, in my judgment, deserve to be outlawed from this Commonwealth.

The vote on the Stewart amendment which would have done just that, most Republicans voted against the outlawing, including myself, although I know there are a number of people, including myself, on this side of the Chamber who believe fervently in outlawing selective strikes, but the Democrats voted in favor of outlawing it and I would hope that would continue—

#### POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, Senate Bill No. 953 deals with school subsidies and the payment of interest on school subsidies. It does not deal with selective strikes or school strikes or any other types of strikes, and unless the gentleman has an amendment that he is going to offer and then speak on the amendment, I think that you have given him tremendous latitude to deliver some remarks that certainly have nothing to do with the bill that is before us. Perhaps his remarks should be given under Petitions and Remonstrances after Session is concluded, unless the gentleman has an amendment that he would like to present to the full Body.

The PRESIDENT. The Chair thanks the gentleman from Lackawanna and finds his point to be very well taken. The gentleman's remarks refer to provisions that really have little or no bearing to Senate Bill No. 953. Perhaps there is some misunderstanding.

Senator SHAFFER. Mr. President, I am in the process of conclusion. The Chair's remarks are well taken. Thank you very much.

The point is, Mr. President, and perhaps I am far afield, this is an issue of great importance to this Chamber, to this Commonwealth and to myself as well. I have agreed, reluctantly, to pull back and not offer the amendment about which I just spoke, but I did want to highlight the particulars of that amendment so that perhaps the press and those within the sound of our voices who are worried about selective strikes will know that the issue has not faded from the minds of Members of this Chamber, and I would only conclude—

Senator LINCOLN. Mr. President, either the gentleman should offer the amendment or his remarks should be concluded immediately. They have absolutely no bearing on the issue and, if I remember correctly, the last time this issue came before us he voted against it.

The PRESIDENT. Again, the gentleman from Fayette echoes the point made by the gentleman from Lackawanna and the Chair is forced to find the gentleman's remarks out of order. The Chair would also remind the gentleman if, in fact, he is moving in the direction of an amendment, the amendment to a bill on final passage is out of order. Therefore, for all of us—

Senator SHAFFER. Mr. President, in that case if that is the procedure which the gentlemen prefer, I do rise and ask unanimous consent to offer the following amendment to Senate Bill No 953.

The PRESIDENT. The Chair respectively but forcefully must decline the opportunity to offer the amendment inasmuch as it is out of order. The bill is on final passage at the moment and amendments are not in order at this time.

### RECONSIDERATION OF SB 953

Senator FISHER. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, moves that the vote by which Senate Bill No. 953 received third consideration be reconsidered.

### PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, would it not just have been as simple to move to suspend the Rules?

The PRESIDENT. There is a slight difference. The move to suspend the Rules requires a constitutional majority and the move to reconsider requires a voice vote majority of the Senators present and voting.

Senator LINCOLN. Mr. President, I do not know why all the hassle. There are probably going to be 48 votes for his amendment. Get it in position as quickly as you can. I want to see what they are going to do on this vote.

The PRESIDENT. The Chair thanks the gentleman. There is a motion before the Body to reconsider the vote by which Senate Bill No. 953 passed on third consideration.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration?

### AMENDMENT OFFERED

Senator SHAFFER, by unanimous consent, offered the following amendment No. A2802:

Amend Title, page 1, line 5, by inserting after "thereto,"": regulating strikes by employees of school entities; and

Amend Sec. 1, page 1, lines 10 and 11, by striking out "a section" and inserting: sections

Amend Sec. 1, page 1, by inserting between lines 11 and 12:

Section 112. Minimum Participation in Strike Vote.—(a) It shall be illegal for any bargaining unit representing employees of a school entity to strike unless more than fifty per centum of all eligible employees shall have voted in favor of the strike. All votes shall be conducted by secret ballot.

(b) The Pennsylvania Labor Relations Board shall promulgate regulations, within six (6) months of the effective date of this section, to establish and oversee procedures for a strike vote. The costs for the election shall be paid equally by the Commonwealth, the school district and the employee organization.

(c) In lieu of the procedures established in subsection (b), the employee organization and the board of directors of the school entity may employ a person to oversee the strike vote to determine whether it was conducted in a fair and impartial manner. A

determination by this person regarding the fairness and impartiality of the strike vote shall be binding on both parties. The costs of employing this person shall be shared equally between the employee organization and the school entity.

(d) The strike vote shall specify the date the strike shall begin. A strike by the employee organization shall be against the entire school entity. Selective strikes against certain facilities, grade levels, or for portions of a school day are hereby prohibited. If the employee organization does not strike on the specified date, the previous authorizing vote shall be null and void. The employee organization shall be required to schedule another vote to engage in each subsequent strike or other work stoppage. Subsequent votes to authorize a strike shall follow the requirements set forth in this section.

(e) (1) Any school employee who participates in a strike in violation of this section is subject to immediate dismissal by the board.

(2) The board of directors of the school entity shall notify the Department of Education of any professional employee who participates in a strike in violation of this section, in which event the department shall initiate proceedings under the act of December 12, 1973 (P.L.397, No.141), referred to as the "Teacher Certification Law," to revoke the certification of the employee for a period of up to five (5) years.

(f) Strikes by employees of a school entity as authorized by the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," shall only be permitted after the bargaining unit has given written notice by certified mail of the strike to the president of the board of directors of the school entity, to two (2) newspapers of general circulation within that school entity, two (2) radio stations broadcasting within that school entity and two (2) television stations broadcasting within that school entity. All such notices shall be received at least forty-eight (48) hours prior to the announced date of the strike. In lieu of the required notice to newspapers of general circulation, in a school entity where no such newspaper is published, a notice shall be posted in at least five (5) public places. If a school entity does not conduct classes on the date that it was notified that a strike is scheduled to occur, that entity shall not have committed an unfair practice as defined in Article XII of the "Public Employee Relations Act," or a lockout for the purpose of the unemployment compensation law or any other law.

(g) Any parent or guardian of a pupil enrolled in a school entity which is the subject of a strike conducted in violation of this section, who suffers any pecuniary loss due to such unlawful strike, may bring a civil action for damages in the court of common pleas against the employee organization and school employees participating in the unlawful strike and, in addition to other relief, shall be entitled to recover reasonable attorney fees and all court costs. The action may be certified as a class action and if it is so certified, the award of attorney fees shall be limited to legal fees incurred in representing the prevailing plaintiff in the class. The school entity shall not indemnify the employee organization or any school employee or otherwise make any payment of any judgment or settlement on the suit authorized by this subsection.

(h) No strike shall be valid except as it is in compliance with the requirements of this section.

(i) When used in this section the following words and phrases shall have the following meanings:

(1) "Eligible employee" shall mean the members of the employee organization which is the exclusive representative and employees paying a fair share fee to the exclusive representation as required under section 2215 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(2) "School entity" shall mean a school district, intermediate unit, or area vocational-technical school.

(3) "Strike" shall mean a concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

Amend Bill, page 2, line 1, by striking out all of said line and inserting:

Section 2. The act of July 23, 1970 (P.L. 563, No. 195), known as the Public Employee Relations Act, is repealed insofar as it is inconsistent with this act.

Section 3. This act shall take effect as follows:

(1) The addition of section 112(a), (c), (d), (e), (f), (g), (h) and (i) of the act shall take effect in six months.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator SHAFFER. Mr. President, I am a bit mystified as to why the necessity for the previous folderol on my part. We spend a lot of time in this Chamber talking about less important things than selective strikes, and if I may be going on for an extra five or ten or fifteen minutes on an education issue which transcends 50 percent, if not 70 percent, of the things we do here, I am mystified as to why the gentleman from Lackawanna and Senator Lincoln would try as best they can to shortchange this argument. This is an important topic. The children of your districts as well as the children of my district deserve to have this topic heard. It is a topic of which I happen to have deep legislative interest and I resent very much—

The PRESIDENT. If the gentleman will yield for just a moment, the Chair takes some of the responsibility for the confusion on the floor. At the risk of complicating the matter even further, the Chair would simply point out that the objection was not to the substance of the gentleman's comments, but to the congruence of the subject matter with the issue at hand.

Senator SHAFFER. In that case, Mr. President, I thank the gentleman and I am certainly pleased for the opportunity to having rectified the methodology by which we are here at this point now.

Senator LINCOLN. Mr. President, I object to the tenor and the manner in which the gentleman is conducting himself. First off, the Rules of the Senate are what we have to go by, and the Rules are what he was not going by. If he would have offered the amendment without that 25 minute speech he gave before it, we would not have been in the position we are in right now. So, do not blame it on me. It is the Rules of the Senate. Change the Rules if you do not like the Rules, where you can get up and say or do anything you want, anytime you want.

The PRESIDENT. The Chair thanks the gentleman, and with respect to all the Members of the Senate, I think that was what I was attempting to point out previously. We are now in the position of dealing with the amendment of the gentleman from Butler, and the gentleman is in order for his remarks supporting his amendment.

Senator SHAFFER. Mr. President, previously, although I was apparently out of order in the view of some individuals, I have made the point that those individuals around this state who are still calling my office, and I am sure making inquiry into other Senators' offices as well, as to why we allow an atrocious process called selective strikes to hamstring the educational process, I want those folks to know that even though we have not done it yet, there is plenty of interest in the Senate of Pennsylvania for outlawing selective strikes. The message I would like to send, if I might, Mr. President, by way of this dialogue to the House Education Committee is that I would hope that in short fashion the previous legislation prime sponsored by the gentleman from Bucks, Senator Greenwood, I think it was Senate Bill No. 727, will be dealt with in a timely fashion, and I would call on the PSEA and any other teachers organizations that counts on selective strikes, that so long as people like myself are willing to hold back the process of dealing with selective strikes, that they as well should hold back selective strikes as a bargaining tactic in the field. That is my plea, Mr. President. I hope the House deals with this legislation soon. There is nothing trampling upon the reputation of Pennsylvania in the United States any more than our reputation as a strike-plagued capital of the United States. It is a disgrace to us all.

#### AMENDMENT WITHDRAWN

Senator SHAFFER. Mr. President, I withdraw the amendment.

The PRESIDENT. Senator Shaffer withdraws his amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator LINCOLN. Mr. President, I would like to have the amendment so that I can offer it to give the gentleman the opportunity to put his courage exactly where it belongs in a "yes" vote, because I remember not too long ago when we passed Senate Bill No. 727, that he got to vote "no" on selective strikes. He stood right where he is right now and said "no" when they called his name to this outrageous, atrocious plague on Pennsylvania. No, he said, no, no, no, and it failed. In the bill that is before the House Education Committee that he so righteously talks about getting quick action on, his vote meant that it did not have selective strikes taken out of the law in Pennsylvania. So I would like to offer the amendment so the gentleman from Butler, Senator Shaffer, will have an opportunity to prove how courageous he is and how he wants to speak to the Pennsylvania education community and he wants to speak to the people of this nation. Let us put the bill before us. Run the amendment. Let us all see what we have.

The PRESIDENT. The Chair thanks the gentleman for his comments and would point out, first, that it is within the prerogative of the Senator to withdraw his amendment, as Senator Shaffer has done. That is certainly within the Rules. Secondly, if the gentleman wishes to offer an amendment, it is necessary to present the amendment at this time. Does the gentleman wish to offer an amendment? The Chair finds

himself in a position of not having an amendment to consider.

Senator FISHER. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator FISHER. Mr. President, I would request that Senate Bill No. 953 go over in its order.

The PRESIDENT. Senator Fisher asks that Senate Bill No. 953 go over in its order on third consideration. The Chair hears no objection. The bill will go over in its order.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stewart and will hereby cancel his temporary Capitol leave. Also, as to Senator Loeper and Senator Andrezeski, their temporary Capitol leaves will be cancelled. Senator Scanlon is with us as well.

### SB 1359 CALLED UP

**SB 1359 (Pr. No. 1634)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator FISHER.

### BILL ON THIRD CONSIDERATION AMENDED

**SB 1359 (Pr. No. 1634)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for the membership, powers and duties of the Pennsylvania Advisory Council on Substance Abuse, creating single county authorities; further providing for the powers, duties and responsibilities of the department, local authorities and single county authorities, and reestablishing and continuing the Council as the Pennsylvania Board on Drug and Alcohol Abuse.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SCHWARTZ, by unanimous consent, offered the following amendment No. A2770:

Amend Sec. 3 (Sec. 3.2), page 9, line 18, by inserting after "served.": Statistics shall include, but not be limited to, the unmet need of and services provided to addicted women, pregnant addicted women, addicted women with children, and adolescents.

Amend Sec. 3 (Sec. 3.2), page 10, line 4, by striking out "and" and inserting a comma

Amend Sec. 3 (Sec. 3.2), page 10, line 5, by inserting after "victims": and adolescents

Amend Sec. 5 (Sec. 4.2), page 16, line 8, by inserting after "problems.": Statistics shall include, but not be limited to, the unmet need of and services provided to addicted women, pregnant addicted women, addicted women with children, and adolescents.

Amend Sec. 5 (Sec. 4.4), page 18, line 15, by striking out "and" and inserting a comma

Amend Sec. 5 (Sec. 4.4), page 18, line 16, by inserting after "children": , and adolescents

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator PETERSON, by unanimous consent, offered the following amendment No. A2771:

Amend Sec. 5 (Sec. 4.1), page 10, line 16, by striking out "by" and inserting: in conjunction with

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PETERSON.

### REPORTS FROM COMMITTEES

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

#### **SB 517 (Pr. No. 1671) (Amended) (Rereported)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

#### **HB 344 (Pr. No. 2680) (Amended) (Rereported)**

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

#### **HB 1107 (Pr. No. 2252) (Rereported)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

Senator HOLL, from the Committee on Aging and Youth, reported the following bills:

#### **SB 900 (Pr. No. 969)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the release of information contained in confidential reports involving child abuse.

#### **SB 1060 (Pr. No. 1171)**

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments to counties for services for children; and making editorial changes.

#### **SB 1209 (Pr. No. 1369)**

An Act providing for the location and operation of family day care in private residential homes.

#### **SB 1243 (Pr. No. 1433)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for investigations in adoptions.

**BILLS IN PLACE**

Senator ANDREZESKI presented to the Chair several bills.

**UNFINISHED BUSINESS  
CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to City Mission/New Life Center of Erie by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Charles F. Harple, Mr. and Mrs. Mervin R. Weaver, Sr., Mr. and Mrs. Miles E. Ruth, Mr. and Mrs. Leon Z. Enck, Mr. and Mrs. Cletus R. Brackbill, Mr. and Mrs. Rudolph S. Nichols, Mr. and Mrs. Chryst W. Groff, Mr. and Mrs. David H. Forrest, Mr. and Mrs. Charles W. Reynolds, Mr. and Mrs. H. Robert Mylin, Mr. and Mrs. Phares S. Risser, Mr. and Mrs. Douglas R. Graham, Sr., Mr. and Mrs. John G. Longenecker, Mr. and Mrs. Henry L. Hess, Mr. and Mrs. Edward F. Geiter, Jr., Glen Shank, Sr., William R. Hasch, Bradley R. Cooper, Eleanor Monroe Anderson, Friendship Force Club of Paeroa, New Zealand and Lancaster, Ambassadors for Christ, Inc. of Paradise and to the Friendship Force Club of New Plymouth, New Zealand by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony P. Giunta, Anne and Joseph D'Ambrosio, Jeffrey B. Mann, Miriam Clegg, Thomas H. Baynard, Shaun P. Robins, Charles Emrich, Mark J. Widergren, Steven J. Rivituso, Kurt Strauss and to Michael J. Murphy by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Steve Chupinka, Mr. and Mrs. John E. Anderson and to Thomas C. Wilkinson by Senator Belan.

Congratulations of the Senate were extended to Tori Pillinger by Senators Belan and Fisher.

Congratulations of the Senate were extended to Mario Rua by Senators Belan and Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen McFee, Jr., Mr. and Mrs. Wilmer Marshall, Mr. and Mrs. Michael Thurstlic, Morton Fire Company No. 1, Eddystone United Methodist Church and to the 304th Civil Affairs Group of Philadelphia by Senator Bell.

Congratulations of the Senate were extended to Suzanne Williams by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Gruber, Deborah L. Johnson and to Lebanon County Foster Parent Association by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Glenn Smith, Mr. and Mrs. Roy E. Leitzel, Mr. and Mrs. Lloyd Grove, Mr. and Mrs. Glenn King, Mr. and Mrs. Harry M. Metz, Mr. and Mrs. Joseph Intorre, Mr. and Mrs. Calvin D. Zimmerman, Sidney Friedman and to Mark John Roland by Senator Corman.

Congratulations of the Senate were extended to Nellie Banks, Anna M. Froehlich, Philip Dean Hunter, Patricia Scanlon and to the Salvation Army Adult Rehabilitation Center of Pittsburgh by Senator Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Love, Joseph Pickell, Margherita Flex and to Peters Township Elementary Parent Teachers Association by Senator Fisher.

Congratulations of the Senate were extended to the Honorable Domenic M. Cermele, James Tator and to Jennifer Lang by Senator Fumo.

Congratulations of the Senate were extended to Kevin Fortunato, John D. Calamia, Jason C. Ritchie, James R. Doherty, Sr., John Agnew and to Drew E. Frizlen by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Leon M. Horst, Dennis Richard Stoehr, Jeff Wasson, Bryan John Munshower, James F. Martin and to Brian Todd Hall by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth E. Rhodes, Sr., Mr. and Mrs. Charles Lawrence, Mr. and Mrs. Ralph Snebold, Mr. and Mrs. D. Joseph Hannan, Mr. and Mrs. Lawrence Brestensky, Mr. and Mrs. Alexander Painter, Mr. and Mrs. Clyde A. Floyd, Mr. and Mrs. William Hegedus, Frank A. Blaine, John Trestan, Donald N. McEntire and to Charlie Beitner by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Andrews, Mr. and Mrs. Arthur A. Fryling, Mr. and Mrs. Kenneth Mowery, Mr. and Mrs. Paul Frederick Miller, Mr. and Mrs. Percy Weidensaul, Mr. and Mrs. William C. Wertman, Mr. and Mrs. Donald F. Fasold, Mr. and Mrs. Joseph A. Wydra, Mr. and Mrs. Clarence E. Delsite, Mr. and Mrs. Robert Wagner, Mr. and Mrs. George Hosler, Mr. and Mrs. Allen L. Deihl, Mr. and Mrs. Joseph Callahan, Mr. and Mrs. Paul Merena, Mr. and Mrs. Joseph Kanaskie, Mr. and Mrs. James Dalberto, Rafferty Conrad, Mark Bertollo, Michael Brown, Keith Wesloskie, Heath Dyer, August Witkowski, Renna Pearl Crossley Masteller, Lester M. Clark, Nancy Gale, Pearl Everett Jewell, Gertrude A. Bates, Wesley United Methodist Church of Bloomsburg, Wilburton United Methodist Church, Shamokin Rotary Club, Ridge Street United Methodist Church of Bloomsburg and to Bloomsburg Area Chamber of Commerce by Senator Helfrick.

Congratulations of the Senate were extended to Met-Pro Corporation by Senator Holl.

Congratulations of the Senate were extended to Apostle George Huff and to Germantown Residents Acting to Conserve Energy by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Royal Kerling and to Richard B. Tucker, Jr. by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Blice and to John Varhol by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Morrison, Mr. and Mrs. Clyde LaFrance, Mr.



and Mrs. Darwin Carlton, Mr. and Mrs. Neil J. Dougherty, Mr. and Mrs. Bruce Decker, Mr. and Mrs. Paul G. Fiske, Mr. and Mrs. William Griffin, Mr. and Mrs. Frederick M. Rindock, Mr. and Mrs. Richard J. Roush, Mr. and Mrs. James A. Murphy, Mr. and Mrs. John Albert, Mr. and Mrs. Lee H. Barber, Mr. and Mrs. Frederick L. Garney, Mr. and Mrs. James E. McHale, Mr. and Mrs. Anthony Kapushinski, Mr. and Mrs. Paul Non, Mr. and Mrs. Charles Wiggins, Mr. and Mrs. Frederick Wiseman, Mr. and Mrs. George Taylor, Mr. and Mrs. Ted P. Chesluk, Dr. and Mrs. John W. Siegal, Mr. and Mrs. Wilford Foster, Mr. and Mrs. Emerson Garing, Mr. and Mrs. Frank Handley, Mr. and Mrs. Leo Cragle, Mr. and Mrs. John Richards, Mr. and Mrs. Henry Bergstrasser, Mr. and Mrs. Frederick L. Jacobi, Mr. and Mrs. Henry C. Rahm, Mr. and Mrs. Norman Savage, Mr. and Mrs. George Tirpak, Mr. and Mrs. William H. Bergstrasser, Mr. and Mrs. Thomas Day, Mr. and Mrs. William Tripp, Joseph Jagger, Mildred Pierce, Laura A. Watkins, Gertrude Martin, Emma Belles Richards, Manuel M. Gordon, Anna H. Marion and to Mary Subarton by Senator Lemmond.

Congratulations of the Senate were extended to Charles Raudenbush, Jr., and to William Hull by Senator Lewis.

Congratulations of the Senate were extended to Fayette County Community Action Agency, Incorporated by Senator Lincoln.

Congratulations of the Senate were extended to John G. Hayes and to Barbara B. Smith by Senator Loeper.

Congratulations of the Senate were extended to Corporal William C. Greifzu Post No. 598, Veterans of Foreign Wars of the United States, of Darby by Senators Loeper and Bell.

Congratulations of the Senate were extended to Salvatore Malvestuto by Senator Lynch.

Congratulations of the Senate were extended to Mr. and Mrs. David Lewis, Mr. and Mrs. Leonard Wither, Mr. and Mrs. Albert Howard, Sr., Mr. and Mrs. Eugene T. Haag, Mr. and Mrs. Marshall E. Trimble, Mr. and Mrs. Charles A. Ranck, Mr. and Mrs. Donald Paris, Sr., Mr. and Mrs. Elwyn VanDeMark, Mr. and Mrs. Charles L. Wirth, Sr., Mr. and Mrs. H. Glenn Fraley, Mr. and Mrs. John E. Young, Andrew Matthew Snauffer, Christopher Sean Keener and to Wysox Presbyterian Church by Senator Madigan.

Congratulations of the Senate were extended to Michael David Cola, Mario G. Matrone, The Baptist High School of Clarks Summit and to the Ahnert Family by Senator Mellow.

Congratulations of the Senate were extended to Anna Guza, Steven Novak, Raymond Bianconi and to Friedman's Express, Incorporated, of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to Reverend Clyde I. Fry by Senator O'Pake.

Congratulations of the Senate were extended to Anna Rice, Michael L. Burgoon, Ella Keith and to the Retired Senior Volunteer Program of Warren/Forest Counties by Senator Peterson.

Congratulations of the Senate were extended to Jane Markle, Jessie May Phillips and to the Veterans of Foreign Wars Post 7901 of Avonmore by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Nathan Lehman, Mr. and Mrs. Earl Heiser, Robert Garrison Shipp III and to Richard Lamar Angle by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Pacaro, Keith M. Butz, Shaun P. Benner, John Christian Sweeney and to the Exchange Club of Easton by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Popson, Leonard M. Zukas, Anna Kutzer, Annetta Frew, Jeannette Krammes, Beulah Pillar, Michael A. Reibsane, Lauren Stahl, Travis Spittler and to Dolores Jean Kunkle by Senator Rhoades.

Congratulations of the Senate were extended to Lewis J. Michael, Dr. Robert N. Moyers, Kristopher L. Zook, Aaron L. Brown, Anthony J. Namey, Meadville Lodge No. 219, Benevolent and Protective Order of the Elks, and to Meadville YMCA by Senator Robbins.

Congratulations of the Senate were extended to Thomas S. Bauer, John J. DiMarco, Joseph R. Rizzo and to Edward Segal by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Erick Rosenholm, Mr. and Mrs. John M. Mahler, Mr. and Mrs. Harold Cunningham, Mr. and Mrs. Clyde Allison, Mr. and Mrs. Robert L. Hoovler, Mr. and Mrs. John M. Campbell, Mr. and Mrs. Earl Grubbs, Mr. and Mrs. Donald Sloss, Mr. and Mrs. Glenn E. Blum, Mr. and Mrs. Reldon Cooper, Mr. and Mrs. George M. Collins, Mr. and Mrs. James W. Keasey, Evelyn C. Karns and to Jefferson Craig Dickson by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Toporcer, Sr., Mr. and Mrs. Paul C. Demko, Mr. and Mrs. Raymond E. Kreiser, Mildred Fulkroad, Gloria Grab, Dr. Claude E. Nichols, Jr., Stanley A. Miller, Dr. Charles H. Butler and to Metal Industries, Incorporated, of Elizabethtown by Senator Shumaker.

Congratulations of the Senate were extended to the Edward J. Kennedy Class of Eagle Scouts of 1991 by Senators Shumaker, Hopper and Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel Shirley, Mr. and Mrs. Lyle Benninger, Mr. and Mrs. Robert B. Held, Mr. and Mrs. Howard Taylor, Mr. and Mrs. Robert McClelland, Mr. and Mrs. Wallace Silvis, Mr. and Mrs. Jesse Kough, Mr. and Mrs. Austin Gillam, Mr. and Mrs. Harry Ewing, Mr. and Mrs. Paul B. Shannon, Mr. and Mrs. Myron D. Lucas, Matthew D. Lindenberg, Gary Allen Zuchelli, Brian Smith, Dennis Sevin, Joseph R. Lankard and to the Epilepsy Foundation of Western Pennsylvania and the Indiana County Support Group by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin Thomas by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Emmett Merritt, Mr. and Mrs. John R. Pettit, Sr., Mr. and Mrs. Alexander Altieri, Mr. and Mrs. Donald Morris, Mr. and Mrs. Raymond Kiger, Mr. and Mrs. Ira W. Reed, Mr. and Mrs. Louis Bruno, Mr. and Mrs. Louis Fefolt, Mr.



and Mrs. Charles Kiger, Mr. and Mrs. Herman Dallaglio, Mr. and Mrs. Charles E. Bradshaw, Mr. and Mrs. Alex Veydt, Mr. and Mrs. Harold Fife, Mr. and Mrs. Joseph Reda, Mr. and Mrs. Roy G. Sumney, Mr. and Mrs. George C. Powell, Mr. and Mrs. W. Paul Scott and to Mayor L. Anthony Spossey by Senator Stout.

Congratulations of the Senate were extended to Morton L. Waber by Senator Tilghman.

Congratulations of the Senate were extended to James J. Gallagher by Senator Williams.

### CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late Ella Louise Dunn by Senator Fattah.

Condolences of the Senate were extended to the family of the late John Rea by Senator Jubelirer.

### BILLS ON FIRST CONSIDERATION

Senator MUSTO. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 900, 1060, 1209, 1243 and 1296.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### PETITIONS AND REMONSTRANCES

Senator FUMO. Mr. President, right before we took a recess for the election we had a spirited discussion on this floor about a former Governor who I like to call slick Dick, who I must honestly admit gave one of the finest performances of his career when he did his concession speech on election night. Mr. President, I want to take to the floor tonight and thank all of those Republicans, particularly in those traditional Republican strongholds like Delaware County and Montgomery County, who came through and saw the light and repudiated our former Governor. Mr. President, we predicted it. Nobody wanted to listen, but I think today the Commonwealth is a much better place to live because in Washington we will be represented by Harris Wofford. A number of things occurred on election day, not only in our state but also in our neighboring State of New Jersey. In that state Republicans were very successful in creating for themselves a veto-proof legislature and, Mr. President, they did that on the very specific campaign promise of repealing the increase in the sales tax they had just enacted in New Jersey. But lo and behold, Mr. President, I find in the Sunday Inquirer the following remarks and I will quote: "After hammering the Democrats \$2.8 billion tax package to tap a well of voter

anger so deep that even Republicans were surprised, the GOP now says that cutting all those taxes would be irresponsible. Rhetoric has run into reality." Mr. President, I think it is important to note that not only the Republicans in New Jersey but also some Republicans in Pennsylvania want to go around and say, let us cut taxes. Everybody wants to be a hero, Mr. President, until it comes time to pay the piper. We will look with great interest when the New Jersey Legislature convenes to see whether the Republicans in that Chamber will keep their promise to their constituents and in fact reduce those taxes in light of a billion dollar deficit that has already been projected. We will see how honest those demagogues will be in that state.

Mr. President, there was another interesting article in the Inquirer in which they quoted the standard bearer of the Republican Party, George Bush. Mr. President, his remarks are an outrage, and I will read to you his quote. "I have got my ideas out there and this concerns the tax cut. I have got my ideas out there and the Congress for various political reasons want to do it their way. When you do not control either House of the Congress, you have to deal with their ideas." Mr. President, how arrogant could one get? We would hope that George Bush, after seeing the results of that last arrogant slick Dick in Pennsylvania, would have learned a little bit of humility. Mr. President, where does he get off saying his ideas are God-given, not political, but those of the Congress are political by definition. Mr. President, I submit to you that his ideas are just as political, if not more so, than those in the Congress. But even more important, Mr. President, is the arrogance when he says when you do not control either House of the Congress you have to deal with their ideas, as if there is something wrong with that. Mr. President, in this country we do not elect a dictator. We elect a President and a Congress. We elected that Congress and they have a right to their ideas. Where does Mr. Bush get off at with his imperial presidency? Does he think he is Ferdinand Marcos? Does he think he is some of the dictators of the past who have already been thrown over? Does he think he is Saddam Hussein? Mr. President, it is about time that this Republican President learns that he lives in a democracy. It is about time he learns to respect not only the views of the Congress but the views of the people of America. Mr. President, there is a reason why Senator Wofford did as well as he did on election day. There was a great outcry here in Pennsylvania that is indicative of the frustration and the anger throughout the middle class of this country. The people of the middle class are saying, give me a break. Mr. President, I always used to wonder why those people who are basically blue-collar, hardworking people, why for so many years were they registered Democratic and voting Republican. I could not exactly figure it out. But then we finally realized that the Democratic Party took the poor, the immigrants of this country and made life so good for them that they were no longer poor. They became upper middle class, and when they became upper middle class, Mr. President, they started to vote that way. They started to vote Republican. We did such a good job in our party of making

poor people wealthy that they turned on us and found new values. What happened on election day was that we have now seen the process come full circle. We have now watched the Republicans turn those upper middle-class people who used to be good Democrats, who became Republicans, we watched those Republicans take those people and drive them right back into poverty and now they are back with us.

Mr. President, we are not happy about the economy, but we are so very happy that so many people are coming home to where they belong, their Democratic roots. So we were not necessarily surprised on election day in Philadelphia, for example, where Dick Thornburgh even ran behind Joe Egan. We were not particularly surprised about that because people knew who slick Dick was, and they also are sick and tired and fed up with a national Republican agenda that is killing our economy here at home.

Mr. President, we watched the President of the United States change his latest travel junket plans and snub Japan because he was afraid to go away, so at least he got some kind of message that charity begins at home, that the American people and the people of Pennsylvania have a right to demand from their President that he start to devote some time to Pennsylvania's economy and America's economy. We do not care about the war in the Gulf anymore, Mr. President. I personally thought that George Bush would be able to milk that with coming-home parades for the next year or so, but apparently the people have forgotten. Maybe, Mr. President, the people came back to reality and started to ask themselves, why did we go there and why did we lose American lives? But, whatever, wrapping himself in the flag is no longer going to help George Bush, and we are very happy about that, not in a partisan fashion, but we are very happy as Americans because maybe the Republican Party will get the message that there is a huge middle class out there that has to be taken care of, that they have to abandon their extremely wealthy friends for a little while to get the economy back on track. Maybe, Mr. President, we need an income tax on those people who make over a million dollars a year. When the Democrats proposed it the last time there was outrage in Washington that they would even think of such a thing. Maybe, Mr. President, we do not need a capital gains tax for the wealthy. Maybe what we just need are some more jobs for the poor. This country is in deep, deep trouble, and when we look at our economy, I will grant to you that some of that Washington establishment is Democratic and they have been part of the problem, but we can no longer continue to exist in the manner in which we are going. We can no longer continue to increase the national debt to a point that 30 percent of all federal revenue goes into paying just the interest on the debt. Mr. President, we would not have the problems in our cities that we have. We would not have the problems in state economies that we have if we were able to take that 30 percent of our national GNP and turn it back home where it belongs. It is the President of the United States who sets that agenda, and, yes, he may have coconspirators in the end in the Democratic Congress, but it was Ronald Reagan who told us all about the trickle-down

economy, how it was going to work, how rich people were going to make a lot of money, but then they were going to let it trickle down to the poor. Well, we watched that for eight years and we did not get any trickle down. Then we watched George Bush come in with absolutely no plan, so it just drifts along. We watched the national deficit go in ten years further than it has ever gone in the entire history of the rest of this country combined. Mr. President, it is about time for people to have courage. It is about time for our President to stand up to the plate and tell America the truth. It is about time for our President to stand before the media and give us a plan for this economy that will work, not more lies, not another income tax adjustment act that is supposed to solve the deficit but does not. Mr. President, it is time for us to forget about Willie Horton. It is time to forget about pledge allegiance to the flag. It is time to worry about problems, the real problems of the unemployed and, more particularly, the underemployed.

Mr. President, this country is in bad shape, and it has been led by the Republican Party for a long time. I am glad that we in Pennsylvania have been the first state to send that message to George Bush that he had better wake up. Slick Dick was a sure thing when he came in. He thought he was going to be canonized because he used to be the Governor and he cut taxes—after he raised them—and he was a tough Attorney General, even though he did not prosecute his friends. Mr. President, Pennsylvania gave slick Dick a message and it depressed the President, in his words, and we are very happy about that. We just hope that he comes out of his depression. Maybe he has to take some Prozac or something, but we want him to come out of that depression with some ideas and some jobs for America and for Pennsylvania. Mr. President, we did a tough thing here last year by raising taxes. Nobody liked it, but we did it because we had to do it. We now look at our own economy right on the edge. We are worried about a Christmas season that if it does not produce the retail sales that we expect, we are going to be in trouble in Pennsylvania. I do not know how we can control people. I do not know how we can get people to buy more things for their kids for Christmas when they do not have money, and it is not just Pennsylvania's problem. We cannot control our economy. It is a national problem being dictated by a Republican President. It is about time we got off of the rhetoric, the 30 second commercials, and started to worry about the real problems of this state, and I call upon our illustrious President, imperial though he may want to be, to come back home to the people of this country and listen to them and not worry about the other people in the world as much. Worry about us so that we might begin to put our economy back together.

Senator MELLOW. Mr. President, when we adjourned the Senate several weeks ago, we had the opportunity on a Tuesday afternoon to have some lively debate about the up and coming election. I can only reflect as to some of the discussion that took place here on the floor earlier this evening and what we had the opportunity to witness. I guess you could probably talk about it as being the height of hypocrisy, to go ahead and to talk about something, yet, when you are in a

position to effect a change you do nothing. I guess you can talk about having a lot of unmitigated gall when you go ahead and you make some statements on the floor of the Senate, basically, that borderline being true. I guess, Mr. President, you can say that it is intellectually dishonest to try to have people believe one thing publicly and, yet, you do something entirely different privately.

Mr. President, we had the opportunity of dealing with Senate Bill No. 953 some 15 or 20 minutes ago. The point of Senate Bill No. 953 that was discussed in detail was a point that really does not even exist in Senate Bill No. 953 as of yet and that is, Mr. President, selective strikes within school districts, which is appalling to each and every one of us. Yet the Member of the Senate who took to the floor to talk about an amendment that would have gone ahead and I suppose would have banned selective strikes, which we would like to do, had his opportunity to reflect that vote on the floor of this Senate back on October 15th, and for some particular reason he decided not to do that. I would assume that was to support his caucus, which I understand does not fully support going ahead and doing away with selective strikes. Then he talked about the fact, Mr. President, that during the period of time since October 15th, and I believe the quote was, "Since then there have been more selective strikes." Well, if there had been, the opportunity existed on the floor of this Senate to go ahead and to take a long step forward to do away with selective strikes, but, unfortunately, that did not happen. I can only wonder and reflect that maybe if what took place last Tuesday, a week ago today, did not take place, maybe we would not be dealing with that particular proposal on the floor of the Senate today. Mr. President, I think it is important that as the Democratic leader of the Senate I congratulate Senator Lincoln, because I think Senator Lincoln assumed a very difficult job to serve as the State Chairman of his party just a few brief weeks ago and under his direction, with the cooperation of a lot of people, of a coalition that was put together, he was able to preside over a party that, for the first time since 1962, some 29 years ago, was able to elect a Democrat to the office of United States Senator, representing the great State of Pennsylvania. Mr. President, just last week the very distinguished Majority Leader of the Senate said—and I am going to read his comments—"Obviously, the party on the other side of the aisle must feel some desperation when we draw the second half of the dynamic duo from his office to get on the floor to make a purely partisan speech. It is very obvious there is desperation on the other side as November 5th looms." Well, Mr. President, I wonder as we stand before you today just exactly where that desperation is. I wonder about the pundits and the pollsters who took the poll that was revealed on national television this morning that showed that not only is President Bush's popularity dropping rapidly, but that if he would run against a yet unknown Democrat, and if that election were held today, President Bush would not be reelected against an unknown Democrat. In fact, the TV station that I watched said that President Bush would receive 41 percent and the unknown Democrat would receive 43

percent of the vote. Now, Mr. President, there has to be some desperation on the part of the Bush White House as to why, in fact, that is taking place. His hand-selected, his hand-picked candidate for the United States Senate in Pennsylvania, something that was viewed as a lock in August by a 45 percent lead on the part of Mr. Thornburgh, turned into a tremendous defeat of Mr. Thornburgh at the hands of the voters last Tuesday. Mr. President, maybe we should look at why that is taking place. Maybe we should look right here in the state Senate as to why some of those things have taken place and the fact that the thing that our people are interested in, a domestic agenda to help the people of Pennsylvania, Mr. President, is, in fact, not forthcoming.

Several weeks ago when we talked about Senate Bill No. 221, which is a bill on the floor of the Senate that would amend the Administrative Code because we cannot get bills that are sponsored by Democrats that are substantial in nature, that are substantive, Mr. President, in theory and in principle, we cannot get those bills reported from the Republican controlled committee so, therefore, what we must do is take to the floor of the Senate and try to offer those bills in amended form, which we tried to do two weeks ago on a bill that was introduced by the gentleman from Allegheny, Senator Bud Belan. His bill would go ahead and establish a program for abandoned industrial sites that had environmental problems. It would establish an assessment fund that would go ahead and resolve and straighten out the environmental problems. It is the same program that, if you recall, the Republican candidate for the United States Senate took and plagiarized a Member of the Democrat state Senate and used it as his program. Unfortunately, the people of Pennsylvania did not buy it. But we cannot get that bill considered on the floor of this Senate. We cannot get a child care program considered on the floor of this Senate. Mr. President, for the last two legislative Sessions I along with a number of other Members on the Democrat side, with some Majority sponsorship, have introduced a complete and comprehensive day care package, and where is that day care package, Mr. President? In the committees where it was referred to because the Republican controlled committees in this Senate will not consider those proposals. And where, may I ask you, Mr. Republican Party in the State of Pennsylvania, is your program for family leave? Do you think now we have come to the point in time where it is important that we talk about family, we talk about the restructuring of child care and day care? Do you think maybe we should be delivering services, Mr. President, to people who are so badly in need of these services? Do you think we should start talking on the floor of this Senate about alcohol treatment and drug abuse, especially the lack of alcohol treatment for pregnant women? Do you think, Mr. President, that a thing called Workmen's Compensation reform, that we have introduced under the sponsorship of the gentleman from Allegheny, Senator Scanlon, that has been put into two committees in the Senate of Pennsylvania should be considered before the rating bureau goes ahead and increases the rates to Pennsylvania employers for Workmen's

Compensation by in excess of 50 percent? We have taken action, Mr. President, on the part of a program that has been developed by the administration. We think it is important that action take place right here on the floor of the Senate the same way that it is very important that action take place in the halls of Congress to start to establish a domestic program, a domestic agenda, if you will. Maybe there should be some lessons learned about what people think about national health care because it is out there. Perhaps the Congress of the United States should once again give the President the opportunity of vetoing the extension of unemployment compensation, because he probably has never had the opportunity of standing in an unemployment line to go ahead and to sign up to collect the check, to go ahead to tell those people who have exhausted their benefits, where in Pennsylvania there are 170,000 of those people who are either underemployed or unemployed, that the President of the United States does not think it is important for these people to sign an extension of unemployment compensation. Perhaps the President should realize that particular case.

Perhaps the President should realize that there is a problem with civil rights in this great country of ours, that all people are not treated equally, regardless of the fact that we are guaranteed equal treatment by the Constitution of the United States.

Perhaps, Mr. President, he should understand that right here in this great country of ours, the greatest free country in the world, that we do not have an energy policy, a policy where we can go ahead and say it is working for the people of this great country of ours and indeed in Pennsylvania.

Perhaps, Mr. President, he should also realize that when Jimmy Carter ran for reelection for President of the United States in 1980, Ronald Reagan developed a misery index. The misery index dealt with unemployment and with inflation. He added the two together and he told the people about the misery index in this great country of ours. He also talked about in that campaign that the federal deficit was approaching \$60 billion and he would do whatever he could do once he was elected President to go ahead and to eliminate the deficit so we could go along with our business in this great country of ours. Mr. President, today under three terms of Republican Presidents, President Reagan in 1980 and then again in 1984, President Bush in 1988, we no longer have a deficit in this country that is approaching \$60 billion. We have the largest deficit ever in the world of any government, of \$268 billion. Our cumulative debt, Mr. President, is approaching \$4 trillion. In fact, Mr. President, within the federal government we are paying more money right now for debt service in this great country of ours than we have as a deficit. Our debt service right now is approaching \$300 billion. Perhaps that is the reason why there was a loud and clear message given to the President of the United States. Perhaps, Mr. President, that the shifting of the burden of funding from federal government to state governments to take care of state and federal programs that have been mandated by the federal government and they have abandoned the states, maybe that is the

message that is going back to President Bush in the federal government. Perhaps, Mr. President, they are trying to tell him that President Bush, when it was first identified that there was a problem with the savings and loans in this country of ours and that the problem might cost somewhere around \$20 billion, which is almost the total budget of Pennsylvania, you neglected it and you said nothing is wrong and that we can resolve the problem. Well, today we understand that to resolve the problem, if in fact we can do that, is going to cost the taxpayers of this country \$500 billion with no return whatsoever to the taxpayer. Maybe we should look at what has happened in the banking industry. Maybe we should look at what has happened with BCCI and the fact that the former Attorney General did nothing to go ahead and to resolve the problem. Maybe, Mr. President, we should look at the exportation of jobs to Mexico and to other countries and the importation of automobiles and other things that are depriving Americans of jobs. Perhaps, Mr. President, we should become a Shiite or a Kurd. Perhaps we should live in the Persian Gulf because then we could get the proper type of aid our people right here in this great country of ours need. Perhaps the people living in the Philadelphia area, the Philadelphians, or the Scrantonians or those who live in Allegheny County or Johnstown or Allentown or Erie, or any of our other great cities or towns in this Commonwealth, perhaps they should identify themselves as individuals who are from a foreign market and then perhaps the President of the United States will see fit to go ahead and to give them some type of foreign aid. I was appalled at the headlines that appeared in one of my local newspapers on Election Day. The headline read—and I wish I had it here with me because I will have to paraphrase—that the President of the United States wanted to give \$1 billion to the Soviet Union to help out their economy. Well, what is wrong with the economy of Pennsylvania? What is wrong with the economy of this great country of ours? The President of the United States is elected to take care of the problems domestically first of the 50 states in the United States, not to go ahead and to establish such a foreign agenda that he has totally forgotten the people of this great country of ours. I think that is the message that was delivered loud and clear on November 5th and that is the message that we, I feel, must deliver loud and clear on the floor of this Senate, and it should happen in the other 49 states in the United States until there is a sympathetic ear in Washington and one that is prepared to listen about those programs of such great concern.

You know, Mr. President, what made me feel real good was being informed that Fortune Magazine's November 4th issue, in view of everything that has taken place in the State of New Jersey, and the State of California, which went ahead just recently and had the largest single tax increase of any state in the United States and now is facing another substantial deficit, in view of the fact that in this State of Pennsylvania because of a tremendous downturn in the economy of this country that we had to go ahead and we had to have this significant tax increase back in August of this year, that Fortune Magazine rates the City of Pittsburgh as the third best city in



America to do business, even after we have had the tax increase of the summer of 1991. That is saying something about a Democratic Administration in Harrisburg. That is saying something about the Casey Administration. That is saying something about the job that is being done by the Democratic mayor in Pittsburgh and the Democratic county commissioner in the County of Allegheny. I only wish, Mr. President, that this would not be viewed as an extreme partisan issue, but, in fact, would be viewed as a people issue because those poor individuals who in just a few short weeks are going to be very cold in the streets of Philadelphia, who are going to be very cold in the streets of Pittsburgh and Wilkes-Barre and Scranton and Erie and Allentown and Johnstown and the other cities and communities in Pennsylvania who are identified as homeless, that forgotten group of people who unfortunately government in Washington has turned their backsides to, that forgotten group of people must be heard. The people of Pennsylvania who need aid from the federal government, Mr. President, must be heard. The elderly population in this great state of ours who rely on governmental programs must be heard. Those people who have no health insurance in this state must be heard. Those people who have no unemployment compensation benefits because of nothing that they have done, they have lost their jobs, Mr. President, they must be heard, and that middle income taxpayer who is in such desperate need of a tax cut because of what took place in the Tax Reform Act of 1986 where the gap between the haves and have nots has never been greater, Mr. President, they must be heard. And if nothing else, we will be a voice in the wilderness, as Senator Fumo talked about today, as our new United States Senator, elected by a tremendous majority of in excess of ten percentage points, will be a voice in Washington like Senator Lincoln was throughout a six-week campaign in which he was deeply involved as a spokesperson for the Democratic Party in Pennsylvania and as the administration was right here in Harrisburg talking about the needs of Pennsylvania. They must be heard, Mr. President, and we will do everything that we possibly can over the next year until the next presidential election has been completed to make sure that those voices out there that are not being heard in Washington will be heard.

Senator FISHER. Mr. President, apparently Senator Mellow, trying to hear a lot of voices, did not hear the voice of the campaign manager, Mr. Carville, for the successful candidate to the United States Senate last week when he said that Democrats should not be gloating about the victory, that there should be concern on both sides. As I sit here today this afternoon and listen to the debate in which we have once again debated on the floor of the Senate the past United States Senate race, we seem to have been debating United States Senate races on this floor since early last year, even before the tragic death of Senator Heinz, and I suspect we may hear more United States Senate debate before we get to the next election in 1992. We have also heard debate from Senator Fumo which apparently would have been more germane had it been in Trenton to debate the issues before our sister State of

New Jersey, but apparently in having read some of the articles, Senator Fumo did not read the article the day after the election which had the election results, I assume, in the Philadelphia Inquirer about what happened in the State of New Jersey. We have obviously also heard the debate begin today on the presidential election for next year, and I assume that we will hear more of that. But, certainly, the Republican Party was deeply disappointed last Tuesday. We were deeply disappointed at the results of the election for the United States Senate, just as I know that our candidate Dick Thornburgh was deeply disappointed with not only his own results and performance but, obviously, with the outcome of that race. Certainly, in his concession speech and his conciliatory words to Senator Wofford, I believe he echoed, in fact, what did happen in Pennsylvania last week, and it was much more than a race between Dick Thornburgh and Harris Wofford but clearly was a race that took on national implications. Clearly in that race I give Senator Wofford and his people credit. They captured an issue that was very much on the minds of the people of Pennsylvania. They may not have resolved the issue, but they certainly talked about the issue of national health insurance. I know from talking to people in my district, and, by the way, a district which supported by about 53 percent the election of Dick Thornburgh over Harris Wofford, but nevertheless talking to people in that district, those people also have a concern about health care and health care costs, issues that are not of surprise to me because it has been an issue that I have talked about, an issue that we talked about in our districts and in Harrisburg at great length in prior years. But clearly the issue that was defined and the issue that propelled Senator Wofford to win the election was the issue of national health insurance. But one thing I know the people of my district continue to ask and the people of the Commonwealth are continuing to ask today, and I am sure they are going to continue to ask over the next year, is not only where is the plan, because they were patient and apparently willing to say that we are going to elect you, Senator Wofford, to find a plan, but the issue that people were very interested in is how are you going to pay for that plan, and when you look at the bottom line of how you are going to pay for a plan, then you have to go a little bit beyond the Commonwealth of Pennsylvania. You have to look at other places where a plan like that is in existence. You do not have to go much farther than our neighboring country of Canada where, in fact, they have national health insurance. But national health insurance there has partially contributed to a 52 percent income tax across Canada. It has also partially contributed to a 15 percent sales tax in Canada, and those are the kinds of prices that the people of this country may have to pay if, in fact, national health insurance should come to our great country. That is a debate that will take place on the floor of the Senate of the United States and the House, and I am sure the Congress, perhaps before the next election, will deal with that issue. But I am also quite sure, just as the people in 1990 overwhelmingly elected the Casey-Singel Administration for another four years as Governor and Lieutenant Governor,

that the people, when they realize what the cost of national health insurance will mean to them, may have some second thoughts about the 1991 election. You only have to look to recent statewide surveys to see how quickly the opinions of the people of this Commonwealth change. Yes, we know that in September when those who were asked were asked who they were going to vote for for the United States Senate said by a margin of about 44 points they were going to vote for Dick Thornburgh over the other candidate who, by the way, most people did not know at that time. But when you look at recent polls as that one that was taken last week of their impression of the Governor who they voted for just the year before of what their impression was, favorable or unfavorable, of Governor Casey in this Commonwealth, you find only 29 percent of the people of this Commonwealth have a favorable opinion of the Governor who they voted for just one year before. So I suspect that Senator Wofford as he begins his three-year term, and 1994 comes around quickly, I suspect as he begins that term he realizes, and I think if nobody else does probably Senator Wofford does more than anyone, how fast the mood of the people of this state can change. I suspect when they find out what the price tag is for the proposal that made them decide that Senator Wofford was their choice, that the mood of the people of this Commonwealth will, in fact, change. But last Tuesday was not totally a bleak day for the Republican Party in Pennsylvania. Last Tuesday night and Wednesday morning we woke up with the control of 11 new courthouses across this Commonwealth. The people of Berks, Cambria, Cameron, Carbon, Centre, Clearfield, Crawford, Juniata, Monroe, Warren and York elected Republican commissioners in those counties, whereas they had a Democrat majority before. Yes, I know that nine other counties they, likewise, made a switch in the other direction, but remember that net gain, even though it was just a net gain of two, was, in fact, a net gain, a net gain in the face of a rather lopsided election at the top of the ticket. I think if you examine those numbers and you examine even more local elections such as elections in my district where Republicans won back in Democratic communities local council seats that they had lost the previous two years and recaptured majorities, when you look at the City of Easton and the City of Williamsport which elected Republican mayors, you realize there were, in fact, Republican victories across this Commonwealth last Tuesday, and that the people are, in fact, selective. They are very selective. Although they may have rejected the former Governor and our candidate for United States Senate, they accepted our Republican candidates for many, many offices. For that we are proud. We believe that the people of this Commonwealth are not so narrow-minded and are not so shortsighted to attribute all of the blame, all of the domestic problems which we see here in Pennsylvania to the people in Washington or to the President. Certainly the President got the message. We hope he got the message as well as the Democratic Party hoped he got the message about the concern of attending to the issues domestically, but the people of Pennsylvania are not just blaming the Republican President in Washington.

There is an obligation on all of our parts and there is an obligation on this administration. When Senator Mellow says we have yet to see the President's domestic package for Pennsylvania, we have yet to see the Casey-Singel Administration's domestic package for Pennsylvania. We have yet to see it. I believe that the people of Pennsylvania, when they did see the domestic package, were not very happy with the package they were presented, a \$2.8 billion package last August. That is why when the polls were taken last week on the favorability of the Casey-Singel Administration, it came back at 29 percent. So, yes, we are waiting for domestic packages, and the domestic package I think is the most important for the people of Pennsylvania will be the domestic package which we debate here on the floor of the Senate of Pennsylvania over the next year. We obviously have to keep our eyes on what happens in Washington.

Senator Mellow reflected on a poll that he heard today. Well, he must have done the same thing that I did the first time I heard it and switched stations, but the second time I heard it I kept the station on and I realized when the poll was run when it had that blank Democratic opponent that President Bush did not fare as well, but when he ran against the best known and the best named Democratic opponent, the Governor of our neighboring State of New York, he fared one heck of a lot better with a margin of almost 20 points in that poll. But that poll is not the poll that is going to determine. What is going to determine the fate of this country and the fate of this Commonwealth is what is going to happen not only across the country and in the halls of Congress but particularly for our state on the floor of the Senate and the floor of the House of Representatives. We recognize we have a long way to go. This year, the balance of this year and next year we certainly need to focus on the issues that are important to our people. We pledge to do that. We look for cooperation. We hope that we will hear the end of the 1991 Senate debates soon. We anticipate that we will probably hear some more of the 1992 United States Senate debate, but we are willing to hear that. But we stand here saying that Fortune Magazine may have rated the City of Pittsburgh very high in their category, number three, and I am very proud of that coming from that region, but I doubt very seriously if Fortune Magazine, when they did their survey, had the opportunity to take into consideration the negative impact of what happened on August 5th. As one from western Pennsylvania, I hope maybe they did, but I doubt that they did. As I look at the impact on employers in Pennsylvania, as I look at the impact on individuals in Pennsylvania, I see the fact that we went to the well for \$2.8 billion without looking at alternatives is something that the people are not very happy about. I recognize there were alternatives. I advanced alternatives. A number of other Members of our caucus advanced alternatives, alternatives that were rejected by every Member of the Democratic Senate and, to my knowledge, every Member of the Democratic House. I say to you as we reexamine and try to develop a domestic package, we had better be looking at some of those alternatives as to whether or not we can reduce some of that



tax bite by rolling back the taxes from increased revenues. Then maybe it is high time that we go out and we reach for that \$600 million to \$700 million that we could get from the State Stores to help reduce the tax burden on the people of Pennsylvania and quit keeping our head in the sand as to whether or not that is an issue that should come to Pennsylvania.

Mr. President, I welcome the opportunity to address these remarks. I am certain we are going to hear more of them, but I think we all have a big enough job to do here and we should recognize the words that Jim Carville gave across the nation, that the Democrats should not be any more comfortable than Republicans as a result of last week's election. No, it rings home no better than in Pennsylvania where I say the Democrats should not be any more comfortable with what happened last week than we are, and we all have a long way to go and we all need to work a lot harder this year to really get to what the people of this state want.

Senator MELLOW. Mr. President, I am happy that Senator Fisher decided on at least two occasions to talk about the words of James Carville, who served as a campaign coordinator for Senator Harris Wofford, and not the words that were shared by Michele Davis, who served as the campaign coordinator of Mr. Thornburgh, because her quote was "Dick Thornburgh is the salvation of this sorry-assed state." I am happy that James Carville has the honor, the demeanor, the class and the professionalism to talk about Pennsylvania and an election for actually what it is. Mr. President, we are not going to go ahead and gloat over the election, as was suggested by the campaign manager, because the problem is much greater than that. The problem is one of presentation. It is one of presentation to the people of Pennsylvania and it is one of presentation to the people of the United States of America. The problem is that the Republicans in Pennsylvania and the Republicans in Washington, D.C. have failed miserably in their addressing of the issues that have confronted our people. Mr. President, any time you have been chosen to do something and you have failed in that task, then you as that individual, whether it be the President of the United States, the county commissioner from the county in which you live, the chairman of the board of supervisors or the president of your borough council, you must be held accountable to the people who have put you there, and I think what Mr. Carville was saying is that we cannot gloat over the election of Harris Wofford for the Democrat Party, but, in fact, we should look at it with a great degree of reluctance because of the failure of the current administration in Washington for the past 11 years and the disasters that have taken place in our states because of that failure. Mr. President, what we witnessed was a repudiation of Ronald Reagan, of Ronald Reagan's economics, of the trickle-down theory and as candidate George Bush said in 1980, that Ronald Reagan's policies were "voodoo economics." It has been the repudiation of the Reagan-Bush era and Administration.

Mr. President, Senator Fisher talked about the Casey Administration, and I am proud to say that Governor Casey is

my constituent and proud to say that over the last five years the Casey Administration has done an outstanding job to present and to push forward this great state of ours under your direction also as Lieutenant Governor and Presiding Officer of the Pennsylvania State Senate. I can only feel by the tone of the gentleman's remarks that maybe he is still carrying a torch from 1986 because he talked about the lack of a domestic policy in Pennsylvania. Well, why do we not examine the domestic policy so that Senator Fisher can be certain that he knows we have one. Unfortunately, he has not admitted that we do. But let us look at what has taken place in Pennsylvania with regard to an energy policy and how we have been able to advance that over the last five years. Let us look, Mr. President, at what we have done with education and how Governor Casey will be known as the education Governor. Those of us who have served here for a few years know full well that on at least one occasion, and if memory may serve me correctly two occasions, the Republican Governor of Pennsylvania who preceded Governor Casey, who was just soundly defeated at the polls, did not put in any new money for education in at least two of his budgets after he raided the Lottery Fund. Let us look at what has happened with child welfare and day care and how the Governor has established an office within the Department of Education of day care and of early child intervention, to go ahead and to establish a domestic program and a domestic policy for children, our greatest natural resource. I am kind of surprised because Senator Fisher has been around a long time. I thought he knew these things. Let us look at his environmental program, and that is the one that really shocks me because Senator Fisher served as the Chairman in the Senate of the Committee on Environmental Resources and Energy. And I think he has heard of PENNVEST. I think he knows of that particular program that has put hundreds of millions of dollars back into our municipalities, back into our utilities to redevelop an infrastructure right here in this great state of ours. I am kind of shocked that Senator Fisher does not remember that as part of our domestic agenda. Then we should look at what has happened with economic development, of how we have gone ahead on the floor of this Senate under a Democratic Administration and gave business in Pennsylvania the largest tax reduction ever in the history of Pennsylvania by retiring the Unemployment Compensation Debt Fund owed by Pennsylvania businesses in Washington, created by a Republican Administration in Washington that in the 1980s had unemployment in Pennsylvania as high as 13 percent to 15 percent, and how the Governor at the time presided over the demise and the rusting of the steel industry in Allegheny County. I am surprised that Senator Fisher does not remember what we have done in Pennsylvania with a drug policy. The state Attorney General, who also happens to be one of my constituents, traveled throughout the state with the Governor of Pennsylvania proclaiming what a great drug policy we have right here in Pennsylvania, and maybe I should remind him that the federal drug czar came to Harrisburg and addressed a Joint Session because of the tremendous job that we have

done right here in Pennsylvania to address the drug problems here in this great state of ours. And what we have done to try to aid the court system in Pennsylvania by mandating sentencing for various offenses, and, of course, Mr. President, I believe that the expansion of the ports and the kind of money that was put into the ports in Philadelphia and in Erie and in Pittsburgh, something I know that Senator Fisher had a great deal of interest in, was done under the Casey Administration. So I am kind of shocked that he had the fortitude to say that there is no domestic package right here in Pennsylvania. Or why do we not look at tax reform, something that the Republicans of Pennsylvania should be very proud of because they defeated tax reform. And why did they do that? They defeated it through a hired gun who masquerades as a college professor, funded by the Republican Party right here in the Senate of Pennsylvania through their various political action committees, and their staff people run around when he holds news conferences in the Rotunda to make sure that everyone has a copy of his remarks so that he can be projected as an independent college professor but, in fact, is an individual who is deeply involved with the Republican Party in the state Senate. And tax reform, Mr. President, means an equitable distribution on all Pennsylvanians based on your ability to pay taxes. Nothing else. That is all tax reform means. It means that if we had the program, that we could have gone ahead and our dependence upon property taxes would have been eliminated to a certain degree because people would have had to pay based on their ability to earn income. I just have the gut feeling that that might not have set well with some of the constituents who are represented by the 26 Republicans right here in the state Senate. I am sure they are proud of that because I know that a few of them have expressed how happy they are that they were able to defeat tax reform. But in doing so, what did they defeat? They defeated an opportunity for Pennsylvanians to be able to go ahead and to have a more equitable way of being taxed in Pennsylvania.

Mr. President, I am sure that Senator Fisher is totally aware of, in this last budget, what we did with children and youth programs in every county of Pennsylvania because I know that he was part of the budget negotiations, and I am sure that he is well aware of what did take place. Yes, Mr. President, we did pass a budget that reflected a \$2.8 billion increase in taxes. Yes, Mr. President, those of us who had the intestinal fortitude to go ahead and to put our votes up to pay for those programs to a certain point have been criticized. Yes, Mr. President, it took a Governor who was prepared to go ahead and to meet the needs of our people of education, of energy, of economy, of the environment, of jobs, of our ports. It took a Governor who was prepared to go ahead and to call it the way it is, to say that the federal government is not doing its job. They pulled back federal revenue sharing on us during the Reagan Administration. They have gone ahead and the educational President has never been able to put his bucks where his talk was during a campaign and, therefore, we have had to do it right here in Pennsylvania. Did we do the job? Yes. Are we in a position, Mr. President, where people right

now are looking at Pennsylvania as a bright keystone state in the United States? Yes. When you talk to business people, what will they tell you? They tell you that the thing they like the most about Pennsylvania is that we had a problem, that we predicted what the problem would be and we stabilized it, contrary to what was done in some of the other eastern seaboard states. Mr. President, maybe the guy that I feel sorry for the most is not right here on the east coast but who is a Republican Governor on the west coast, a man who served as a Member of the United States Senate from that great State of California, a man who had to go ahead and had to raise sales tax to, I believe, 8.5 percent, the largest in the United States, and extend it over almost every marketable item that is purchased in the State of California. And, yes, he is a Republican and he followed a Republican. The Governor of Texas, unfortunately, had to follow a Republican to try to clean up the mess. Mr. President, just look at what has happened in that great State of Connecticut where now a Republican turned Independent serves as the Governor of Connecticut. Mr. President, there are a lot of problems in this great country of ours, and if you want to go ahead, Republican Party, and you want to put your head in the sand and not recognize and realize they are there, well, then go ahead and do that. If there is one message that you should have learned from the election of last Tuesday, it is the message of James Carville. I think, perhaps, what you probably would like to do is hire him as your consultant, but I do not think that is possible. I think the one message you should have learned is that the people of this great country of ours are not gloating over what is happening in this great country of ours. The people of the United States and the people of Pennsylvania are very sad for what is taking place right here because the needs of middle-class America, those who have sent both Senator Fisher and Senator Mellow to the Senate of Pennsylvania, are not being met, and the Republican Party nationally has not done their job to address those issues.

Senator FISHER. Mr. President, I do not think I would have made any comments if I had not heard Senator Mellow almost get close to making that rising star quote which we heard last year, but when I hear him talk about the business people of Pennsylvania being happy with what was delivered to them, I cannot resist at least making just a few brief comments.

Clearly, Senator Mellow, I think, is missing the point of my remarks. I have recognized what happened in last week's election. I am not sure that he has because the people of Pennsylvania are not happy. They apparently are not happy with what the Casey Administration has brought them because what has made the people of Pennsylvania send that message is that there are things that are wrong here in this state, and to call this administration the education administration I think you need to go out and take a survey among educators. Just ask. In fact, you do not need to go much farther than this Capitol to ask where the money came from in this year's budget for education. Just compare the Governor's recommendation with what finally came out in the budget. If you

also want to know what the people of this Commonwealth are thinking, I will share with you the poll results. Only 29 percent of them last week said they were favorably impressed with our Governor. We cannot place all the blame on the federal government. I am willing to place some of it there. But we have to accept as a state government some of the equal blame, and if the blame lies here, which I say it does, it not only lies in this Chamber, it lies with the administration. To think that the people of Pennsylvania are perfectly satisfied just because some of the things which were done in a bipartisan fashion and have been enumerated by Senator Mellow are enough is to misread last week's election results. We have a long way to go as a country, but we have equally as long a way to go as a state to solve the problems of this Commonwealth.

Senator MELLOW. Mr. President, I just would like one final comment. I would just like Senator Fisher to realize that they are in control of the mechanism of this Senate. They control the committee structure. The people have elected them to control and to run the Senate of Pennsylvania, to advance a program and if, in their wisdom, they feel that the administration has not, then the mechanism is there for them to do that, and if they cannot do that I suggest either they come up with a program to get Pennsylvania on the road to recovery if that is, in fact, what they think, or give us the opportunity and move aside and we will do the job for you.

### UNFINISHED BUSINESS

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

November 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Manuel J. Manolios, 397 Joyson Avenue, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Felice Perlmutter, Ph.D., Philadelphia, resigned.

ROBERT P. CASEY.

#### CORRECTION TO NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

### SECRETARY OF THE COMMONWEALTH

November 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated November 7, 1991 for the appointment of Brenda K. Mitchell, Ph.D., 792 Brentwater Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as Secretary of the Commonwealth, to serve until superseded, vice The Honorable Christopher A. Lewis, Philadelphia, resigned, should be corrected to read:

Brenda K. Mitchell, DPA, 792 Brentwater Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as Secretary of the Commonwealth, to serve until superseded, vice The Honorable Christopher A. Lewis, Philadelphia, resigned.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 13, 1991

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 629, 1031, 1032 and 1074 and Regulation No. 16A-266)	Room 8E-B East Wing
10:00 A.M.	GAME AND FISHERIES (Pennsylvania Game Com- mission's Annual Budget and Briefing on Federal Migratory Bird Survey Program)	Senate Majority Caucus Room
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 207, 339 and 1081)	Room 461 4th Floor North Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 960 and certain Executive Nominations)	Rules Committee Conference Room

### ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Wednesday, November 13, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:42 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 13, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 68

### SENATE

WEDNESDAY, November 13, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend FRANCIS J. TAMBURRO, Pastor of Our Lady of the Blessed Sacrament Church, Harrisburg, offered the following prayer:

Let us pray.

God, our Father, open our eyes to see Your hand at work in the splendor of creation. In the beauty of human life touched by Your hand our world is holy. Help us to cherish the gifts that surround us. May we never forget that it is from Your fullness that we receive. Direct our steps in our everyday efforts. Bless and guide our deliberations. Continue to show us how great is the call to serve our sisters and brothers. May our eagerness to do good for others express our love for You.

For hearing our prayer, for pouring Your blessings and love into our hearts and lives, we praise You and we thank You. Through Jesus Christ, Your son and our Lord, who with the Holy Spirit live forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Tamburro who is the guest today of Senator Shumaker.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of Tuesday, November 12, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator FISHER, further reading was dispensed with, and the Journal was approved.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

November 12, 1991

Senator GREENLEAF presented to the Chair **SB 1406**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the definition of "sale at retail."

Which was committed to the Committee on FINANCE, November 12, 1991.

Senator GREENLEAF presented to the Chair **SB 1407**, entitled:

An Act amending the act of August 5, 1991 (P. L. 182, No. 23), entitled "An act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the Public School Employees' Retirement System and the State Employees' Retirement System;....," further providing for the retroactive application of creditable nonschool service in the Cadet Nurse Corps.

Which was committed to the Committee on FINANCE, November 12, 1991.

Senator HOPPER presented to the Chair **SB 1408**, entitled:

An Act designating the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 12, 1991.

Senators BORTNER and ROBBINS presented to the Chair **SB 1409**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for annual budgets of school districts.

Which was committed to the Committee on EDUCATION, November 12, 1991.

Senator BELL presented to the Chair **SB 1410**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," providing for a temporary extension of unemployment benefits.

Which was committed to the Committee on LABOR AND INDUSTRY, November 12, 1991.

Senator SHAFFER presented to the Chair **SB 1411**, entitled:

An Act amending the act of December 19, 1990 (P. L. 1200, No. 202), entitled "Solicitation of Funds for Charitable Purposes Act," requiring professional fundraising counsel and professional solicitors to notify certain charitable organizations of the registration requirements.

Which was committed to the Committee on STATE GOVERNMENT, November 12, 1991.

Senator SHAFFER presented to the Chair **SB 1412**, entitled:

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), entitled, as amended, "Local Option Small Games of Chance Act," further providing for licensing of eligible organizations to conduct games of chance.

Which was committed to the Committee on FINANCE, November 12, 1991.

Senator SHAFFER presented to the Chair **SB 1413**, entitled:

An Act amending the act of July 10, 1981 (P. L. 214, No. 67), entitled "Bingo Law," further providing for rules for licensing and operation.

Which was committed to the Committee on FINANCE, November 12, 1991.

Senator HOLL presented to the Chair **SB 1414**, entitled:

An Act making an appropriation to the Historic Society of Trappe in Collegeville, for renovation and historic preservation of the Muhlenberg House.

Which was committed to the Committee on APPROPRIATIONS, November 12, 1991.

Senator HOLL presented to the Chair **SB 1415**, entitled:

A Supplement to the act of (P. L. , No. ), entitled "An act providing for the capital budget for the fiscal year 1991-1992," itemizing public improvement projects, assisted by the Department of General Services, together with estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be assisted by the Department of General Services; stating the estimated useful life of the projects; and making appropriations.

Which was committed to the Committee on APPROPRIATIONS, November 12, 1991.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 960 and certain executive nominations.

## REPORTS FROM COMMITTEES

Senator LEMMOND, from the Committee on State Government, reported the following bills:

### **SB 207 (Pr. No. 216)**

An Act authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; and authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A

of the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929.

### **SB 339 (Pr. No. 349)**

An Act authorizing the sale and conveyance of certain land owned by the Township of Lower Paxton, Dauphin County, free from Project 500 restrictions.

### **SB 1081 (Pr. No. 1676) (Amended)**

An Act authorizing the release of Project 70 and Project 500 restrictions imposed on certain lands owned by Allegheny County, in return for the imposition of Project 70 and Project 500 restrictions on certain lands to be conveyed to Allegheny County.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

### **SB 629 (Pr. No. 1673) (Amended)**

An Act providing limitations on contracts for dating services, for cancellation of dating service contracts, and for violations of the act.

### **SB 1031 (Pr. No. 1674) (Amended)**

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), entitled "Medical Practice Act of 1985," regulating the practice of respiratory care practitioners.

### **SB 1032 (Pr. No. 1675) (Amended)**

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," regulating the practice of respiratory care practitioners.

## REGULATION REPORTED

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported Regulation 16A-266 of the State Board of Osteopathic Medicine for submission to the Independent Regulatory Review Commission, without objection.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I request a legislative leave for the day for Senator Madigan and a legislative leave for Senator Greenleaf and a temporary Capitol leave for Senator Greenwood.

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Fattah and Senator Mellow and legislative leaves for Senator Reibman and Senator Lynch.

The PRESIDENT. Senator Fisher requests legislative leaves for Senator Madigan and Senator Greenleaf and a temporary Capitol leave for Senator Greenwood. Senator Stapleton asks temporary Capitol leaves for Senator Fattah and Senator Mellow and legislative leaves for Senator Reibman and Senator Lynch. The Chair hears no objection to the leave requests. The leaves will be granted.



## LEAVE OF ABSENCE

Senator STAPLETON asked and obtained leave of absence for Senator LEWIS, for today's Session, for personal reasons.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 865** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I would ask for temporary Capitol leaves for Senator Andrezeski and Senator Dawida.

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Loeper and Senator Hopper.

The PRESIDENT. Senator Stapleton requests temporary Capitol leaves for Senator Andrezeski and Senator Dawida. Senator Fisher requests temporary Capitol leaves for Senator Loeper and Senator Hopper. The Chair hears no objection. The leaves will be granted.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1359 (Pr. No. 1672)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), entitled, as amended, "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for the membership, powers and duties of the Pennsylvania Advisory Council on Substance Abuse, creating single county authorities; further providing for the powers, duties and responsibilities of the department, local authorities and single county authorities, and reestablishing and continuing the Council as the Pennsylvania Board on Drug and Alcohol Abuse.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator JONES. Mr. President, it is not every day that we can say that we have before us a bill that really makes a positive difference for Pennsylvanians. Today with Senate Bill No. 1359, we can make a real difference. Many people deserve credit for this bill, but I particularly want to thank the two able-bodied Chairmen of the Committee on Public Health and Welfare, the gentleman from Venango, Senator Peterson, and the gentleman from Philadelphia, Senator Williams. I commend you and your excellent staff for their hard work and for their caring.

Mr. President, there is one part of this bill that is very important to me and that I really want to highlight today. Senate Bill No. 1359 gives special recognition to the needs of pregnant addicted women and addicted mothers. I cannot tell you how happy I am today that we as a Legislature will really send the message that we finally understand that women have been unrepresented in receiving drug and alcohol service in Pennsylvania. Today I believe we can begin to change that. This change will benefit all of us in the long run, but especially our children, who are our future.

Mr. President, today as we pass Senate Bill No. 1359, we take a real step forward, and I urge all of my colleagues here to please vote in the affirmative.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### GUESTS OF SENATOR EDWIN G. HOLL PRESENTED TO SENATE

Senator HOLL. Mr. President, I am pleased to present to the Senate of Pennsylvania the third and fourth grade students from the Marshall Street Elementary School in Norristown, Pennsylvania. They are here on an educational tour of the Capitol. They are in the gallery. The students are accompanied by Mrs. Robin Headman who is a teacher at the Marshall Street Elementary School. May I request, Mr. President, that the Senate extend its usual warm welcome to these third and fourth grade students of the Marshall Street Elementary School in Norristown.

The PRESIDENT. Would the guests of Senator Holl please rise so that we can welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)



### GUEST OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE

Senator BORTNER. Mr. President, with me today and seated in the gallery is a student intern volunteering in my York District Office. His name is Scott Kerstetter. He is a student at York College majoring in criminal justice, and he will be working in my office through the beginning of the year. I would ask that the Senate give him its usual warm welcome.

The PRESIDENT. Would the guest of Senator Bortner please rise so that we can welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 1360** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILLS OVER IN ORDER

**SB 205, 221, 401, 953, 1089, HB 1107 and 1132** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

### SECOND CONSIDERATION CALENDAR

#### BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 344 and SB 517** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL OVER IN ORDER

**SB 7** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILLS ON SECOND CONSIDERATION

**HB 219 (Pr. No. 228)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 250 (Pr. No. 259)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," requiring that complete copies of insurance policies be provided to policyholders upon request.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

### BILLS OVER IN ORDER

**SB 273 and HB 626** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

### BILLS ON SECOND CONSIDERATION

**SB 773 (Pr. No. 1630)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for confidential registration for judges.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 790 (Pr. No. 842)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the times for reports to the Secretary of Revenue.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 797 (Pr. No. 849)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing an additional class of criminal homicide known as homicide by abuse.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

### BILLS OVER IN ORDER

**SB 900, 1060, 1069, 1109, 1190, 1209 and 1243** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

### BILL REREFERRED

**SB 1271 (Pr. No. 1469)** — The Senate proceeded to consideration of the bill, entitled:

An Act creating an incentive for small business employers to offer health insurance to employees.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

### BILLS OVER IN ORDER

**SB 1272, 1273, 1295 and 1296** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

### BILL ON SECOND CONSIDERATION

**SB 1324 (Pr. No. 1631)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating off-road lighting equipment on vehicles.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Dawida and his temporary Capitol leave is cancelled.

### GUESTS OF SENATOR JAMES J. RHOADES PRESENTED TO SENATE

Senator RHOADES. Mr. President, we have in the gallery with us today three young men who are seniors at Marion High School who are here to spend the day with us to see how government functions. It is part of their 12th grade course requirement and they are here with us. I would like to introduce Richard Miller, Chris Kaplafka and Tom Whalen.

The PRESIDENT pro tempore. Will the guests of Senator Rhoades in the gallery please rise so we may give you our usual warm welcome.

(Applause.)

### RECESS

Senator FISHER. Mr. President, I would request a short recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room to the rear of the Chamber.

The PRESIDENT pro tempore. Senator Fisher requests a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room to the rear of the Senate Chamber and for that purpose, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Hopper and Senator Loeper and their temporary Capitol leaves are cancelled. Also Senator Mellow is on the floor and his temporary Capitol leave is cancelled.

### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

#### MEMBER OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

October 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 22, 1991 for the appointment of Michael D. Marino, 1093 Anders Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Dorothy Hamilton, Blue Bell, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nomination will be returned to the Governor.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

#### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

October 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harold E. Connell, 513 Broughton Road, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

DISTRICT JUSTICE

August 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dorothy Skerchock, 90 Oak Street, Gilbertsville 19525, Montgomery County, Eleventh Senatorial District, for appointment as District Justice in and for the County of Montgomery, Magisterial District 38-2-03, to serve until the first Monday of January, 1992, vice Nancy Moore, deceased.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—49

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John B. Lewis (Public Member), 524 White Oak Road, Blue Bell 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul Breon, Centre Hall, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan Sussman, 915 Heatherstone Drive, Berwyn 19312, Chester County, Nineteenth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-1-02, to serve until the first Monday of January, 1994, vice Armand A. Pomante, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Fisher has been called from the floor to his office and I would request a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper asks for temporary Capitol leave for Senator Fisher. The Chair hears no objection. The leave will be granted.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Lincoln and Senator Scanlon.

The PRESIDENT pro tempore. Senator Mellow has requested temporary Capitol leaves for Senator Afflerbach, Senator Lincoln and Senator Scanlon. The Chair hears no objection. Those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Greenwood and his temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nominations?

(During the calling of the roll, the following occurred:)

Senator LOEPER. Mr. President, I would like to change Senator Greenleaf's vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEAS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Fumo	Musto	Stapleton
Belan	Jones	O'Pake	Stewart
Bodack	LaValle	Porterfield	Stout

Bortner	Lincoln	Reibman	Williams
Dawida	Lynch	Scanlon	

**NAYS—26**

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**UNFINISHED BUSINESS****CONGRATULATORY RESOLUTIONS**

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Chief Dan Kochman by Senator Belan.

Congratulations of the Senate were extended to Drexel University of Philadelphia by Senator Bell.

Congratulations of the Senate were extended to Carmen R. Scinico by Senator Bodack.

Congratulations of the Senate were extended to Kathy Kolva and Kelly Harbaugh by Senator Brightbill.

Congratulations of the Senate were extended to Frank E. Forni by Senator Corman and others.

Congratulations of the Senate were extended to Marilyn P. Hollinshead by Senator Dawida.

Congratulations of the Senate were extended to Timothy Spencer by Senator Fattah.

Congratulations of the Senate were extended to John A. Broglie, Mary Culbertson-Stark and to Dr. Mary Ann Reddy by Senator Fisher.

Congratulations of the Senate were extended to Mr. and Mrs. James P. Foy by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Herstine, Mr. and Mrs. Andrew E. Lewis and to Ryan J. Wood by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Flotta, Mr. and Mrs. C. Richard McGinnis, Mr. and Mrs. Herbert L. Gibson, Mr. and Mrs. Leonard Helgert, Mr. and Mrs. Richard Shaw, Mr. and Mrs. Frank Zanotti, Mr. and Mrs. Stanley Konefal, Mr. and Mrs. James Victor Elliott and to Mr. and Mrs. Kenneth A. Christie, Sr. by Senator Hart.

Congratulations of the Senate were extended to Charles A. Emrich and to William E. Norman by Senator Holl.

Congratulations of the Senate were extended to Thomas Anderson, Jr., Reverend Geneva D. Tennant, Donald Dumpson, Kendall F. Wilson, Jack T. Franklin and to the Tenants' Action Group of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Saint Thomas the Apostle Catholic Church of Bedford by Senator Jubelirer.

Congratulations of the Senate were extended to Lemon United Methodist Church of Tunkhannock and to Pleasant Mount United Methodist Church by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley J. Joswick by Senator Lincoln.

Congratulations of the Senate were extended to the FC Delco Demons Boys Under 16 Soccer Club by Senator Loeper.

Congratulations of the Senate were extended to John Vande Mark and to Anna French by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Benjamin Visniesky by Senator Robbins.

**CONDOLENCE RESOLUTION**

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late George T. Lewis, Jr. by Senator Bell.

**BILLS ON FIRST CONSIDERATION**

Senator HOLL. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 207, 339, 629, 1031, 1032 and 1081.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**HOUSE MESSAGE****HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

**GUESTS OF SENATOR JAMES C.  
GREENWOOD PRESENTED TO SENATE**

Senator GREENWOOD. Mr. President, I would just like to have the Senate acknowledge two groups of visitors visiting with me today. They are the Carl Haeussler, Jr. family from

Bucks County and also a group of students from the Holland Junior High School. I would appreciate it if the Senate would give its usual warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Greenwood please rise so the Senate may give you its warm welcome.

(Applause.)

### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, November 18, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 12:02 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 18, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 69

### SENATE

MONDAY, November 18, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend JAMES REICHERT, Pastor of Sacred Heart Roman Catholic Church, Reading, offered the following prayer:

God, source of all good and blessings, we thank You for everything You have given us, especially this day, our health, our nation and our state.

Grant to our Governor and all lawful authority the love of truth, honesty and righteousness. Keep them healthy and help them always remember that they are Your servants called to lead and serve the good people of the State of Pennsylvania.

Give to this Senate wisdom to understand and appreciate the needs of all our citizens, especially the poor, whether it be in mind, body or soul. Give us patience so that we may appreciate the different points of view in our pursuit of truth. Give us the love for all, especially our colleagues, that in spite of our political differences, may we always remember that we are brothers and sisters and You are our Father. We ask this in Your name. Amen.

The PRESIDENT. The Chair thanks Father Reichert who is the guest today of Senator O'Pake.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 13, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and

referred to the Committee on Rules and Executive Nominations:

#### JUDGE, COURT OF COMMON PLEAS, CAMBRIA COUNTY

November 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman A. Krumenacker, III, 2288 Menoher Boulevard, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1994, vice The Honorable Caram Abood, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sister Adrian Barrett, IHM Convent, 222 River Street, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1994 and until her successor is appointed and qualified.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sheldon C. Jelin, 1900 J.F.K. Boulevard, Philadelphia 19103, Philadelphia County, Second Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until his successor is appointed and qualified, vice Frances Williams, Philadelphia, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

November 15, 1991.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harriet Levinson, 315 South Murtland Avenue, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1994 and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Juan Rosado, 3468 North Hope Street, Philadelphia 19140, Philadelphia County, Second Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until his successor is appointed and qualified, vice Wilfredo Seda, Harrisburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Reverend Doctor Francis A. Shearer, Cathedral Village G-413, 600 East Cathedral Road, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1994 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ruth M. Tucker, 2225 Lloyd Avenue, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1993 and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia Wade, R. D. 1, Box 119, Cambridge Springs 16403, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1994 and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Evelyn Wermuth, 1169 Wicklow Court, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1994 and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jean A. Williams, 2200 Park Hill Drive, Pittsburgh 15221, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1994 and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, C. Scott McNamara, R. D. 1, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, LaRoy G. Davis, 1203 Roberts Avenue, Feasterville 19047, Bucks County, Sixth Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Haggerty, 1031 Park Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice James R. Gross, Pottsville, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ted Stuban, 1335 Second Avenue, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Robert J. Buehner, Jr., Esquire, Danville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James L. Larson, D.D.S., Devon, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman Mawby, 7 Constance Drive, Glen Riddle 19037, Delaware County, Ninth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John D. Faulds, (Republican), Box 3, Sylvan Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barry J. Halbritter (Republican), R. D. 1, Box 396, Duncansville 16635, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Isacke (Republican), 516 27th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory L. Murawsky (Republican), 19 Granada Way, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Blair County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
CAMBRIA COUNTY

November 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 4, 1991 for the appointment of Linda Rovder Fleming, Esquire, 537 Bluff Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1994, vice The Honorable Caram Abood, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of John M. Aichele (Public Member), Box 302, 278 East Chocolate Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

RECALL COMMUNICATION  
LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor

of the Commonwealth, which was read as follows, and laid on the table:

DISTRICT JUSTICE

November 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, as District Justice in and for the County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January, 1994, vice Arthur Sabulsky, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

November 13, 1991

**HB 805** — Committee on State Government.

**HB 1621** — Committee on Local Government.

**HB 1627** — Committee on Agriculture and Rural Affairs.

November 18, 1991

**HB 1981** — Committee on Labor and Industry.

BILL INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bill numbered, entitled and referred as follows, which was read by the Clerk:

November 13, 1991

Senators STEWART, STOUT, ANDREZESKI, AFFLERBACH and HART presented to the Chair **SB 1416**, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), entitled, as amended, "Housing Authorities Law," further providing for powers of an authority.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, November 13, 1991.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

November 13, 1991

## SENATE RESOLUTION

**PROCLAIMING DECEMBER 15 THROUGH  
22, 1991, AS "JUROR APPRECIATION  
WEEK, 200 YEARS OF THE AMERICAN  
JURY: JUSTICE BY THE PEOPLE"**

Senators GREENLEAF, BELL, AFFLERBACH, WENGER, PORTERFIELD, TILGHMAN, REIBMAN, SALVATORE, BELAN, ANDREZESKI and HELFRICK offered the following resolution (**Senate Resolution No. 114**), which was read and referred to the Committee on Judiciary:

In the Senate, November 13, 1991.

**A RESOLUTION**

Proclaiming December 15 through 22, 1991, as "Juror Appreciation Week, 200 years of the American Jury: Justice by the People."

WHEREAS, For 200 years Americans have benefited from the protection offered by the right to trial by jury guaranteed through the Bill of Rights; and

WHEREAS, The right to a trial by jury in both criminal and civil cases is guaranteed by the Sixth and Seventh Amendments of the United States Constitution and, separately, by Article I, section 6 of the Constitution of Pennsylvania; and

WHEREAS, Thomas Jefferson emphasized that "trial by jury [is] the only anchor every yet imagined by man, by which a government can be held to the principles of its constitution"; and

WHEREAS, The right to a civil jury trial in America dates back at least as far as 1641, when the Massachusetts "Body of Liberties" was enacted, and thus predates any other right guaranteed by the Bill of Rights; and

WHEREAS, The British denial of the right to trial by jury was one of the principal transgressions that sparked the American Revolution and was one of only two specific violations of fundamental common law rights cited in the Declaration of Independence as justification for the Revolution; and

WHEREAS, The absence of the right to trial by jury in the parent Constitution sparked debate which eventually led to the creation of the Bill of Rights; and

WHEREAS, Then-Justice William Rehnquist once explained, "The founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard to precious to be left to the whim of the sovereign, or, it might be added, to that of the judiciary... Trial by a jury of laymen rather than by the sovereign's judges was important to the founders because juries represent the laymen's common sense, the 'passional elements in our nature,' and thus keep the administration of law in accord with the wishes and feelings of the community"; and

WHEREAS, Since the Bill of Rights was ratified in December 1791, the jury has acted as an unbiased finder of truth and the most elemental representative body of all citizens and thus has played a pivotal role in balancing the scales of justice, equalizing the rights of the poor and the powerless with the privileges of the rich and powerful, nullifying unjust laws, securing other hallowed rights guaranteed by the Bill of Rights and, most importantly, extending and preserving democracy; and

WHEREAS, During the 1980's there were more than 150,000 civil and criminal jury trials per year in the United States, and more than 5,000,000 people called for jury duty annually; therefore be it

RESOLVED, That in celebration of this cherished privilege of trial by jury, the Senate proclaim the week of December 15 through 22, 1991, as "Juror Appreciation Week, 200 Years of the American Jury: Justice by the People."

## GENERAL COMMUNICATION

**DEPARTMENT OF ENVIRONMENTAL RESOURCES  
ANNUAL REPORT OF THE PENNSYLVANIA  
CONSERVATION CORPS**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Department of Labor and Industry  
Harrisburg, PA 17120

October 25, 1991

John J. Zubeck  
Chief Clerk  
House of Representatives

Mark R. Corrigan  
Secretary of the Senate

Gentlemen:

It is with pride and pleasure that I submit the Pennsylvania Conservation Corps Annual Report for 1990-91. Preserving our environment and teaching our youth the values of hard work, citizenship and service are among Pennsylvania's and the nation's highest priorities. The Pennsylvania Conservation Corps does both.

During FY 90-91, nearly 300 corpsmembers served in 64 projects across the Commonwealth. This year also represented a year of transition as Labor and Industry assumed administrative responsibility for the Corps, linking it with our community service efforts through PennSERVE—the Governor's Office of Citizen Service—and the Department's Youth Education and Service Unit.

This linkage has allowed us to substantially increase the number of young people serving in corps. Local corps were launched in Berks and Lycoming Counties and the cities of Bethlehem, Bradford and Erie. These new corps enrolled 65 corpsmembers in more than 20 projects with Pennsylvania Conservation Corps support. The Summer Youth Service Corps enrolled nearly 2,000 youth in 201 projects in rural, suburban and urban areas with technical assistance and a small subsidy from the Pennsylvania Conservation Corps. The bulk of the \$2.7 million for the Summer Corps came from federal Job Training Partnership Act funds.

As we look to the future, we are pledged to continue the focus of the Corps on environmental preservation and youth development. We will strengthen the educational program of the Corps and aggressively leverage the Corps' resources through cooperative agreements with other agencies and active outreach for funding through the National and Community Service Act of 1990. Our goal is to operate the finest youth conservation and service corps system in the nation.

Sincerely,

THOMAS P. FOLEY  
Secretary

The PRESIDENT. This report will be filed in the Library.

**APPOINTMENT BY MAJORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Senator Earl M. Baker as a member of the Board of the Southeastern Pennsylvania Transportation Authority.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 960 and certain nominations.

## RESOLUTION IN PLACE

Senator O'PAKE presented to the Chair a resolution.

## PERMISSION TO ADDRESS SENATE

Senator O'PAKE asked and obtained unanimous consent to address the Senate.

Senator O'PAKE. Mr. President, I rise in place and offer to the Chair a resolution, and I invite cosponsorship. The resolution will be with the Secretary. What the resolution does is urges all pharmaceutical manufacturers to follow the lead of Bristol-Myers Squibb and agree to provide a 12.5 percent volume discount, as we mandated in August, and reenter the PACE Program so that the senior citizens of Pennsylvania will continue to enjoy the \$6.00 copay for their prescription drugs under the PACE Program.

The PRESIDENT. Senator O'Pake offers a resolution. The Chair would point out that the resolution will remain at the desk for others to cosponsor.

## LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Hopper.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Jones and Senator Porterfield and legislative leave for Senator Williams.

The PRESIDENT. Senator Fisher asks temporary Capitol leave for Senator Hopper. Senator Mellow asks temporary Capitol leaves for Senator Jones and Senator Porterfield and a legislative leave for Senator Williams. The Chair hears no objection. Those leaves will be granted.

## SENATE CONCURRENT RESOLUTION

### WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, November 18, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 25, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 25, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

## SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,  
Will the Senate agree to the motion?

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Porterfield. His temporary Capitol leave will be cancelled.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones. Her temporary Capitol leave will be cancelled.

## RECESS

Senator LOEPER. Mr. President, at this time, for the information of the Members, I would ask for a Republican caucus to begin immediately in the first floor caucus room, with an expectation of trying to return to the floor by approximately 4:00 o'clock p.m.

Senator MELLOW. Mr. President, I do not believe there is anything at this point in time on the Calendar that would necessitate a caucus of the Democratic Members so, therefore, I do not believe we will need one.

The PRESIDENT. For the purpose of a Republican caucus to begin immediately, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would request a Capitol leave on behalf of Senator Helfrick who has been called to his office.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Helfrick. The Chair hears no objection. That leave will be granted.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER TEMPORARILY

**SB 205 and HB 219** — Without objection, the bills were passed over in their order temporarily at the request of Senator LOEPER.

##### BILL OVER IN ORDER

**SB 221** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 250 (Pr. No. 259)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), entitled "Unfair Insurance Practices Act," requiring that complete copies of insurance policies be provided to policyholders upon request.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### LEGISLATIVE LEAVE CANCELLED

Senator LOEPER. Mr. President, I would ask that you recognize the presence of Senator Hopper on the floor and that his temporary leave be cancelled.

The PRESIDENT. The Chair recognizes Senator Hopper's presence. His temporary Capitol leave will be cancelled.

### SB 205 CALLED UP

**SB 205 (Pr. No. 214)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 205 (Pr. No. 214)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER, by unanimous consent, offered the following amendment No. A2630:

Amend Sec. 1 (Sec. 1205.1), page 2, line 24, by inserting after "these": registration and

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator WENGER.

### HB 219 CALLED UP

**HB 219 (Pr. No. 228)** — Without objection, the bill, which previously went over in its order temporarily was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 219 (Pr. No. 228)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator BRIGHTBILL, by unanimous consent, offered the following amendment No. A2666:



Amend Title, page 1, line 3, by removing the period after "Bridge" and inserting: ; and designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge.

Amend Bill, page 1, by inserting between lines 12 and 13:

Section 2. The bridge on which Main Street (Route 873) crosses Trout Creek, in the Borough of Slatington, Lehigh County, is hereby designated and shall be known as the General Thomas R. Morgan Bridge.

Amend Sec. 2, page 1, line 13, by striking out "2" and inserting: 3

Amend Sec. 3, page 1, line 16, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 401 (Pr. No. 426)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 773** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 790 (Pr. No. 842)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the times for reports to the Secretary of Revenue.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 797 (Pr. No. 849)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing an additional class of criminal homicide known as homicide by abuse.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

**SB 865 and 953** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1089 (Pr. No. 1206)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring fiscal notes to be prepared by the Appropriations Committees prior to third consideration by either the Senate or the House of Representatives regarding legislation containing certain mandates to local government; and providing for exceptions.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

**HB 1107 and 1132** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1324 (Pr. No. 1631)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating off-road lighting equipment on vehicles.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 1360 (Pr. No. 1635)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation and for definitions; transferring the powers and duties of the Crime Victim's Compensation Board to the Bureau of Victim Services within the Pennsylvania Commission on Crime and Delinquency; further providing for crime victims' compensation eligibility and claims, for crime victims' compensation awards and subrogation, for law enforcement responsibilities relating to crime victims' compensation, for proceeds from crimes and for responsibilities of employers, service providers and insurers as to crime victims' compensation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A2897:

Amend Sec. 3 (Sec. 477.2), page 8, line 26, by inserting after "invalid.": Regulations required by this subsection shall be submitted within six months of the effective date of this act.

Amend Sec. 6 (Sec. 477.6), page 14, line 8, by inserting after "crime.": If a claim is related to an offense involving driving under the influence of drugs or controlled substances, the bureau shall assist the victim in obtaining necessary insurance information about the offender in counties which do not have a county victim assistance program.

Amend Sec. 7 (Sec. 477.9), page 19, line 8, by inserting after "477.": The bureau may not deny a claim related to an incident of domestic violence on the grounds that the victim did not report prior incidents of domestic violence.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator LEWIS, by unanimous consent, offered the following amendment No. A2792:

Amend Title, page 1, lines 21 through 24, by striking out “and for definitions; transferring the” in line 21, all of lines 22 and 23, and “Commission on Crime and Delinquency; further providing” in line 24 and inserting: , for definitions, for the existence and powers and duties of the Crime Victim’s Compensation,

Amend Title, page 1, line 26, by inserting after “subrogation,”: for crime victims’ compensation costs,

Amend Title, page 1, line 28, by striking out “and” and inserting a comma

Amend Title, page 1, line 30, by removing the period after “compensation” and inserting: , and for the Basic Bill of Rights for Victims; and imposing duties on the Department of Corrections, the Pennsylvania Board of Probation and Parole, and the Department of Public Welfare.

Amend Sec. 1 (Sec. 477), page 2, line 8, by striking out the bracket before “Board”

Amend Sec. 1 (Sec. 477), page 2, lines 8 through 10, by striking out the bracket after “Board.” in line 8 and all of lines 9 and 10

Amend Sec. 1 (Sec. 477), page 5, lines 7 and 8, by striking out all of said lines

Amend Sec. 2, page 5, lines 22 through 30; page 6, lines 1 through 30; page 7, lines 1 through 17, by striking out all of said lines on said pages and inserting:

Section 2. Section 477.1a of the act, added December 11, 1986 (P.L.1485, No.153), is amended to read:

Section 477.1a. Expiration.—The board, together with its statutory functions, shall terminate on the thirty-first day of December [1991] 1996, unless reestablished or continued as provided by law. The evaluation and review, termination, reestablishment or continuation of the board shall be conducted under the act of December 22, 1981 (P.L.508, No.142), known as the “Sunset Act.”

Amend Sec. 3 (Sec. 477.2), page 7, line 21, by striking out the bracket before “Board”

Amend Sec. 3 (Sec. 477.2), page 7, lines 21 and 22, by striking out the bracket after “board” in line 21 and all of line 22

Amend Sec. 3 (Sec. 477.2), page 8, line 5, by striking out the bracket before “board”

Amend Sec. 3 (Sec. 477.2), page 8, line 5, by striking out ”] panel”

Amend Sec. 3 (Sec. 477.2), page 9, line 2, by striking out the bracket before “board”

Amend Sec. 3 (Sec. 477.2), page 9, line 2, by striking out ”] bureau”

Amend Sec. 3 (Sec. 477.2), page 9, line 4, by striking out the bracket before “board”

Amend Sec. 3 (Sec. 477.2), page 9, line 4, by striking out ”] bureau”

Amend Sec. 3 (Sec. 477.2), page 9, line 12, by striking out the bracket before “may”

Amend Sec. 3 (Sec. 477.2), page 9, line 12, by striking out ”] shall”

Amend Sec. 3 (Sec. 477.2), page 9, line 12, by striking out the bracket before “board”

Amend Sec. 3 (Sec. 477.2), page 9, lines 12 and 13, by striking out ”] bureau to the panel or”

Amend Sec. 3 (Sec. 477.2), page 9, line 13, by striking out “bureau and inserting: board

Amend Sec. 3 (Sec. 477.2), page 9, line 21, by striking out the bracket before “board”

Amend Sec. 3 (Sec. 477.2), page 9, lines 21 and 22, by striking out ”] bureau”

Amend Sec. 3 (Sec. 477.2), page 9, line 30, by striking out “bureau” and inserting: board

Amend Sec. 3 (Sec. 477.2), page 10, line 11, by striking out “bureau” and inserting: board

Amend Sec. 5 (Sec. 477.4), page 12, line 12, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 12, line 12, by striking out ”] bureau”

Amend Sec. 5 (Sec. 477.4), page 12, line 19, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 12, line 19, by striking out ”] bureau”

Amend Sec. 5 (Sec. 477.4), page 12, line 23, by striking out “bureau” and inserting: board

Amend Sec. 5 (Sec. 477.4), page 12, line 29, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 12, line 29, by striking out ”] bureau”

Amend Sec. 5 (Sec. 477.4), page 12, line 30, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 12, line 30; page 13, line 1, by striking out ”] bureau”

Amend Sec. 5 (Sec. 477.4), page 13, line 4, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 13, line 4, by striking out ”] bureau”

Amend Sec. 5 (Sec. 477.4), page 13, line 5, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 13, lines 5 and 6, by striking out ”] bureau”

Amend Sec. 5 (Sec. 477.4), page 13, line 6, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 13, line 6, by striking out ”] bureau”

Amend Sec. 5 (Sec. 477.4), page 13, line 10, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 13, line 10, by striking out ”] panel”

Amend Sec. 5 (Sec. 477.4), page 13, line 11, by striking out the bracket before “board”

Amend Sec. 5 (Sec. 477.4), page 13, lines 11 and 12, by striking out ”] panel”

Amend Sec. 6 (Sec. 477.6), page 13, line 21, by striking out “bureau” and inserting: board

Amend Sec. 6 (Sec. 477.6), page 13, line 26, by striking out the bracket before “board”

Amend Sec. 6 (Sec. 477.6), page 13, line 26, by inserting a bracket before “member”

Amend Sec. 6 (Sec. 477.6), page 13, line 29, by striking out “bureau”

Amend Sec. 6 (Sec. 477.6), page 14, line 5, by striking out “bureau” and inserting: board

Amend Sec. 6 (Sec. 477.6), page 14, line 6, by striking out “bureau” and inserting: board

Amend Sec. 6 (Sec. 477.6), page 14, line 22, by striking out “panel” and inserting: board

Amend Sec. 6 (Sec. 477.6), page 14, line 24, by striking out “panel” and inserting: board

Amend Sec. 6 (Sec. 477.6), page 15, line 3, by inserting a bracket after “member.”

Amend Sec. 6 (Sec. 477.6), page 15, line 3, by striking out ”] The panel”

Amend Sec. 6 (Sec. 477.6), page 15, line 7, by inserting a bracket after “the” where it appears the second time

Amend Sec. 6 (Sec. 477.6), page 15, line 7, by striking out "bureau"

Amend Sec. 6 (Sec. 477.6), page 15, line 9, by striking out the bracket before "board"

Amend Sec. 6 (Sec. 477.6), page 15, line 9, by inserting a bracket before "and"

Amend Sec. 6 (Sec. 477.6), page 15, line 10, by inserting a bracket after "decision"

Amend Sec. 6 (Sec. 477.6), page 15, line 10, by striking out "panel."

Amend Sec. 6 (Sec. 477.6), page 15, line 11, by striking out "bureau" and inserting: board

Amend Sec. 6 (Sec. 477.7), page 15, line 16, by striking out the bracket before "board"

Amend Sec. 6 (Sec. 477.7), page 15, line 16, by striking out "panel"

Amend Sec. 6 (Sec. 477.7), page 15, line 17, by striking out the bracket before "board"

Amend Sec. 6 (Sec. 477.7), page 15, line 17, by striking out "bureau"

Amend Sec. 6 (Sec. 477.8), page 15, line 24, by striking out the bracket before "board"

Amend Sec. 6 (Sec. 477.8), page 15, line 24, by inserting a bracket before "member"

Amend Sec. 6 (Sec. 477.8), page 15, line 24, by striking out "panel"

Amend Sec. 6 (Sec. 477.8), page 15, line 28, by striking out "panel" and inserting: board

Amend Sec. 6 (Sec. 477.8), page 16, line 6, by striking out the bracket before "board"

Amend Sec. 6 (Sec. 477.8), page 16, lines 6 and 7, by striking out "bureau"

Amend Sec. 6 (Sec. 477.8), page 16, line 8, by striking out the bracket before "board"

Amend Sec. 6 (Sec. 477.8), page 16, line 8, by inserting a bracket before "member"

Amend Sec. 6 (Sec. 477.8), page 16, line 9, by striking out "panel"

Amend Sec. 6 (Sec. 477.8), page 16, line 14, by striking out "panel" and inserting: board

Amend Sec. 6 (Sec. 477.8), page 16, line 15, by striking out "bureau" and inserting: board

Amend Sec. 7 (Sec. 477.9), page 16, line 21, by striking out the bracket before "board"

Amend Sec. 7 (Sec. 477.9), page 16, line 21, by striking out "panel or panel"

Amend Sec. 7 (Sec. 477.9), page 16, line 29, by striking out the bracket before "board"

Amend Sec. 7 (Sec. 477.9), page 16, lines 29 and 30, by striking out "panel"

Amend Sec. 7 (Sec. 477.9), page 17, line 1, by striking out the bracket before "board"

Amend Sec. 7 (Sec. 477.9), page 17, line 1, by striking out "panel"

Amend Sec. 7 (Sec. 477.9), page 18, line 24, by striking out the bracket before "board"

Amend Sec. 7 (Sec. 477.9), page 18, line 24, by inserting a bracket before "or"

Amend Sec. 7 (Sec. 477.9), page 18, line 25, by striking out "panel"

Amend Sec. 7 (Sec. 477.9), page 19, line 1, by striking out the bracket before "board"

Amend Sec. 7 (Sec. 477.9), page 19, line 1, by inserting a bracket before "or"

Amend Sec. 7 (Sec. 477.9), page 19, line 1, by striking out "panel"

Amend Sec. 7 (Sec. 477.9), page 19, line 4, by striking out the bracket before "board"

Amend Sec. 7 (Sec. 477.9), page 19, line 4, by inserting a bracket before "or"

Amend Sec. 7 (Sec. 477.9), page 19, line 4, by striking out "panel"

Amend Sec. 8, page 19, line 9, by striking out "Sections 477.10, 477.11, 477.12 and 477.13" and inserting: Section 477.12

Amend Sec. 8, page 19, line 10, by striking out "are" and inserting: is

Amend Sec. 8, page 19, lines 11 through 30; page 20, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 8 (Sec. 477.12), page 20, line 19, by striking out "bureau" and inserting: board

Amend Sec. 8 (Sec. 477.12), page 20, line 21, by striking out "bureau" and inserting: board

Amend Sec. 8, page 20, lines 23 through 27, by striking out all of said lines

Amend Sec. 9 (Sec. 477.15), page 21, line 17, by striking out "bureau" and inserting: board

Amend Sec. 10 (Sec. 477.17), page 23, line 27, by striking out "bureau" and inserting: board

Amend Sec. 10 (Sec. 477.17), page 23, line 30, by striking out "bureau" and inserting: board

Amend Sec. 10 (Sec. 477.17), page 24, line 3, by striking out "bureau" and inserting: board

Amend Sec. 10 (Sec. 477.18), page 24, line 27, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 24, line 27, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 24, line 29, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 24, line 29, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 25, line 1, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 25, line 1, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 25, line 11, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 25, line 11, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 25, line 17, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 25, line 17, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 25, line 18, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 25, line 18, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 26, line 6, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 26, line 6, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 26, line 10, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 26, lines 10 and 11, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 26, line 12, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 26, line 12, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 26, line 24, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 26, line 24, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 27, line 5, by striking out the bracket before "board"

Amend Sec. 10 (Sec. 477.18), page 27, lines 5 and 6, by striking out "bureau"

Amend Sec. 10 (Sec. 477.18), page 27, line 23, by striking out "BUREAU" and inserting: board

Amend Sec. 10 (Sec. 477.18), page 27, line 27, by striking out "BUREAU" and inserting: board

Amend Sec. 11 (Sec. 477.19), page 28, line 18, by striking out "bureau" and inserting: board

Amend Sec. 11 (Sec. 477.19), page 28, line 20, by striking out "Pennsylvania Commission on Crime and Delinquency" and inserting: commission

Amend Sec. 11 (Sec. 477.19), page 28, line 22, by striking out "bureau" and inserting: board

Amend Sec. 11 (Sec. 477.19), page 28, line 24, by striking out "bureau" and inserting: board

Amend Bill, page 31, lines 19 through 30; page 32, lines 1 through 14, by striking out all of said lines on said pages

Amend Sec. 17, page 32, line 15, by striking out "17" and inserting: 15

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, the amendment would only make one change in the bill as it is now before us in its currently amended form, and that is to delete the provision which would mandate the merger of the Crime Victim's Compensation Board with the PCCD, the Pennsylvania Commission on Crime and Delinquency. This is a matter that has entailed some debate, some difference of opinion among various observers, members of the Committee on Judiciary. I offer the amendment to strike the obligatory merger because it seems to me that there are two main issues here which become confused if the bill remains in its current form.

Most importantly, one of the functions of the PCCD is to support, work with crime victims advocacy groups all over this Commonwealth and they have been doing an excellent job with respect to that function. However, the Crime Victim's Compensation Board is an adjudicatory board. It has a different charter and a different mission as established by this General Assembly, namely to determine what circumstances are consistent with the law of this Commonwealth and then provide compensation accordingly. I believe, and others who have studied this issue are concerned that a merger of an advocacy role and an adjudicatory role could lead to confusion and an inability for a single agency to do a job in the satisfactory way that both of these agencies are now performing their function. And so, for that as the first reason, I think it is a mistake to merge these two boards.

Secondly, there has been offered as justification for the merger the suggestion that there could well be a cost savings to be experienced if this were to take place. I have been very interested in this subject and have attempted to ascertain the validity of that proposition but must say to my colleagues that I find it to be nothing more than speculation. In fact, it appears to me that the reality of what will happen if these boards are merged is to actually increase the ultimate cost to this Commonwealth rather than to decrease the cost. So from the standpoint of prudent financial management and from the standpoint of trying to continue to do the best job we can for crime victims in Pennsylvania, I would urge the adoption of the amendment and the maintenance of the independent identity of the Crime Victim's Compensation Board.

Senator GREENLEAF. Mr. President, I rise to oppose the amendment. Certainly on this issue I think there is a point for reasonable disagreement, but I think the arguments are in favor of merging these two operations. Seven states have combined all victims services such as Connecticut, Michigan, Oregon, Wisconsin, Iowa, Florida and New York; and three others, New Hampshire, North Carolina and South Carolina, have combined most of their services. I think it is important for us, if we are really going to have a legitimate Sunset review process, that we should have a process in which we should try to improve the agencies that are working under the state government that will save money and that will streamline their operations. I think the proposal as it is now accomplishes both those goals. It will save certainly the board's salaries that are now being paid of well over \$150,000 a year once they go out of office. In addition, there are 44 states that have compensation programs, and Pennsylvania is only one of three with a full-time board. New York recently combined compensation programs with the victim services which we are now proposing to do. So it would really only leave New Jersey and Pennsylvania as having a full-time board. The National Association of Victim Compensation Boards has said that the time has come for victim compensation programs and victim witness assistance programs to work together closely. I think it is important for Pennsylvania to join the 44 other states in this nation and to streamline and to save money and to combine both our victim compensation services and victim service agencies into one present agency. I would urge a negative vote on the amendment.

Senator FISHER. Mr. President, I, too, would urge a negative vote on this amendment. If the Sunset process is to mean anything to this Commonwealth, I believe this is a perfect example where we can save, not a significant amount of money, but at least begin starting to save some money for the taxpayers. We have two agencies with overlapping duties. I believe it is very appropriate to merge the role of the Crime Victim's Compensation Board with the Commission on Crime and Delinquency. The Commission on Crime and Delinquency has for the past decade been involved in victim and witness services programs. This is a clear example where we can save money without any, and I emphasize without any, negative impact to the program that is part of this legislation.

I would urge a negative vote on this amendment and, hopefully, we can proceed forward with the bill and continue to provide the services as we have in a streamlined fashion.

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, there are various meetings that are being held in Members' offices right now with Cabinet people who have been appointed and have not yet received their public hearing, and for that reason there are a number of people who I must put on temporary Capitol leave. I request temporary Capitol leaves for Senator Afflerbach, Senator Bortner, Senator Fattah, Senator Jones, Senator Lincoln, Senator Lynch and Senator Schwartz.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach, Senator Bortner,

Senator Fattah, Senator Jones, Senator Lincoln, Senator Lynch and Senator Schwartz. The Chair hears no objection. Those leaves will be granted.

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Loeper.

The PRESIDENT. Senator Fisher requests a temporary Capitol leave for Senator Loeper. The Chair hears no objection. That leave will be granted as well.

On the question,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator MADIGAN. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator TILGHMAN. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator ROBBINS. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator LEWIS and were as follows, viz:

#### YEAS—29

Afflerbach	Fumo	Mellow	Salvatore
Andrezski	Jones	Musto	Scanlon
Armstrong	LaValle	Peterson	Schwartz
Belan	Lewis	Porterfield	Shaffer
Bodack	Lincoln	Punt	Stewart
Bortner	Lynch	Reibman	Stout
Dawida	Madigan	Robbins	Williams
Fattah			

#### NAYS—21

Baker	Greenwood	Jubelirer	Rhodes
Bell	Hart	Lemmond	Shumaker
Brightbill	Helfrick	Loeper	Stapleton
Corman	Holl	O'Pake	Tilghman
Fisher	Hopper	Pecora	Wenger
Greenleaf			

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Senate Bill No. 1360 will go over in its order, as amended.

### SECOND CONSIDERATION CALENDAR

#### BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 344 and SB 517** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL RECOMMITTED

**SB 7 (Pr. No. 7)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a motor vehicle theft prevention program.

Upon motion of Senator FISHER, and agreed to, the bill was recommitted to the Committee on Banking and Industry.

#### BILLS OVER IN ORDER

**SB 207, 273, 339, HB 626 and SB 629** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 900 (Pr. No. 969)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the release of information contained in confidential reports involving child abuse.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1031 and 1032** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL REREFERRED

**SB 1060 (Pr. No. 1171)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments to counties for services for children; and making editorial changes.

Upon motion of Senator FISHER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1069, 1081 and 1109** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 1190 (Pr. No. 1338)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the deposit of moneys and for State depositories.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1209, 1243, 1272, 1273, 1295 and 1296** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

### RECESS

Senator FISHER. Mr. President, I request a short recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room.



The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to meet immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in very brief recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

September 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis A. Orlando, 2207 Wilmington Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### DISTRICT JUSTICE

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Horace Z. Davis, 1005 Elsinor Place, Chester 19013, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-1-21, to serve until the first Monday of January, 1992, vice William L. Brown, Jr., deceased.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

November 15, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of John M. Aichele (Public Member), Box 302, 278 East Chocolate Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William T. Krahe, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### JUDGE, COURT OF COMMON PLEAS, CAMBRIA COUNTY

November 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 4, 1991 for the appointment of Linda Rovder Fleming, Esquire, 537 Bluff Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1994, vice The Honorable Caram Abood, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

### COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator SALVATORE, by unanimous consent, called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

#### DISTRICT JUSTICE

November 18, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1991 for the appointment of William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, as District Justice in and for the

County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January, 1994, vice Arthur Sabulsky, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### NOMINATION RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

### REPORTS FROM COMMITTEES

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

#### SB 963 (Pr. No. 1579) (Rereported)

An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the licensure of professional geologists; and appropriating funds collected.

#### SB 1086 (Pr. No. 1698) (Amended) (Rereported)

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

#### SB 1087 (Pr. No. 1699) (Amended) (Rereported)

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for the purposes of incorporation, for capital stock, surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

#### SB 1271 (Pr. No. 1469) (Rereported)

An Act creating an incentive for small business employers to offer health insurance to employees.

#### SB 1368 (Pr. No. 1596) (Rereported)

An Act amending the act of July 9, 1981 (P. L. 208, No. 66), entitled "Public Employee Retirement Study Commission Act," changing the name of the Public Employee Retirement Study Commission; further providing for time limits for actuarial notes; and extending the term of the commission.

#### SB 1369 (Pr. No. 1597) (Rereported)

An Act reestablishing the Municipal Pension Advisory Committee.

#### HB 26 (Pr. No. 16) (Rereported)

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," providing for electrologists and for the practice of electrology; creating a committee; and making an appropriation.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

#### SB 960 (Pr. No. 1702) (Amended) (Rereported)

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

### SENATE RESOLUTIONS

#### DESIGNATING THE WEEK OF NOVEMBER 18 THROUGH 24, 1991, AS "WOMEN IN MILITARY SERVICE FOR AMERICA WEEK" AND ENCOURAGING PENNSYLVANIANS TO HONOR WOMEN IN THE MILITARY BY CONTRIBUTING TO THE WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL FOUNDATION

Senators GREENWOOD, PUNT, JUBELIRER, FISHER, BRIGHTBILL, SHUMAKER, REIBMAN, BELAN, STOUT, TILGHMAN, AFFLERBACH, BELL, CORMAN, SCHWARTZ, PORTERFIELD, STAPLETON, HART, SALVATORE, JONES, FUMO, RHOADES, O'PAKE, ROBBINS, ANDREZESKI and LYNCH offered the following resolution (*Senate Resolution No. 115*), which was read, considered and adopted:

In the Senate, November 18, 1991.

#### A RESOLUTION

Designating the week of November 18 through 24, 1991, as "Women in Military Service for America Week" and encouraging Pennsylvanians to honor women in the military by contributing to the Women in Military Service for America Memorial Foundation.

WHEREAS, American women have served this nation in its armed forces with courage, strength, ability and adaptability; and

WHEREAS, Women have fought for liberty throughout our nation's history. Women nursed and supported the Continental Army during the Revolutionary War and women, black and white, served as nurses, saboteurs, scouts and couriers during the Civil War; and

WHEREAS, The invaluable service of over 1,500 female nurses during the Spanish-American War led to the creation of the Army Nurse Corps in 1901 and Navy Nurse Corps in 1908; and

WHEREAS, When World War I erupted, 35,000 nurses braved the front lines over and over again, treating the sick and wounded and other women enlisted in the Navy and Marine Corps, or worked as Army switchboard operators; and

WHEREAS, During World War II, due to the urgency of protecting our nation, over 400,000 women took on new military

roles, performing a wide range of assignments from nurse, stenographer and translator to pilot and gunner's mate, and were given military rank for the first time; and

WHEREAS, In 1948, the Women's Armed Services Integration Act gave women a permanent place in the armed forces, and since that time, women have served with honor in Korea, Vietnam and Panama as well as in peacetime; and

WHEREAS, 35,000 American women served in the Persian Gulf during Operation Desert Shield and Operation Desert Storm, a conflict in which 15 American women were killed and three were taken prisoner and later released; and

WHEREAS, Today more than 400,000 women are on active duty or are reserve and guard members of the Army, Navy, Air Force, Marine Corps and Coast Guard, and there are 1.2 million living women veterans; and

WHEREAS, In today's armed forces, women are partners with men, constituting over 10% of the total numbers; and

WHEREAS, Both Houses of Congress unanimously adopted legislation authorizing the construction of the Women in Military Service for America Memorial to honor America's grandmothers, mothers, daughters, sisters and friends who served and continue to serve our nation with distinction and valor; and

WHEREAS, The memorial will be built at the unfinished main gateway to Arlington National Cemetery and will fill a major void in that proud city of memorials and monuments because it will tell the story of the contributions of women to the nation; and

WHEREAS, The memorial will house a register and a cultural-education center, including a movie telling the stories of military women's service, sacrifice and achievement, making their contributions a visible part of our history, illustrating women's partnership with men in the defense of our nation and inspiring other women to emulate, follow and surpass them; and

WHEREAS, The Women in Military Service for America Memorial Foundation, Inc. is the nonprofit organization mandated by Congress to raise funds and erect the memorial; therefore be it

RESOLVED, That the Senate designate the week of November 18 through 24, 1991, as "Women in Military Service for America Week" in Pennsylvania; and be it further

RESOLVED, That the Senate encourage all Pennsylvanians to honor women in the military by contributing to the Women in Military Service for America Memorial Foundation.

#### HONORING THOMAS F. LAMB

Senators SCANLON, MELLOW, LINCOLN, JUBELIRER, LOEPER, BODACK, O'PAKE, FISHER, WENGER, SALVATORE, FUMO, BELAN, LEWIS, BORTNER, SHUMAKER, WILLIAMS, ANDREZESKI, ROBBINS, BRIGHTBILL, RHOADES, PORTERFIELD, SCHWARTZ, REIBMAN, CORMAN, TILGHMAN, LYNCH, MUSTO, DAWIDA, HOLL, STOUT, PECORA, STAPLETON and HART offered the following resolution (**Senate Resolution No. 116**), which was read, considered and adopted:

In the Senate, November 18, 1991.

#### A RESOLUTION

Honoring Thomas F. Lamb.

WHEREAS, Thomas F. Lamb, Secretary for Legislative Affairs, will retire from office December 31, 1991, after four years of distinguished service; and

WHEREAS, Tom Lamb has served the Commonwealth of Pennsylvania in many capacities. First elected to the House of Representatives in 1958, he served four terms and then in 1966

went on to serve in the Pennsylvania Senate, where he was elected Senate Majority Leader; and

WHEREAS, Senator Lamb, a Lieutenant in the United States Navy from 1942 through 1946, the Director of Governmental Relations for the University of Pittsburgh from 1976 through 1987 and a prominent member of the Pennsylvania legal community, leaves a legacy of distinguished and honorable service to this Commonwealth; therefore be it

RESOLVED, That the Senate express its appreciation to Secretary Lamb for his many years of dedicated and honorable service to the Commonwealth.

#### CONGRATULATING ARMSTRONG WORLD INDUSTRIES, INC., ON ITS 100th ANNIVERSARY OF INCORPORATION IN THE COMMONWEALTH OF PENNSYLVANIA

Senators ARMSTRONG, WENGER, LaVALLE, CORMAN, HOLL, JUBELIRER, REIBMAN, SHUMAKER, O'PAKE, SCHWARTZ, SALVATORE, PECORA, FISHER, ROBBINS and BAKER offered the following resolution (**Senate Resolution No. 117**), which was read, considered and adopted:

In the Senate, November 18, 1991.

#### A RESOLUTION

Congratulating Armstrong World Industries, Inc., on its 100th Anniversary of incorporation in the Commonwealth of Pennsylvania.

WHEREAS, The business enterprise that is today known as Armstrong World Industries, Inc., was founded at Pittsburgh in 1860; and

WHEREAS, The company was incorporated on December 30, 1891, and the corporate charter was signed by then Governor Robert E. Pattison; and

WHEREAS, In 1895, the company's name was changed from Armstrong Bro. & Company to Armstrong Cork Company; and

WHEREAS, The international headquarters for the company was moved to Lancaster, Pennsylvania, in 1929; and

WHEREAS, The company made its last name change in 1980 to Armstrong World Industries, Inc.; and

WHEREAS, Some 430,000 business corporations are currently registered in the Commonwealth, and of these, only 35 are as old as Armstrong World Industries, Inc.; and

WHEREAS, Armstrong World Industries, Inc., and its subsidiaries have a significant business presence in the Commonwealth with six plants at Beaver Falls, Beech Creek, Lancaster, Lansdale, Marietta and Quakertown; and

WHEREAS, Armstrong World Industries, Inc., employs 7,000 Pennsylvanians requiring an annual payroll in excess of \$200 million; and

WHEREAS, In American business, it is rare for a company to operate under one unbroken thread of ownership and management for a century; therefore be it

RESOLVED, That the Senate congratulate Armstrong World Industries, Inc., on its 100th Anniversary of incorporation; and be it further

RESOLVED, That a copy of this resolution be transmitted to Armstrong World Industries, Inc.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Lester M. Grove and to Mr. and Mrs. Claude Kaylor by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Giltinan and to Mr. and Mrs. William Habel by Senator Bell.

Congratulations of the Senate were extended to York County Joint Veterans Council by Senator Bortner.

Congratulations of the Senate were extended to Mr. and Mrs. Harry J. Guenther, Jean A. Robinson and to Steve Korpa by Senator Dawida.

Congratulations of the Senate were extended to Ian Francis Coen, Anthony Maglio and to Casa Enrico Fermi, Inc. of Philadelphia by Senator Fumo.

Congratulations of the Senate were extended to the Lyme Project of Huntingdon Valley by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph J. Gallo, Mr. and Mrs. Clifford W. Rupert, Mr. and Mrs. John Poney, Mr. and Mrs. Anthony Chelko, Mr. and Mrs. John Colnar, Mr. and Mrs. Walter A. Yajko, Mr. and Mrs. Fred Mazur, Mr. and Mrs. Joseph Halovanic, Mr. and Mrs. Moran DeLancey, Mr. and Mrs. Robert Heasley and to Mary Elizabeth Potts Morgan by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Floyd E. Reitz, Mr. and Mrs. William T. James, Jr., Mr. and Mrs. Robert E. Manney, Mr. and Mrs. Richard D. Thomas, Bryan L. Confer and to Kevin Michael Spring by Senator Helfrick.

Congratulations of the Senate were extended to Allen Deiter by Senators Helfrick and Stapleton.

Congratulations of the Senate were extended to John D. Calamia and to Raymond Pearlstine by Senator Holl.

Congratulations of the Senate were extended to Richard Driver by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Clark, Mr. and Mrs. Foster Brooks and to David W. Henkel by Senator Lemmond.

Congratulations of the Senate were extended to Michael R. Ferencz by Senator Lincoln.

Congratulations of the Senate were extended to Virginia E. Hudgins by Senators Loeper and Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Tiller, Mr. and Mrs. Robert M. Pauling, Mr. and Mrs. Ivan Waltman, Mr. and Mrs. Jacob E. Nick, Mr. and Mrs. Harry E. Kieser and to Mr. and Mrs. Elwood F. Ulmer by Senator Madigan.

Congratulations of the Senate were extended to Alphonse J. Matrone by Senator Mellow.

Congratulations of the Senate were extended to Trooper Albert J. Mikula and to Jason Jordan by Senator Musto.

Congratulations of the Senate were extended to Sheryl Nigro, Scott Busija, Andrew Clark and to Terri Frund by Senator Porterfield.

Congratulations of the Senate were extended to Edna Burkey and to John M. Murtin by Senator Rhoades.

Congratulations of the Senate were extended to Bingham Troy Oskin by Senator Robbins.

Congratulations of the Senate were extended to Jack Bronstein and to Reverend John M. McDevitt by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard Turco, Mr. and Mrs. Arthur J. Fleege, Mr. and Mrs. Michael Pakutz, Mr. and Mrs. William L. Cross, Mr. and Mrs. Clair E. Collins, Mr. and Mrs. Calvin Young, Mr. and Mrs. William E. Harris, Mr. and Mrs. Donald Hutton, Mr. and Mrs. Roy E. Flickner, Anne A. Miller, Charles Schweinsberg, Dom Christofer, June Schweinsberg, John Kosar and to the citizens of Lawrence County by Senator Shaffer.

Congratulations of the Senate were extended to Chief of Police Roy C. Bridges and to Rudolph Sharpe by Senator Shumaker.

Congratulations of the Senate were extended to Mark Ellis Tipton by Senators Shumaker, Hopper and Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Lyle Helman and to Mr. and Mrs. Floyd Baun by Senator Stapleton.

Congratulations of the Senate were extended to Farrell Jackson by Senator Stout.

Congratulations of the Senate were extended to Armstrong World Industries, Incorporated, of Lancaster by Senators Wenger and Armstrong.

## CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Colonel John V. Gallagher by Senator Shaffer.

## BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

November 18, 1991

Senators STEWART and STOUT presented to the Chair **SB 1417**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for off-highway motorcycles and trail bikes.

Which was committed to the Committee on TRANSPORTATION, November 18, 1991.

Senator HOLL presented to the Chair **SB 1418**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for township tax levies.

Which was committed to the Committee on LOCAL GOVERNMENT, November 18, 1991.

Senators FISHER, CORMAN, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1419**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing that a defendant pay the costs of a Commonwealth witness in certain cases.

Which was committed to the Committee on TRANSPORTATION, November 18, 1991.

Senators FISHER, WENGER, HOPPER, CORMAN, GREENWOOD, PETERSON, SHUMAKER, PORTERFIELD, PUNT, BAKER and SHAFFER presented to the Chair **SB 1420**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," prohibiting certain duplication of benefits.

Which was committed to the Committee on LABOR AND INDUSTRY, November 18, 1991.

Senators ARMSTRONG, CORMAN and BAKER presented to the Chair **SB 1421**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing an employer contribution rate for members of an independent retirement system.

Which was committed to the Committee on FINANCE, November 18, 1991.

Senators WENGER, BRIGHTBILL, BAKER, MADIGAN, BELL, SCHWARTZ, HELFRICK, GREENWOOD, O'PAKE, SHUMAKER and STAPLETON presented to the Chair **SB 1422**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding certain transactions from the realty transfer tax.

Which was committed to the Committee on FINANCE, November 18, 1991.

Senators FUMO, MELLOW, LINCOLN, FATTAH, LYNCH, JONES, SCHWARTZ, WILLIAMS and SALVATORE presented to the Chair **SB 1423**, entitled:

A Supplement to the act of June 12, 1931 (P. L. 575, No. 200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river;....," authorizing the acquisition or construction of a railroad or other facilities; expanding the Port District within Pennsylvania; and further providing for the appointment of commissioner and for the powers and duties of the commission.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, November 18, 1991.

Senator ANDREZESKI presented to the Chair **SB 1424**, entitled:

An Act amending the act of July 10, 1986 (P. L. 1238, No. 114), entitled "An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms, compensation and qualifications of and restrictions on commissioners;....," further providing for sunset.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 18, 1991.

Senator ANDREZESKI presented to the Chair **SB 1425**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for an exclusion from the sales tax for certain erosion control along the Lake Erie shoreline.

Which was committed to the Committee on FINANCE, November 18, 1991.

Senators ANDREZESKI, BELAN and REIBMAN presented to the Chair **SB 1426**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further defining "crime" and "victim" in relation to crime victims' compensation.

Which was committed to the Committee on JUDICIARY, November 18, 1991.

Senators ANDREZESKI, BELAN, GREENWOOD and REIBMAN presented to the Chair **SB 1427**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," further providing for procedure.

Which was committed to the Committee on LABOR AND INDUSTRY, November 18, 1991.

Senators ANDREZESKI, BELAN, GREENWOOD and REIBMAN presented to the Chair **SB 1428**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," further providing for the time of bringing complaints.

Which was committed to the Committee on LABOR AND INDUSTRY, November 18, 1991.

Senators ANDREZESKI, BELAN, GREENWOOD and REIBMAN presented to the Chair **SB 1429**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," providing for compensatory damages.

Which was committed to the Committee on LABOR AND INDUSTRY, November 18, 1991.

Senator ANDREZESKI presented to the Chair **SB 1430**, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

Which was committed to the Committee on APPROPRIATIONS, November 18, 1991.

Senator BELAN presented to the Chair **SB 1431**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," denying permits to operate hazardous waste storage, transfer, treatment or disposal facilities at certain sites.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 18, 1991.

Senators TILGHMAN, SALVATORE, HOPPER and SCHWARTZ presented to the Chair **SB 1432**, entitled:



An Act amending the act of August 14, 1991 (P. L. , No. 36), entitled "Lottery Fund Preservation Act," repealing the commuter rail fare.

Which was committed to the Committee on AGING AND YOUTH, November 18, 1991.

Senators CORMAN, SHUMAKER, HOPPER, RHOADES, PUNT, SCHWARTZ and DAWIDA presented to the Chair **SB 1433**, entitled:

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), entitled "Municipal Police Education and Training Law," further providing for the powers and duties of the commission.

Which was committed to the Committee on LAW AND JUSTICE, November 18, 1991.

Senators CORMAN, SHUMAKER, HOPPER, RHOADES, PUNT, SCHWARTZ and DAWIDA presented to the Chair **SB 1434**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating pursuit of vehicles by police.

Which was committed to the Committee on TRANSPORTATION, November 18, 1991.

Senator HOLL presented to the Chair **SB 1435**, entitled:

An Act providing procedures for the reorganization of a domestic mutual life insurance company into a domestic stock life insurance company.

Which was committed to the Committee on BANKING AND INSURANCE, November 18, 1991.

## ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### TUESDAY, NOVEMBER 19, 1991

9:00 A.M.	EDUCATION (Public Hearing on the concept of Choice and Vouchers in public and private schools)	Room 8E-A
NOON		East Wing
10:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 537, 538, 959, 973, 1080, 1332 and 1355; House Bills No. 520, 719 and 1058 and any other business that may come before the committee)	Room 460
10:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 645, 1318 and 1321)	Room 461
11:00 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 101)	Senate Majority Caucus Room

11:30 A.M. COMMUNITY AND ECONOMIC DEVELOPMENT (to consider Senate Bills 601, 997, 1091, 1370, 1371, 1372 and 1373) Room 460

11:30 A.M. JUDICIARY (to consider Senate Bills No. 39, 331, 332 and 1214 and a Public Hearing to consider the nomination of D. Webster Keogh and Allan L. Tereshko for appointment as Judges to the Court of Common Pleas of Philadelphia County) Room 8E-B, East Wing

12:30 P.M. BANKING AND INSURANCE (to consider Senate Bills No. 7, 251, 800 and House Bill No. 536) Room 461

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations) Rules Committee Conference Room

#### WEDNESDAY, NOVEMBER 20, 1991

9:00 A.M. EDUCATION (Public Hearing on the concept of Choice and Vouchers in public and private schools) Room 8E-A

11:00 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing to consider the nomination of Karen Snider for appointment as Secretary of Public Welfare) East Wing

#### THURSDAY, NOVEMBER 21, 1991

10:30 A.M. COMMUNITY AND ECONOMIC DEVELOPMENT (Public Hearing to consider the nomination of Andrew Greenberg for appointment as Secretary of Commerce) Senate Majority Caucus Room

## PETITIONS AND REMONSTRANCES

Senator FISHER. Mr. President, I know all of us as Members of the Senate and, of course, the President of the Senate himself as Lieutenant Governor and Governor Casey are justifiably concerned about jobs in Pennsylvania. That has to be the number one issue on our minds. It is the number one issue, I still believe, on the minds of the people of Pennsylvania. There is one job issue that has recently come to my attention which disturbs me greatly and that is the question of a contract which has been awarded by the Pennsylvania Department of Commerce through the Pennsylvania Depart-



ment of Commerce's lead advertising agency to a Utah firm, and that contract is a contract for servicing the 800 telephone number which is known as 1-800-VISITPA. I would encourage the President or the Minority Leader, if they so wished, to dial that number, 1-800-VISITPA, and you will find that it is a service which is under contract with the Commonwealth of Pennsylvania to promulgate advertising material, and upon getting someone at the other end, I would encourage them to ask them where they are situated currently. I suggest that once you get that answer, the answer will be in the State of Utah because, in fact, the telemarketing firm that has been hired by the Commonwealth is a telemarketing firm known as Matrixx Marketing of Ogden, Utah, and currently they have as many as 200 operators who, from time to time, take phone calls on the 1-800-VISITPA line. I think this contract is one which is intolerable under the circumstances which we live in today in this Commonwealth. There are many, many advertising agencies throughout the Commonwealth, some with telemarketing capability, other independent telemarketing outfits that I believe could service this contract. I first became aware of the existence of the contract with this Utah company back in September. At that time I wrote to the Secretary of the Department of Commerce, the Acting Secretary Mr. Greenberg, and asked him for information about that contract. I did, in fact, learn that the contract was entered into in July of 1989 with Matrixx Marketing, and it was a one-year contract. I additionally learned that the contract was entered into as a result of a RFP that was issued some time in 1988. There were certain standards that were set in that contract which apparently, as a result of the setting of those standards, resulted in most Pennsylvania firms being unable to respond appropriately to the bid. As a result, Pennsylvania telemarketing firms have been denied the opportunity to serve in Pennsylvania's tourism industry. Here we have a situation where we have Pennsylvania telemarketing firms who could do just as good a job. The answer from the Secretary of Commerce is that there is no telemarketing firm large enough in Pennsylvania to handle up to 200 calls a day. I just do not believe that makes any sense. If you look and you see what kind of a project has been undertaken by this Utah firm, what you will see is a project that could easily be divided by regions of the country. If, in fact, there are no telemarketing firms in Pennsylvania with 200 operators, I know for certain, and I know this because of the number of calls we have already received as a result of the radio discussions that have been had about this subject back in Pittsburgh, that there are a number of telemarketing firms that can do just as good a job as the Utah firm is attempting to do. Maybe they do not have the capability for 200 operators, but certainly four Pennsylvania firms together with 50 operators could be on call to stand by to do this kind of work. As a result of my letter in September to Acting Secretary Greenberg, he supplied us with some documentation that was requested. We received this documentation, and what I did learn was that perhaps at this stage there is no binding contract with the Matrixx Marketing Company. In fact, the last document that was forwarded to me was for

the year July of 1990 through June of 1991. In addition, we were able to find out that the contract price for the past fiscal year was close to three quarters of a million dollars, \$750,000. I suspect with what I hope is the growth of marketing and advertising for our state, that perhaps even more calls will be coming in and that contract price during this current fiscal year could mean as much as a million dollars, but, unfortunately, we are paying that million dollars to a Utah company rather than to a Pennsylvania company. Mr. President, I believe this is intolerable, as I said before. If, in fact, there is no binding contract in force today with Matrixx Marketing—and based on the information I have, I am led to believe that perhaps there is no binding contract for this current fiscal year—then, Mr. President, I would call on the Acting Secretary of Commerce to immediately cancel the contract and to phase out the contract with the Utah company and to immediately let that contract to qualified Pennsylvania companies who I am sure can do the job. Let us move 200 jobs back to Pennsylvania. Let us give Pennsylvania telemarketing firms an opportunity to service this product. If, in fact, the size of the firm is not what is needed today, I am sure that by bringing in this kind of business to Pennsylvania—and that is what we are all about—that some successful firm, perhaps, will be able to grow and be able to provide more jobs for our Commonwealth.

Mr. President, I bring this to the attention of my colleagues in the Senate because I think it is a serious matter. I think it is a matter, when we are talking about jobs in Pennsylvania, where we have to examine what jobs there are that we create through state government. It is sad for me to learn that 200 jobs were created through the \$7 million of tourism to go to people working in the State of Utah. I am sure it is a fine firm, but they are not in state, and I am just as sure there are many other fine Pennsylvania firms that can do the job better, employ our people and bring these jobs back to our Commonwealth.

Mr. President, I seriously present those remarks in the hope that if, in fact, there is no binding contract, that this contract can be terminated and we can begin putting these people to work right here in our Commonwealth of Pennsylvania.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

The PRESIDENT. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator MELLOW. Mr. President, I think I heard Senator Fisher say that on an RFP, a request for proposal, that Pennsylvania firms could not respond. Could he please elaborate on that?

Senator FISHER. Mr. President, I believe what I said is that on the RFP, that those Pennsylvania firms who responded apparently did not respond with the capability of providing the number of operators that were provided by the Utah company. However, that does not excuse the fact that, in fact, a number of Pennsylvania firms who responded, and I believe there were eight to ten Pennsylvania firms who

responded, could have easily divided up this work and done the work as efficiently, I believe, as a Utah firm has attempted to do over the past two to three years.

Senator MELLOW. Mr. President, could Senator Fisher tell us if the Pennsylvania firms that did respond, did they respond in accord with the RFP?

Senator FISHER. Mr. President, based on the information that we were provided, I believe that they did respond in conformance with the RFP; however, there were certain standards set as a result of the contract as it was awarded that basically have prohibited Pennsylvania firms to subsequently try to come in to compete as a result of the setting of those standards.

Senator MELLOW. Mr. President, can Senator Fisher share with us if he has any of the history of this program as to in the past whether Pennsylvania firms were, in fact, doing this particular job?

Senator FISHER. Mr. President, from the information supplied to me by the Acting Secretary of Commerce, I do not have any knowledge as to whether or not there had ever been a Pennsylvania firm doing the job or whether or not there had been a prior contract prior to the one awarded in July 1989 to Matrixx Advertising.

Senator MELLOW. Mr. President, I thank the gentleman.

I believe that Senator Fisher has brought interesting points from the brief knowledge that I have of it. I also understand that there were some firms from Pennsylvania who were doing the job previously but did not have the ability or the capacity to respond to the somewhere between five and seven thousand calls that are made daily when this particular program is in effect. I would share with the gentleman that if there is, in fact, a firm in Pennsylvania that can do the job and can respond appropriately to the RFP and, in fact, is in a position of being able to go ahead and do the job in accordance with that, then obviously we should be doing business with a Pennsylvania firm. But if we find, Mr. President, that in the establishment and in the request of the information from the RFP, that if, in fact, a Pennsylvania corporation cannot do the job and does not have the capacity or the ability to go ahead and to do the job, well, then I think, Mr. President, it is good government, it would be good business if we were dealing with a business interest. It just serves as good government and good business to go to a firm that, in fact, could do the job, regardless whether they were in Pennsylvania or in any of our other surrounding states or if it had to be a state out west, as far west as Utah. I would like to believe, Mr. President, that the fact that this has taken place in the Department of Commerce had all to do with the fact that according to the RFP, a Pennsylvania firm did not respond that could adequately handle between five and seven thousand calls per day when the promotion is taking place.

I think, secondly, Mr. President, it is very important, and I would hope that it was also followed and I feel very comfortable that it was, that the company that did receive the awarding of the RFP or awarding of a contract is a type of company that financially would represent the best interest of the people

they are representing by contractual agreement. In this particular case that would be the taxpayer of Pennsylvania. I would like to think that Senator Fisher is not over there talking to us about the fact that although this promotion is being handled out of a telecommunication group in the State of Utah, I do not believe that he would be advocating that at potentially spending additional money, more money than would need be necessary, that we should give it to a company that would be located right here in the state if, in fact, they cannot meet up with the request for proposal that has been requested or had been requested by the Department of Commerce and if, in fact, it would cost the taxpayers of Pennsylvania more money. But I can assure Senator Fisher that since he brought this to the attention on the floor of the Senate, that we will look into the matter further.

### ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Tuesday, November 19, 1991, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:17 p.m., Eastern Standard Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 19, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 70

### SENATE

TUESDAY, November 19, 1991.

The Senate met at 1:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Monsignor WILLIAM HANDGES, Pastor of Saint Margaret's Roman Catholic Church, Reading, offered the following prayer:

Let us bow our heads and put ourselves into the presence of God.

Almighty Father, You have created everything and everyone in our world. You have shared with us Your gift to rule over and to govern all creation. Bless these men and women, our Senators, to enact legislation and regulations which benefit every man, woman and child in our Commonwealth. Help them always to seek the good of all those people who have elected them to their important and responsible position. Give to each one of them the serenity to accept the things they cannot change, the courage to change the things they can and the wisdom to know the difference, and we ask this through Christ, Our Lord. Amen.

The PRESIDENT. The Chair thanks Monsignor Handges who is the guest today of Senator O'Pake.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 18, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

November 19, 1991

**HB 164** — Committee on Finance.

**HB 506** — Committee on Banking and Insurance.

**HB 1827** — Committee on Labor and Industry.

**HB 2145** — Committee on State Government.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

November 19, 1991

Senator HOLL presented to the Chair **SB 1436**, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for authorized offices.

Which was committed to the Committee on BANKING AND INSURANCE, November 19, 1991.

Senators GREENWOOD, HOPPER, LEWIS, CORMAN, STAPLETON, HOLL, HART, SALVATORE, HELFRICK and RHOADES presented to the Chair **SB 1437**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for custody when children have resided with grandparents.

Which was committed to the Committee on JUDICIARY, November 19, 1991.

Senators GREENWOOD, PETERSON, HOPPER, JUBELIRER, HELFRICK, BRIGHTBILL, LEWIS, FISHER, ANDREZESKI and ROBBINS presented to the Chair **SB 1438**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for limits on reimbursements to counties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 19, 1991.

Senators SHAFFER and CORMAN presented to the Chair **SB 1439**, entitled:

An Act amending the act of September 30, 1985 (P. L. 240, No. 61), entitled "Turnpike Organization, Extension and Toll Road Conversion Act," further providing for the powers of the commission.

Which was committed to the Committee on TRANSPORTATION, November 19, 1991.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

November 19, 1991

### ESTABLISHING A SPECIAL TASK FORCE TO INVESTIGATE THE PROBLEM OF SEXUAL HARASSMENT IN THE WORKPLACE

Senators ANDREZESKI, BELAN and REIBMAN offered the following resolution (**Senate Resolution No. 118**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 19, 1991.

#### A RESOLUTION

Establishing a special task force to investigate the problem of sexual harassment in the workplace.

WHEREAS, Harassment on the basis of sex is a violation of both the United States Civil Rights Act and the Pennsylvania Human Relations Act; and

WHEREAS, On the basis of those acts, the Commonwealth must ensure that employers do not condone or tolerate the harassment of any employee, whether male or female, through unwanted, unwelcome and unsolicited sexual advances as a condition of employment or in the course of performing his or her job; and

WHEREAS, There are questions concerning the effectiveness of remedies provided for by the courts and the Pennsylvania Human Relations Commission to prevent and eliminate the problem of sexual harassment in the workplace; therefore be it

RESOLVED, That a special task force be established to investigate the problem of sexual harassment in the workplace, to assess the adequacy of existing remedies aimed at preventing and eliminating sexual harassment, and to make recommendations to the General Assembly concerning appropriate actions to educate both employers and employees in recognizing and resolving the problem of sexual harassment in the workplace; and be it further

RESOLVED, That this task force be appointed by the President pro tempore of the Senate and be composed of seven members, including two members from the majority party, one member from the minority party, and four at-large members consisting of two representatives of employers and two representatives of employees; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the task force make a full report of its findings and recommendations to the General Assembly no later than 90 days from the adoption of this resolution.

### URGING PHARMACEUTICAL MANUFACTURERS TO COMPLY WITH PACE PROGRAM VOLUME DISCOUNTS

Senators O'PAKE, MELLOW, STEWART, DAWIDA, AFFLERBACH, REIBMAN, BELAN, LYNCH and

STAPLETON offered the following resolution (**Senate Resolution No. 119**), which was read and referred to the Committee on Aging and Youth:

In the Senate, November 19, 1991.

#### A RESOLUTION

Urging pharmaceutical manufacturers to comply with PACE program volume discounts.

WHEREAS, The Pharmaceutical Assistance Contract for the Elderly (PACE) was created by the General Assembly in 1984 to use Lottery Fund proceeds to pay for prescription drugs for eligible, elderly residents of Pennsylvania; and

WHEREAS, The creation of PACE, the largest single purchaser of prescription drugs in this Commonwealth and possibly the nation, resulted in guaranteeing pharmaceutical manufacturers a large market for their products, escalating their sales and enhancing their profit margins; and

WHEREAS, Since 1984, while the national rate of inflation rose 57%, prescription drug prices have risen 152%, and the pharmaceutical industry's annual profit margin of 15.5% has averaged more than three times that of the average Fortune 500 company; and

WHEREAS, The unrelenting increases in prescription drug prices have outpaced the ability of the Lottery Fund to continue to underwrite PACE by paying the full retail price and simultaneously remain solvent; and

WHEREAS, Act 36 of 1991 requires pharmaceutical manufacturers to provide a volume discount to the PACE program in recognition of the market, earnings and profits the industry has enjoyed through participation in PACE; and

WHEREAS, More than 70 pharmaceutical manufacturers have refused to grant a volume discount to the PACE program and have thereby decided on a course of action which will deny vitally needed prescription drugs to this Commonwealth's most medically fragile and financially vulnerable senior citizens; therefore be it

RESOLVED, That the Senate urge the recalcitrant pharmaceutical manufacturers to reconsider their position and the medical implications their action signifies for the frail elderly and to immediately indicate their intent to continue their relationship with the PACE program by providing the volume discount requested by the Commonwealth of Pennsylvania.

### APPOINTMENT BY MAJORITY LEADER

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Mr. Alan Welder as a member of the Board of the Pennsylvania Industrial Development Authority.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following meetings during today's Session: the Committee on Rules and Executive Nominations in the Rules room to consider certain nominations and the Committee on Public Health and Welfare to consider Senate Bills No. 1318 and 1321.

## REPORTS FROM COMMITTEES

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

### **SB 7 (Pr. No. 1720) (Amended) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a motor vehicle theft prevention program.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

### **SB 331 (Pr. No. 341)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

### **SB 1214 (Pr. No. 1721) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of seized or forfeited vehicles.

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

### **SB 601 (Pr. No. 1716) (Amended)**

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," authorizing financing for child-care facilities.

### **SB 997 (Pr. No. 1717) (Amended)**

An Act providing for loans as an incentive to foreign exports; conferring powers and duties on the Department of Commerce; establishing a fund; providing penalties; and making an appropriation.

### **SB 1091 (Pr. No. 1208)**

An Act providing for an economic impact statement for proposed legislation.

### **SB 1370 (Pr. No. 1718) (Amended)**

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

### **SB 1371 (Pr. No. 1601)**

An Act establishing the Pennsylvania International Trade Council and conferring powers and duties upon it.

### **SB 1372 (Pr. No. 1602)**

An Act providing for the development of shared foreign sales corporations; providing tax exemptions for these corporations; and conferring powers and duties on the Department of Commerce and the Department of Revenue.

### **SB 1373 (Pr. No. 1719) (Amended)**

An Act providing matching grants to public or private regional entities to promote exports; and making an appropriation.

Senator LEMMOND, from the Committee on State Government, reported the following bill:

### **SB 101 (Pr. No. 1715) (Amended)**

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further providing for the termination, evaluation and review of agencies.

Senator PECORA, from the Committee on Local Government, reported the following bills:

### **SB 537 (Pr. No. 1712) (Amended)**

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for mayor's associations and for compensation of borough councilmen.

### **SB 538 (Pr. No. 567)**

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the county planning commission to adopt certain regulations.

### **SB 959 (Pr. No. 1030)**

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for the terms of elected officials.

### **SB 973 (Pr. No. 1713) (Amended)**

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," further providing for compliance by counties, for special encroachments, for jurisdiction, for exclusions, for contents of ordinance, for completion of improvements, for procedures, for classifications, for development rights, for memberships and organization of the board and for time limitations.

### **SB 1080 (Pr. No. 1197)**

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for appointments to the board of health.

### **SB 1332 (Pr. No. 1714) (Amended)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for the acquisition of property for parks and recreation areas by right of eminent domain.

### **SB 1355 (Pr. No. 1573)**

An Act amending the act of December 17, 1986 (P. L. 1675, No. 192), entitled "Assessors Certification Act," repealing the sunset provision of the law.

### **HB 520 (Pr. No. 2765) (Amended)**

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the time for holding organizational meetings and for compensation of township commissioners.

### **HB 719 (Pr. No. 2278)**

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," providing that the county pay a portion of appraisal costs along with the municipality and school district in certain appeals.

### **HB 1058 (Pr. No. 2766) (Amended)**



An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for residency requirements for certain township officials; and further providing for compensation of township supervisors.

### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I ask for a temporary Capitol leave for Senator Bortner and legislative leaves for Senator Lynch and Senator Williams.

The PRESIDENT. Senator Stapleton asks temporary Capitol leave for Senator Bortner and legislative leaves for Senator Lynch and Senator Williams. The Chair hears no objection. Those leaves will be granted.

### CALENDAR

#### HB 219 CALLED UP OUT OF ORDER

**HB 219 (Pr. No. 2754)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 219 (Pr. No. 2754)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge; and designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR F. JOSEPH LOEPER PRESENTED TO SENATE

Senator LOEPER. Mr. President, I am very pleased to have with us today the 1991 FC Delco Demons Boys Under 16 Soccer Club. I had the opportunity this morning to have these young men and their coaches and several parents in my office to present a citation to them upon their achievement of capturing the Niotis Cup at the United States Youth Soccer Association National Youth Challenge Cup Championships which were just recently held in Omaha, Nebraska. The FC Delco team who is with us today became the first Eastern Pennsylvania Youth Association team to win a national championship as well as the first Pennsylvania team to garner a national soccer title at the under-sixteen level. I would ask, Mr. President, that we extend a very warm welcome to this group and extend our hearty congratulations on behalf of the Senate.

The PRESIDENT. Would all of the guests of Senator Loeper please rise so that we can welcome you to the Chamber of the Senate of Pennsylvania.  
(Applause.)

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Bortner. His temporary Capitol leave will be cancelled.

### RECESS

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 2:45 p.m.

Senator MELLOW. Mr. President, I would request that the Members of the Democratic caucus report immediately to our caucus room.

Senator LOEPER. Mr. President, upon announcing the recess, I would request that you also announce the convening of the meeting of the Committee on Public Health and Welfare that tried to meet earlier today.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, and for the purpose of a meeting of the Committee on Public Health and Welfare to convene in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**LEGISLATIVE LEAVES**

Senator FISHER. Mr. President, I would request a Capitol leave for Senator Loeper.

Senator MELLOW. Mr. President, I would request temporary Capitol leaves for Senator Fumo, Senator Porterfield and Senator Bodack.

The PRESIDENT. Senator Fisher asks temporary Capitol leave for Senator Loeper and Senator Mellow asks temporary Capitol leaves for Senator Fumo, Senator Porterfield and Senator Bodack. The Chair hears no objection. Those leaves will be granted.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**SB 960** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 205 (Pr. No. 1700)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to elderly and handicapped electors.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

**LEGISLATIVE LEAVE**

Senator FISHER. Mr. President, I would also request a temporary Capitol leave for Senator Corman.

The PRESIDENT. Senator Fisher requests temporary Capitol leave for Senator Corman. The Chair hears no objection. The leave will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton

Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**BILL OVER IN ORDER TEMPORARILY**

**SB 221** — Without objection, the bill was passed over in its order temporarily at the request of Senator MELLOW.

**BILLS OVER IN ORDER**

**SB 773 and 865** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 900 (Pr. No. 969)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the release of information contained in confidential reports involving child abuse.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**BILL OVER IN ORDER**

**SB 953** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL ON THIRD CONSIDERATION AMENDED

**HB 1107 (Pr. No. 2252)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER, by unanimous consent, offered the following amendment No. A2955:

Amend Sec. 7, page 8, line 21, by striking out "July 1, 1991" and inserting: immediately

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator FISHER.

## BILLS OVER IN ORDER

**HB 1132 and SB 1190** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1360 (Pr. No. 1701)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation, for definitions, for the existence and powers and duties of the Crime Victim's Compensation, for crime victims' compensation eligibility and claims, for crime victims' compensation awards and subrogation, for crime victims' compensation costs, for law enforcement responsibilities relating to crime victims' compensation, for proceeds from crimes, for responsibilities of employers, service providers and insurers as to crime victims' compensation, and for the Basic Bill of Rights for Victims; and imposing duties on the Department of Corrections, the Pennsylvania Board of Probation and Parole, and the Department of Public Welfare.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER, by unanimous consent, offered the following amendment No. A2968:

Amend Title, page 1, line 26, by inserting after "COMPENSATION": Board

Amend Bill, page 33, by inserting between lines 7 and 8:

Section 15. This act, with respect to the Crime Victim's Compensation Board, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Amend Sec. 15, page 33, line 8, by striking out "15" and inserting: 16

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator FISHER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1368 (Pr. No. 1596)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1981 (P. L. 208, No. 66), entitled "Public Employee Retirement Study Commission Act," changing the name of the Public Employee Retirement Study Commission; further providing for time limits for actuarial notes; and extending the term of the commission.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1369 (Pr. No. 1597)** — The Senate proceeded to consideration of the bill, entitled:

An Act reestablishing the Municipal Pension Advisory Committee.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SB 221 CALLED UP

**SB 221 (Pr. No. 230)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator FISHER.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 221 (Pr. No. 230)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing special leave for certain disabled veterans when required to receive treatment at a Veterans' Administration medical facility.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator REIBMAN, by unanimous consent, offered the following amendment No. A2978:

Amend Title, page 1, line 22, by removing the period after "facility" and inserting: ; and providing for equal rights between men and women.

Amend Bill, page 1, lines 25 through 27, by striking out all of said lines and inserting:

Section 1. Section 205(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended July 11, 1991 (P.L.73, No.12), is amended to read:

Section 205. Pennsylvania State Police.—\*\*\*

(b) The State Police Force shall consist of such number of officers and [men] enlisted personnel, and shall be organized in such manner, as the Commissioner of Pennsylvania State Police, with the approval of the Governor, shall from time to time determine: Provided, however, That the number of officers and [men] enlisted personnel shall not exceed in the aggregate at any time three thousand nine hundred and forty persons. State policemen, both officers and [men] enlisted personnel, assigned to duty with the Pennsylvania Turnpike Commission or assigned to duty as resident State troopers, shall not be counted in determining the total number of officers and [men] enlisted personnel in the State Police Force.

\*\*\*

Section 2. Section 222 of the act is amended by adding a subsection to read:

Amend Bill, page 2, line 13, by striking out all of said line and inserting:

Section 3. The introductory paragraph and clause (b) of section 2404 of the act, amended July 20, 1968 (P.L.457, No.215), are amended to read:

Section 2404. Bonds and Liability Insurance.—The Department of [Property and Supplies] General Services shall have the power, and its duty shall be:

\*\*\*

(b) To procure automobile liability insurance, covering vehicles owned by the Commonwealth of Pennsylvania or the United States of America or its instrumentalities, which are loaned to and operated by State officers or employees or officers and enlisted [men] personnel of the Pennsylvania National Guard, the Pennsylvania Reserve Corps or its successor, and to procure public liability insurance covering all State employees, including members of boards and commissions, while engaged in the performance of their duties, and to purchase such insurance on a group basis, or otherwise, and the issuance of such insurance for State employees by any duly authorized insurance company in Pennsylvania, is hereby declared to be lawful, and, in the department's discretion, to purchase excess fire insurance on State buildings, and any other kind of insurance which it may be lawful for the Commonwealth, or any department, board, commission, or officer thereof, to carry and for which an appropriation has been made to the department, or to any other administrative department, board, or commission.

The department shall pay for such insurance, out of the moneys appropriated to it, except that it shall not pay for insurance covering—(1) officers, employees, or property of the departments, boards, and commissions, whose expenses are wholly paid out of funds other than the General Fund of the State Treasury; or (2) officers, employees, and property of departments, boards, and commissions receiving appropriations out of the General Fund for such purpose. Insurance covering the officers, employees, and property of such departments, boards, and commissions shall be paid for out of the special funds appropriated to them, or out of the moneys of the General Fund, appropriated to them, as the case may be.

All automobile liability insurance procured by the Department of [Property and Supplies] General Services hereunder shall protect both the Commonwealth and the State officer or employee operating the vehicle, or State officers and employees and officers and enlisted [men] personnel of the Pennsylvania National Guard, the Pennsylvania Reserve Corps, or its successor operating vehicles loaned by the Federal Government, against claims for damages for injury to person or property, within such limits as the department, with the approval of the Executive Board shall prescribe.

Section 4. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator REIBMAN.

## SECOND CONSIDERATION CALENDAR

## BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 1086 and 1087** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

## BILL OVER IN ORDER

**HB 26** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL ON SECOND CONSIDERATION

**SB 207 (Pr. No. 216)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a

parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; and authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A of the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 273** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILLS ON SECOND CONSIDERATION

**SB 339 (Pr. No. 349)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the sale and conveyance of certain land owned by the Township of Lower Paxton, Dauphin County, free from Project 500 restrictions.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**HB 344 (Pr. No. 2680)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 517 (Pr. No. 1671)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**HB 626, SB 629, 963, 1031, 1032 and 1069** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 1081 (Pr. No. 1676)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 and Project 500 restrictions imposed on certain lands owned by Allegheny County, in return for the imposition of Project 70 and Project 500 restrictions on certain lands to be conveyed to Allegheny County.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 1109** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILLS ON SECOND CONSIDERATION

**SB 1209 (Pr. No. 1369)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the location and operation of family day care in private residential homes.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 1243 (Pr. No. 1433)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for investigations in adoptions.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1271, 1272, 1273, 1295 and 1296** — Without objection, the bills were passed over in their order at the request of Senator FISHER.

### SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1107 (Pr. No. 2767)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, designating the commission as the Pennsylvania Fish and Boat Commission; and further providing for the registration of boats.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

#### LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Afflerbach and Senator Stewart.

The PRESIDENT. The Chair hears no objection. The leaves will be granted.

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Hopper.

The PRESIDENT. Senator Fisher requests a temporary Capitol leave for Senator Hopper. The Chair hears no objection. That leave will be granted as well.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—38

Andrezeski	Hart	Mellow	Salvatore
Armstrong	Holl	Musto	Scanlon
Baker	Hopper	Pecora	Schwartz
Bell	Jones	Peterson	Shumaker
Bodack	Jubelirer	Porterfield	Stapleton
Brightbill	Lemmond	Punt	Stewart
Corman	Lincoln	Reibman	Tilghman
Fattah	Loeper	Rhoades	Wenger
Fisher	Lynch	Robbins	Williams
Greenleaf	Madigan		

#### NAYS—12

Afflerbach	Dawida	Helfrick	O'Pake
Belan	Fumo	LaValle	Shaffer
Bortner	Greenwood	Lewis	Stout

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### RECESS

Senator FISHER. Mr. President, I would request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room.

The PRESIDENT pro tempore. Senator Fisher has requested a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room to the rear of the Senate Chamber, and for that purpose the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE STATE BOARD OF DENTISTRY

October 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin F. Weaver, III, D.D.S., 272 Elm Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, D. Webster Keogh, 6463 Sherwood Road, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Allan L. Tereshko, 2613 East Lehigh Avenue, Philadelphia 19126, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Lynne M. Abraham, resigned.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

#### EXECUTIVE NOMINATIONS

##### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.



## NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

## DISTRICT JUSTICE

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Horace Z. Davis, 1005 Elsinor Place, Chester 19013, Delaware County, Ninth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-1-21, to serve until the first Monday of January, 1992, vice William L. Brown, Jr., deceased.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY

September 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis A. Orlando, 2207 Wilmington Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

## YEAS—1

Shaffer

## NAYS—49

Afflerbach	Fumo	Lincoln	Rhoades
Andrezeski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Pecora	Stewart
Brightbill	Jubelirer	Peterson	Stout
Corman	LaValle	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## LEGISLATIVE LEAVE CANCELLED

Senator ANDREZESKI. Mr. President, first, I would like to be recognized as being on the floor and not on temporary Capitol leave.

The PRESIDENT pro tempore. The Chair so notes and Senator Andrezeski's temporary Capitol leave is cancelled.

## RECONSIDERATION OF HB 1107

## BILL ON FINAL PASSAGE

**HB 1107 (Pr. No. 2767)** — Senator ANDREZESKI. Mr. President, I move the Senate do now reconsider the vote by which House Bill No. 1107, Printer's No. 2767, just passed finally.

The motion was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—37

Armstrong	Holl	Mellow	Salvatore
Baker	Hopper	Musto	Scanlon
Bell	Jones	Pecora	Schwartz
Bodack	Jubelirer	Peterson	Shumaker
Brightbill	Lemmond	Porterfield	Stapleton
Corman	Lincoln	Punt	Stewart
Fattah	Loeper	Reibman	Tilghman
Fisher	Lynch	Rhoades	Wenger
Greenleaf	Madigan	Robbins	Williams
Hart			

## NAYS—13

Afflerbach	Dawida	Helfrick	O'Pake
Andrezski	Fumo	LaValle	Shaffer
Belan	Greenwood	Lewis	Stout
Bortner			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## UNFINISHED BUSINESS

## REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bill:

**SB 332 (Pr. No. 1723) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

**SB 1318 (Pr. No. 1532)**

An Act relating to rural and inner-city health care; establishing the Bureau of Rural and Inner-city Health Care Services within the Department of Health and providing for its powers and duties; establishing the Rural and Inner-city Health Care Services Advisory Committee and providing for its powers and duties; and making appropriations.

## BILL IN PLACE

Senator STAPLETON presented to the Chair a bill.

## SENATE RESOLUTION

**DESIGNATING JANUARY 1992 AS  
"PENNSYLVANIA CRIME STOPPERS MONTH"**

Senator SHUMAKER offered the following resolution (Senate Resolution No. 120), which was read, considered and adopted:

In the Senate, November 19, 1991.

## A RESOLUTION

Designating January 1992 as "Pennsylvania Crime Stoppers Month."

WHEREAS, Crime Stoppers is an international organization with over 650 units formed to help curb the crime rate in communities by channeling information received to the proper authorities for investigation; and

WHEREAS, Pennsylvania Crime Stoppers, a Pennsylvania not-for-profit organization, will celebrate its 7th Anniversary during 1992, having been formed in 1986 through the efforts of the Pennsylvania Chamber of Business and Industry, the Pennsylvania Chiefs of Police Association, the Pennsylvania State Police and interested businesses and citizens of this Commonwealth; and

WHEREAS, Pennsylvania Crime Stoppers is under the direction of a board of directors from the business community and concerned citizens; and

WHEREAS, Pennsylvania Crime Stoppers' operations are managed by the Pennsylvania State Police, Bureau of Community Services, which handles telephone calls through 1-800-4-PATIPS, and which distributes to appropriate law enforcement agencies all information received for investigation; and

WHEREAS, Pennsylvania Crime Stoppers works in conjunction with over 26 county and regional crime stoppers organizations throughout this Commonwealth; and

WHEREAS, January is "National Crime Stoppers Month"; therefore be it

RESOLVED, That the Senate designate January 1992 as "Pennsylvania Crime Stoppers Month" and wholeheartedly commend Pennsylvania Crime Stoppers and the county and regional crime stoppers organizations throughout this Commonwealth for their efforts and success in helping to fight and deter crime in this Commonwealth; and be it further

RESOLVED, That the Senate urge public support of this worthy endeavor.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Sister Joan D. Chittister by Senator Andrezski.

Congratulations of the Senate were extended to Mr. and Mrs. Robert P. Stone by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. William A. McWhorter and to Reverend and Mrs. Richard L. Hamlin by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Lester Niemond and to W. Robert Neff by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Homer L. Otterman, Mr. and Mrs. Anthony John Krupa, Mr. and Mrs. Harry Rourke, Mr. and Mrs. Casimer Szymanski, Mr. and Mrs. Daniel Ebel, Mr. and Mrs. Gilmore Lobaugh, Dr. and Mrs. John S. Liggett, Mr. and Mrs. Ed Pegher, Mr. and Mrs. Stanley Aftanas and to Mr. and Mrs. Joseph J. Kristofik by Senator Hart.

Congratulations of the Senate were extended to Irene Hutchins by Senator Holl.

Congratulations of the Senate were extended to the United Methodist Church of Mount Union by Senator Jubelirer.

Congratulations of the Senate were extended to Elin Mainwaring Northrup, Ann M. Smith and to Anna Nelson by Senator Lemmond.

Congratulations of the Senate were extended to George R. Peterson and to Mr. and Mrs. Alton Isbell by Senator Madigan.

Congratulations of the Senate were extended to Mitchell Surowiec by Senator Mellow.

Congratulations of the Senate were extended to Paul F. Crowley by Senator Mellow and others.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Shevchik, Sr. by Senator Pecora.

Congratulations of the Senate were extended to Specialist Jeffrey Darling by Senator Peterson.

Congratulations of the Senate were extended to Jason Rogers by Senator Robbins.

Congratulations of the Senate were extended to Robert J. Courtney by Senator Salvatore.

Congratulations of the Senate were extended to Jesse McCune and to Bradley Dietrich by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Rudolph R. Petrina, Hilda S. Witmer, Dr. Paul R. Hetrick and to Alfred DeFilippo by Senator Shumaker.

Congratulations of the Senate were extended to Thomas M. Armagost by Senators Stapleton, Peterson and Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Albert William Gordon, Mr. and Mrs. Steve C. Sokol, Sr., Mr. and Mrs. Lawrence Peternell, Mr. and Mrs. Thomas M. Proger and to Mr. and Mrs. Ralph Antill by Senator Stout.

### BILLS ON FIRST CONSIDERATION

Senator SCHWARTZ. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 101, 331, 332, 537, 538, 601, 959, 973, 997, 1080, 1091, 1214, 1318, 1332, 1355, 1370, 1371, 1372, 1373, HB 520, 719 and 1058.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 20, 1991

9:00 A.M.	EDUCATION (Public	Room 8E-A
11:00 A.M.	Hearing on the Concept	East Wing
	of Choice and Vouchers in	
	public and private schools)	
9:00 A.M.	PUBLIC HEALTH AND	Senate Majority
	WELFARE (Public Hearing	Caucus Room
	to consider the nomination	
	of Karen Snider for appointment	
	as Secretary of Public Welfare)	
4:00 P.M.	APPROPRIATIONS (to	Room 461
	consider Senate Bills No.	
	953 and 1440)	

THURSDAY, NOVEMBER 21, 1991

10:30 A.M.	COMMUNITY AND	Senate Majority
	ECONOMIC DEVELOPMENT	Caucus Room
	(Public Hearing to consider	
	the nomination of Andrew	
	Greenberg for appointment	
	as Secretary of Commerce)	

### ADJOURNMENT

Senator FISHER. Mr. President, I move the Senate do now adjourn until Wednesday, November 20, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:50 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 20, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 71

### SENATE

WEDNESDAY, November 20, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Almighty God and Father, we gather here again today asking that You come into our presence and guide us with the deliberations and decisions which are placed before us. We recognize that all power on earth is but a reflection of Your own power which in various ways You delegate to us. May our custody and exercise of this authority always be to Your greater glory and that of Your people. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 19, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator FISHER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGE

#### HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

November 20, 1991

**HB 722** — Committee on Consumer Protection and Professional Licensure.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

November 20, 1991

Senators PUNT, BAKER, HOPPER, ROBBINS and PETERSON presented to the Chair **SB 1440**, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

Which was committed to the Committee on APPROPRIATIONS, November 20, 1991.

Senators GREENLEAF, FISHER, BELAN, TILGHMAN, STAPLETON, RHOADES and ANDREZESKI presented to the Chair **SB 1441**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for miscellaneous motor vehicle business registration plates.

Which was committed to the Committee on TRANSPORTATION, November 20, 1991.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary legislative leave for Senator Lemmond and a temporary Capitol leave for Senator Loeper.

The PRESIDENT pro tempore. Senator Fisher requests temporary legislative leave for Senator Lemmond and a temporary Capitol leave for Senator Loeper. The Chair hears no objection. The leaves will be granted.

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Fattah and legislative leaves for Senator Fumo, Senator Lynch, Senator Williams and Senator Bodack.

The PRESIDENT pro tempore. Senator Stapleton has requested a temporary Capitol leave for Senator Fattah and legislative leaves for Senator Fumo, Senator Lynch, Senator Williams and Senator Bodack. The Chair hears no objection. Those leaves will be granted.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED OVER IN ORDER

**SB 960** — Without objection, the bill was passed over in its order at the request of Senator FISHER.

### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 207 (Pr. No. 216)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; and authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A of the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 221 (Pr. No. 1725)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing special leave for certain disabled veterans when required to receive treatment at a Veterans' Administration medical facility; and providing for equal rights between men and women.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Loeper and his temporary Capitol leave will be cancelled.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 339 (Pr. No. 349)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the sale and conveyance of certain land owned by the Township of Lower Paxton, Dauphin County, free from Project 500 restrictions.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

**HB 344, SB 517, 773 and 865** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL OVER IN ORDER TEMPORARILY

**SB 953** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1081 (Pr. No. 1676)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 and Project 500 restrictions imposed on certain lands owned by Allegheny County, in return for the imposition of Project 70 and Project 500 restrictions on certain lands to be conveyed to Allegheny County.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**HB 1132** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1190 (Pr. No. 1338)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the deposit of moneys and for State depositories.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Andrezeski	Fumo	Lincoln	Robbins
Armstrong	Greenleaf	Loeper	Salvatore
Baker	Greenwood	Lynch	Scanlon
Belan	Hart	Madigan	Schwartz
Bell	Helfrick	Mellow	Shaffer
Bodack	Holl	Musto	Shumaker
Bortner	Hopper	O'Pake	Stapleton
Brightbill	Jones	Pecora	Stewart
Corman	Jubelirer	Peterson	Stout
Dawida	LaValle	Porterfield	Tilghman
Fattah	Lemmond	Punt	Wenger
Fisher	Lewis	Rhoades	Williams

## NAYS—2

Afflerbach      Reibman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

**SB 1209 and 1243** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1360 (Pr. No. 1724)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for crime victims' compensation, for definitions, for the existence and powers and duties of the Crime Victim's Compensation Board, for crime victims' compensation eligibility and claims, for crime victims' compensation awards and subrogation, for crime victims' compensation costs, for law enforcement responsibilities relating to crime victims' compensation, for proceeds from crimes, for responsibilities of employers, service providers and insurers as to crime victims' compensation, and for the Basic Bill of Rights for Victims; and imposing duties on the Department of Corrections, the Pennsylvania Board of Probation and Parole, and the Department of Public Welfare.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout



Corman  
Dawida  
Fattah  
Fisher

LaValle  
Lemmond  
Lewis  
Lincoln

Punt  
Reibman  
Rhoades

Tilghman  
Wenger  
Williams

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### SECOND CONSIDERATION CALENDAR

##### BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 7, 1086 and 1087** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### BILL OVER IN ORDER

**HB 26** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILLS ON SECOND CONSIDERATION

**SB 101 (Pr. No. 1715)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further providing for the termination, evaluation and review of agencies.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 273 (Pr. No. 282)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mediation in divorce and custody matters.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

##### BILLS OVER IN ORDER

**SB 331, 332, HB 520, SB 537 and 538** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### BILL REREFERRED

**SB 601 (Pr. No. 1716)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," authorizing financing for child-care facilities.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

##### BILLS OVER IN ORDER

**HB 626, SB 629, HB 719, SB 959, 963 and 973** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS REREFERRED

**SB 997 (Pr. No. 1717)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for loans as an incentive to foreign exports; conferring powers and duties on the Department of Commerce; establishing a fund; providing penalties; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1031 (Pr. No. 1674)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), entitled "Medical Practice Act of 1985," regulating the practice of respiratory care practitioners.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1032 (Pr. No. 1675)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," regulating the practice of respiratory care practitioners.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

##### BILLS OVER IN ORDER

**HB 1058, SB 1069, 1080, 1091, 1109 and 1214** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### BILLS ON SECOND CONSIDERATION

**SB 1271 (Pr. No. 1469)** — The Senate proceeded to consideration of the bill, entitled:

An Act creating an incentive for small business employers to offer health insurance to employees.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 1272 (Pr. No. 1470)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for group accident and sickness insurance.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

##### BILL OVER IN ORDER

**SB 1273** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILLS ON SECOND CONSIDERATION

**SB 1295 (Pr. No. 1636)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the grounds for divorce, for counseling and for equitable division of marital property.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**SB 1296 (Pr. No. 1657)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for establishment of an arbitration program.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 1318 (Pr. No. 1532)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to rural and inner-city health care; establishing the Bureau of Rural and Inner-city Health Care Services within the Department of Health and providing for its powers and duties; establishing the Rural and Inner-city Health Care Services Advisory Committee and providing for its powers and duties; and making appropriations.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 1332** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 1355 (Pr. No. 1573)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1986 (P. L. 1675, No. 192), entitled "Assessors Certification Act," repealing the sunset provision of the law.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS REREFERRED

**SB 1370 (Pr. No. 1718)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1371 (Pr. No. 1601)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania International Trade Council and conferring powers and duties upon it.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1372 (Pr. No. 1602)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the development of shared foreign sales corporations; providing tax exemptions for these corporations; and conferring powers and duties on the Department of Commerce and the Department of Revenue.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1373 (Pr. No. 1719)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing matching grants to public or private regional entities to promote exports; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

### SPECIAL ORDER OF BUSINESS EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

#### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

November 4, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, D. Webster Keogh, 6463 Sherwood Road, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Charles L. Durham, deceased.

ROBERT P. CASEY.

#### JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Allan L. Tereshko, 2613 East Lehigh Avenue, Philadelphia 19126, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1994, vice The Honorable Lynne M. Abraham, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE STATE BOARD  
OF DENTISTRY**

October 28, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin F. Weaver, III, D.D.S., 272 Elm Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

**ROBERT P. CASEY.**

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

**YEAS—49**

Afflerbach	Fumo	Lincoln	Rhoades
Andrezski	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Reibman	Williams
Fisher			

**NAYS—1**

Tilghman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to meet later this afternoon to consider Senate Bills No. 953 and 1440.

**RECESS**

Senator LOEPER. Mr. President, at this time we still have one bill to consider on our agenda today. I understand that there have been a number of amendments that have come forth to that proposal and, therefore, in order that we may familiarize our caucus with those amendments, I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 1:30 p.m.

Senator MELLOW. Mr. President, I would request the Members of the Democratic caucus to report immediately to our caucus room.

The PRESIDENT pro tempore. Senator Loeper and Senator Mellow have requested a recess of the Senate for purposes of Republican and Democratic caucuses in their respective caucus rooms, and for those purposes the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**SB 953 CALLED UP**

**SB 953 (Pr. No. 1581)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION AMENDED  
AND RECOMMITTED**

**SB 953 (Pr. No. 1581)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring interest to be paid on certain late subsidy payments to school districts.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SALVATORE, by unanimous consent, offered the following amendment No. A3014:

Amend Title, page 1, line 5, by inserting after "thereto,"":  
 further providing for payments for transportation of pupils;

Amend Title, page 1, line 6, by removing the period after "districts" and inserting: ; and establishing a program to enhance educational opportunities.

Amend Sec. 1, page 1, by inserting between lines 11 and 12:

Section 1310.1. Educational Choice.—(a) The General Assembly finds that many disadvantaged school-age residents of this Commonwealth enjoy comparatively fewer educational opportunities or options than their counterparts of greater economic means. In addition, the General Assembly finds that all students in this Commonwealth, and their parents, would benefit from the lifting of limitations and restrictions on their ability to select the educational settings best suited to their needs. In order to assist in equalizing educational opportunities for its citizens, to better prepare its citizens to compete for employment opportunities and to foster development of a more capable and better-educated work force for Commonwealth employers, the Commonwealth hereby adopts a program to enhance educational choice in this Commonwealth.

(b) The following words and phrases when used in this section shall have the meanings given to them in this subsection:

"Eligible student" shall mean a school-age resident of this Commonwealth who attends or is about to attend a kindergarten or an elementary or secondary school within this Commonwealth on a tuition-paying basis.

"Office" shall mean the Office of Educational Opportunity in the Department of Education.

"Parent" shall mean a resident of this Commonwealth who is a parent of an eligible student or a person standing in loco parentis to such student.

"School" shall mean any public or nonprofit nonpublic elementary or secondary school wherein a resident of this Commonwealth may fulfill the compulsory school attendance requirements of this act and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241). The term also includes a kindergarten program operated by a school.

(c) Any other provision of this act to the contrary notwithstanding, every public school student in this Commonwealth shall be permitted to attend the public school selected by his or her parents or guardians, unless:

(1) the school selected has no additional attendance slots available and the district so notifies the Department of Education and the student within time limitations to be adopted by the Department of Education; or

(2) the student's attendance would place either the receiving school district or the student's district of residence in violation of a valid and binding desegregation order.

(d) No later than April 1 of each year, the parent or parents having legal responsibility for a school-age student attending or about to attend a public school shall designate the public school which that student shall attend during the succeeding school year, together with up to two alternative choices of schools. If no such designation is timely made, or if the designation cannot be honored under subsection (c), the school district in which the student resides shall determine the school to which the student shall be assigned within the district of residence.

(e) There is hereby established within the Department of Education the Office of Educational Opportunity, which shall administer the program of annual educational opportunity grants

authorized under subsection (f). The office shall be advised by a board which shall consist of twelve members, no more than seven of whom may be members of the same political party. Two members shall be appointed by the Governor, three shall be appointed by the President pro tempore of the Senate, two shall be appointed by the Minority Leader of the Senate, three shall be appointed by the Speaker of the House of Representatives and two shall be appointed by the Minority Leader of the House of Representatives. Each board member shall serve for a term of four years from the date of appointment and shall continue to serve thereafter until a successor is duly appointed.

(f) The office shall annually award grants to parents of eligible students according to the following terms and conditions:

(1) Grants shall be made only for use for the payment of tuition at a public or nonprofit nonpublic school within this Commonwealth.

(2) For the school year 1992-1993 and for school years thereafter, the grant shall be the lesser of nine hundred dollars (\$900) or an amount equal to ninety per centum (90%) of the actual amount of tuition paid or to be paid by the parent for a program of kindergarten or basic education for an eligible student.

(3) Prior to making any grant, the office shall require a parent of each eligible student to make application therefor and to submit the verified statement of the educational institution or school district which will provide the educational program for which the grant is sought, attesting to the enrollment by the student in the school involved and to the amount of the tuition for that program.

(4) The office shall establish reasonable deadline dates for submission of applications for grants and shall make such grants no later than fifteen (15) days prior to the beginning of the school year for which the grant will be utilized.

(5) Grants shall be made in the form of checks paid to the parents and shall be used solely for the purpose of paying tuition at the educational institution or school district offering the program designated in the grant application.

(6) Within fifteen (15) days after the beginning of the basic kindergarten or education program, the educational institution or school district shall confirm in writing to the office that payment for such program has been received on behalf of the student for whom the grant has been made.

(7) The office may take such steps, including the initiation of litigation, as may be necessary to recapture from the grantee any grant funds not actually expended for educational programs, as authorized by this section.

(g) In addition to the grant awarded to an eligible public school student attending a public school outside of his or her district of residence, an amount equal to the greater of the per pupil equalized subsidy for basic education, as defined in Article XXV, in his or her district of residence or of the receiving district shall be credited toward the tuition charged to that student by the receiving district. Should the grant plus the subsidy credit exceed the receiving district's tuition charge, the grant shall be reduced by the amount in excess of the tuition charge.

(h) The Commonwealth shall pay to each school district which accepts a non-resident student on a tuition basis, an amount equal to the greater of the per pupil equalized subsidy for basic education, as defined in Article XXV, of the student's district of residence or of the receiving district. No student attending a public school outside his or her district of residence shall be included in the average daily membership for purposes of determining the equalized subsidy for basic instruction in either the receiving district or the district of residence.

(i) The State Board of Education, with the approval of the office, shall by regulation prescribe such further procedures as are needed for the determination of the availability of public school attendance slots under this section and for the establishment or operation of the grant program and subsidy credits and

payments authorized in this section. In determining the number of attendance slots available, each school district shall make provision for the accommodation of any resident of the district who desires to attend the public schools therein, and, after making provision for the attendance of resident students, shall thereafter give first preference to non-resident students who were in attendance in the district's schools during the school year immediately preceding the school year for which the availability of slots is being determined.

(j) In the event that, in fiscal year beginning July 1, 1992, or in any fiscal year thereafter, the funds appropriated for purposes of the program authorized by this section shall be insufficient to award grants in the total amount for which applications are made, the office shall award such grants in amounts which shall reflect the relative proportions of eligible students and available funds.

(k) No grant awarded under this section shall be considered income to the recipient for State income tax purposes.

Section 2. Section 2509.3 of the act, amended August 5, 1991 (P.L.219, No.25), is amended to read:

Section 2509.3. Payments on Account of Transportation of Nonpublic and Public School Pupils.—Each school district, regardless of classification, shall be paid by the Commonwealth the sum of thirty-five dollars (\$35) for each nonpublic school pupil transported in the school year 1978-1979 through the school year 1983-1984, for the school year 1984-1985 through the school year 1990-1991 each school district shall be paid the sum of seventy dollars (\$70) for each nonpublic school pupil transported, and for the school year 1991-1992, each school district shall be paid the sum of one hundred twenty-four dollars (\$124) for each nonpublic school pupil transported and for the school year 1992-1993 and each school year thereafter, each school district shall be paid the sum of one hundred fifty-nine dollars (\$159) for each nonpublic school pupil transported and for each public school pupil transported to a public school outside the district pursuant to section 1310.1.

Section 3. The act is amended by adding a section to read:

Amend Bill, page 1, by inserting between lines 18 and 19:

Section 4. The sum of \$300,000 is appropriated from the General Fund, to the Department of Education to establish and operate the Office of Educational Opportunity.

Section 5. The addition of section 1310.1 of the act shall apply to all school years or programs commencing after August 15, 1992.

Amend Sec. 2, page 2, line 1, by striking out "2" and inserting:  
6

On the question,

Will the Senate agree to the amendment?

Senator SALVATORE. Mr. President, this is an amendment on educational choice.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator LOEPER. Mr. President, I move that Senate Bill No. 953, as amended, be recommitted to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 953, as amended, will be recommitted to the Committee on Appropriations.

## UNFINISHED BUSINESS REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

### SB 953 (Pr. No. 1730) (Rereported)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments for transportation of pupils; requiring interest to be paid on certain late subsidy payments to school districts; and establishing a program to enhance educational opportunities.

### SB 1440 (Pr. No. 1727)

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Charles Wesley Heidel by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Sarge Fiore by Senator Belan.

Congratulations of the Senate were extended to Corwin C. Erdman by Senator Brightbill.

Congratulations of the Senate were extended to Rose Cologne and to Lillian Phillips McKeel by Senator Corman.

Congratulations of the Senate were extended to Terri Krise by Senator Madigan.

Congratulations of the Senate were extended to Jack Lyons by Senator Mellow.

Congratulations of the Senate were extended to Thomas E. Smith, Jr. by Senator Robbins.

Congratulations of the Senate were extended to Robert B. Pomeroy by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Luther Elkin, Mr. and Mrs. Frank Kuffa, Mr. and Mrs. Paul Buterbaugh and to Eric Todd Miller by Senator Stapleton.

Congratulations of the Senate were extended to Community Nursing Service of Johnstown by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Gilmore, Mr. and Mrs. Jack McClelland, Mr. and Mrs. Russell Orenchuk and to Mr. and Mrs. Thomas F. Ayers by Senator Stout.



## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Lemmond and his temporary Capitol leave will be cancelled.

## BILL ON FIRST CONSIDERATION

Senator LEMMOND. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

### SB 1440.

And said bill having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

## PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, I do not remember in the 19 years that I have been in the General Assembly that I have stood in the Chamber that I serve in with a heavier heart than what I have right now over the procedure which was used in the last 24 hours to bring a very important issue first before us, then slide it by us and then hide it behind us, and that was the amendment offered to Senate Bill No. 953 by Senator Salvatore. I am not going to get into any great deal about this today because Monday will be another day and there will be a final passage, and I guarantee you there will be an awful lot of discussion from my part on this particular issue. I really was not even going to rise and say anything about how badly I feel about how this whole thing was handled until someone from my side came in and told me that the Committee on Appropriations does not have a fiscal note ready for this bill but had the audacity to answer the question as to what the cost was and set the figure at \$300,000. I have heard ludicrous, ridiculous, outrageous misrepresentations in my life, but for anybody to have the gall to put on a record, even if it was not recorded in that committee meeting, that this particular action taken by Senator Salvatore today would cost only \$300,000, then I will tell you what, friends, whoever is doing that, I want them to start calculating something's value for me that I can buy because this bill is so expensive, it has such outrageous ramifications for public education. The costs that are unseen in this bill far outweigh the \$350 million—everybody's estimate—and that does not even include the sneaky little way that the nonpublic transportation portion is raised by \$35 a student. The outrageous answer of \$300,000 to the question of what the costs are on that amendment is a disgrace. It is a greater disgrace than what we saw take place here from 4:00 o'clock yesterday afternoon until 4:00 o'clock today.

Now Monday, I want to say to Senator Salvatore, you be ready, sir, because I have an awful lot of questions which I hope you have the courage to stand at one of these microphones and answer whenever you are asked.

Senator SALVATORE. Mr. President, in answer to my colleague from Fayette County, I always had the courage to stand up in front of anybody, and I am never going to back down from anybody, but I will submit my remarks for the record only.

The PRESIDENT pro tempore. Without objection, the remarks will be made part of the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Philadelphia, Senator SALVATORE:)

Mr. President, the amendment I have just offered would give to every child in the State of Pennsylvania that which is rightfully theirs—the opportunity for a good education.

This amendment, Mr. President, provides the mechanism for choice, the opportunity for a child, trapped in a school that fails that child's educational needs, to simply choose a school that meets those needs.

It is argued, Mr. President, that a child in Pennsylvania can do that now. But what isn't said in that argument, Mr. President, that only the rich can afford to do it. That means that all those children whose educational hopes are not being met, whose opportunities are being taken from them before they even get started, will be able to move to a school where those hopes and opportunities will be met.

It is so fundamental, Mr. President, that I have trouble understanding opposition to this very basic concept. We are simply offering every child, not just those whose parents can afford to do otherwise, what is their fundamental right, the opportunity for a good education.

This amendment, Mr. President, would set up the office of educational choice in the Department of Education. It provides for \$300,000 in start-up costs. And it provides the funding that would follow a child from the school they would normally attend to a school they might choose because it meets their educational needs.

And there is nothing overwhelming in the funding, Mr. President. Each child would be eligible for a \$900 tuition grant to be used at whatever school they choose. The amount of subsidy that would go to the school they would normally attend would follow them to the school they choose. And their parents would be responsible for any school tax difference between their district of residence and the district they choose. There is nothing complex in that, Mr. President.

If a school and its staff are doing what we owe to every child in this state, simply giving them a good education, then there is no reason for that school to fear an exodus of students. To argue that educational choice will cause competition rings hollow, Mr. President. To argue that it will motivate makes sense. To underscore that it will result in curriculums that graduate students equipped to compete in today's job markets also makes sense. But to force a child to attend a school that is not meeting his or her needs, and to deny them an opportunity to do something about it, makes no sense.

Choice makes sense, Mr. President. It is time we make the right choice.



**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, November 25, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 4:15 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 25, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 72

### SENATE

MONDAY, November 25, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The Chaplain, Reverend ROBERT QUINN, Pastor of Saint Columbkil's Roman Catholic Church, Boyertown, offered the following prayer:

Father, Lord of the Universe and Creator of us all, we are Your people and we praise You. You are a God of peace, a God of justice, a God of love and a God of truth. Help all of us, Lord, to see You in the creation that You have given and to see Your creation as good. You have begun creation, but You invite us in our own day to participate in its completion and in its fulfillment.

We place this Senate of our Commonwealth in Your hands. Bless our Senators with wisdom and courage, the wisdom to recognize the needs of the poor and the disadvantaged, and the courage to respond to those needs, the wisdom to know what is truly for the common good and the courage to pursue that good.

As leaders of Your people, Lord, we come with our people this week to celebrate thankfulness to You for Your goodness to us. May we be worthy of Your love and concern. We place all of this before You, Lord, Creator and Father of us all, for You are our God. You are life and You live forever and ever. Amen.

The PRESIDENT. The Chair thanks Father Quinn who is the guest today of Senator O'Pake.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 20, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Neil Altieri, 320 Tulip Circle, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph A. Belcastro (Public Member), 330 Beaver Avenue, Aliquippa 15001, Beaver County, Forty-seventh Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William E. Breslin (Public Member), 337 North Main Street, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, LeRoy D. Cameroni, 4341 Carlisle Pike, Building C-12, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF EASTERN STATE SCHOOL AND HOSPITAL

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary W. Stemme, 1192 Hatboro Road, Ivyland 18974, Bucks County, Tenth Senatorial District, for reappointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE HEALTH CARE  
POLICY BOARD

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edmund Sieminski, 52 Brook Lane, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until April 29, 1995 and until his successor is appointed and qualified, vice Arthur Edmunds, Monroeville, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NAVIGATION COMMISSION  
FOR THE DELAWARE RIVER AND ITS  
NAVIGABLE TRIBUTARIES

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David A. Franklin, 2 Concordia Place, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified, vice Stanley M. Bednarek, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF THADDEUS STEVENS STATE SCHOOL  
OF TECHNOLOGY

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alfredo R. Bustaque, 285 Willow Dell Lane, Leola 17540-1637, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Harry J. Lueders, Lancaster, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF THADDEUS STEVENS STATE SCHOOL  
OF TECHNOLOGY

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick H. Light, 20 Tomahawk Drive, Conestoga 17516, Lancaster County, Thirtieth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Alfred C. Alspach, Lancaster, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES  
OF THADDEUS STEVENS STATE SCHOOL  
OF TECHNOLOGY

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, H. Glenn Nelson, 395 Arrowhead Drive, Lititz 17543, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rose Reeder (Democrat), Star Route, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

November 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dottie Walker (Democrat), 129 Woodward Avenue, Lot 53, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

## HOUSE MESSAGE

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

November 22, 1991

**HB 2000** — Committee on Consumer Protection and Professional Licensure.

November 25, 1991

**HB 79** — Committee on Judiciary.

**HB 1797** — Committee on Education.

**HB 2017** — Committee on Public Health and Welfare.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

November 22, 1991

Senators GREENLEAF, ROBBINS, HOPPER, ANDREZESKI and REIBMAN presented to the Chair **SB 1442**, entitled:

An Act relating to credit information reporting; providing for report preparation, dissemination and use, disclosure requirements, dispute resolution and public record information; and imposing civil and criminal penalties.

Which was committed to the Committee on BANKING AND INSURANCE, November 22, 1991.

Senators PETERSON, DAWIDA, JONES, WILLIAMS, HART, MADIGAN, SCHWARTZ, STAPLETON,

RHOADES, REIBMAN, ANDREZESKI, GREENWOOD, BELL, JUBELIRER and AFFLERBACH presented to the Chair **SB 1443**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a non-profit school breakfast program.

Which was committed to the Committee on EDUCATION, November 22, 1991.

Senators MUSTO, REIBMAN, BRIGHTBILL, MELLOW, JONES, SALVATORE, O'PAKE, BELAN, STAPLETON, SCHWARTZ, PORTERFIELD, WENGER, HART, BODACK, GREENWOOD, FISHER, ANDREZESKI and DAWIDA presented to the Chair **SB 1444**, entitled:

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; and providing for the disposition of a portion of certain fines and penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 22, 1991.

Senator MELLOW presented to the Chair **SB 1445**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for exemption for certain conveyances.

Which was committed to the Committee on STATE GOVERNMENT, November 22, 1991.

Senator BORTNER presented to the Chair **SB 1446**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for equitable relief against certain school strikes.

Which was committed to the Committee on LABOR AND INDUSTRY, November 22, 1991.

Senator BORTNER presented to the Chair **SB 1447**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring 48 hours' notice by an employee organization to a school entity prior to commencement of a strike.

Which was committed to the Committee on LABOR AND INDUSTRY, November 22, 1991.

Senators BORTNER, AFFLERBACH, DAWIDA, SCANLON, STOUT, BELAN, MUSTO, STEWART, SCHWARTZ and LAVALLE presented to the Chair **SB 1448**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the definition of "storage service" for sales and use tax purposes.

Which was committed to the Committee on FINANCE, November 22, 1991.

Senators GREENLEAF, PETERSON, LOEPER, MADIGAN and FISHER presented to the Chair **SB 1449**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating point-of-sale terminal scanning systems; and providing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 22, 1991.

Senator ROBBINS presented to the Chair **SB 1450**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," regulating tuition charges.

Which was committed to the Committee on EDUCATION, November 22, 1991.

Senators GREENWOOD, WENGER, FISHER, BRIGHTBILL, RHOADES, SALVATORE, SHUMAKER, LAVALLE, BELL, LYNCH, REIBMAN, PORTERFIELD and ANDREZESKI presented to the Chair **SB 1451**, entitled:

An Act requiring all health insurance policies to provide coverage for complete treatment of congenital orofacial anomalies.

Which was committed to the Committee on BANKING AND INSURANCE, November 22, 1991.

Senators TILGHMAN, BELL, BAKER, CORMAN, HOPPER, WENGER, SHUMAKER, HELFRICK, GREENLEAF, HART, SALVATORE, ROBBINS, GREENWOOD and RHOADES presented to the Chair **SB 1452**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the tire fee to be assessed only on new replacement tires.

Which was committed to the Committee on TRANSPORTATION, November 22, 1991.

Senators HELFRICK, SHUMAKER, STAPLETON, ARMSTRONG, SALVATORE, BELAN, BAKER, PORTERFIELD and MADIGAN presented to the Chair **SB 1453**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privilege and for chemical testing to determine amount of alcohol or controlled substance; providing for driving under influence suspensions; and further providing for reinstatement of operating privilege or vehicle registration and for driving under influence of alcohol or controlled substance.

Which was committed to the Committee on JUDICIARY, November 22, 1991.

Senators DAWIDA and O'PAKE presented to the Chair **SB 1454**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "poverty income."

Which was committed to the Committee on FINANCE, November 22, 1991.

Senators GREENLEAF, BRIGHTBILL, HART, SCHWARTZ, SALVATORE, HOLL and ROBBINS presented to the Chair **SB 1455**, entitled:

An Act requiring a referendum to annex a contiguous municipality.

Which was committed to the Committee on LOCAL GOVERNMENT, November 22, 1991.

November 25, 1991

Senator RHOADES presented to the Chair **SB 1456**, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for educational appropriations.

Which was committed to the Committee on EDUCATION, November 25, 1991.

## RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

November 25, 1991

### PROCLAIMING THE WEEK OF DECEMBER 1 THROUGH 7, 1991, AS "NATIONAL GEOGRAPHY AWARENESS WEEK" IN THIS COMMONWEALTH

Senators RHOADES, REIBMAN, BORTNER, LOEPER, HOPPER, CORMAN, SCANLON, JUBELIRER, ANDREZESKI, O'PAKE, SHUMAKER, FISHER, BELAN, STAPLETON, SCHWARTZ, HELFRICK, HART, BRIGHTBILL, GREENWOOD and SALVATORE offered the following resolution (**Senate Resolution No. 121**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 25, 1991.

#### A RESOLUTION

Proclaiming the week of December 1 through 7, 1991, as "National Geography Awareness Week" in this Commonwealth.

WHEREAS, The knowledge of world geography is increasingly vital in our modern world where relationships between governments, businesses and industries often traverse national borders; and

WHEREAS, The importance of increasing Americans' knowledge of geography has been demonstrated by the inclusion of geography among the national education goals for the year 2000; and

WHEREAS, The National Geographic Society is currently engaging in a program to promote national geography awareness in the United States; therefore be it

RESOLVED, That the Senate proclaim the week of December 1 through 7, 1991, as "National Geography Awareness Week"; and be it further

RESOLVED, That the Senate urge educators, parents and students throughout this Commonwealth to observe "National Geography Awareness Week" and use it to improve the knowledge of geography in the students of this Commonwealth.

## APPOINTMENT BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Mr. Alex E. Brogna to serve on the Advisory Committee on Interstate Banking.

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committee meetings today: the Committee on Rules and Executive Nominations to be held off the floor to consider Senate Bill No. 303, Senate Resolution No. 121 and certain nominations; also, the Committee on Education to consider Senate Bill No. 1456 and House Bill No. 1333.

## SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, in the gallery today accompanying our guest Chaplain, Father Quinn, are Father Williams Shields who is at Saint Nicholas Church in Weathersville, Pennsylvania, and Joseph McMonigle who is the Administrative Assistant to Attorney General Preate. I would ask the Chair to extend its usual warm welcome to Father Shields and Mr. McMonigle.

The PRESIDENT. Would the guests of Senator O'Pake and Father Quinn please rise so that we could welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

## REPORTS FROM COMMITTEES

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

### SB 402 (Pr. No. 427) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors.

### SB 429 (Pr. No. 1747) (Amended) (Rereported)

An Act providing for siting limitation on commercial hazardous waste facilities near prisons, schools and other facilities housing concentrations of people; requiring an emergency response plan; placing a moratorium on the construction of contaminated soil incinerators; and establishing a commission to study the effects of contaminated soil incinerators on public health, the environment and the economy.

### SB 559 (Pr. No. 1382) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting driving of pedalcycles on limited access highways; further providing for reports by police, for an exception for maximum wheel weights and for the determination of average fuel consumption for the motor carrier road tax; authorizing the Secretary of Transportation and the Secretary of Revenue to enter into road tax agreements; providing for the

enforcement of liquid fuels and fuel use taxes; imposing a motor-bus road tax; providing penalties; and making repeals.

### SB 1364 (Pr. No. 1592) (Rereported)

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), entitled "Pennsylvania Conservation Corps Act," further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors and for appropriations; and making editorial changes.

### HB 872 (Pr. No. 2795) (Amended) (Rereported)

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), known as the "Milk Marketing Law," further providing for expenses of the Milk Marketing Board; further providing for certain payments; making an appropriation; and making editorial changes.

Senator MADIGAN, from the Committee on Labor and Industry, reported the following bills:

### HB 1827 (Pr. No. 2722)

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for the right to freedom from discrimination in employment, housing and public accommodations; prohibiting discrimination because of familial status; amending and adding certain definitions; further providing for the powers and duties of the Pennsylvania Human Relations Commission; further providing for enforcement, remedies and penalties; making editorial changes; and continuing the Pennsylvania Human Relations Commission pursuant to the Sunset Act.

### HB 1981 (Pr. No. 2592)

An Act amending the act of December 16, 1986 (P. L. 1621, No. 184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," further providing for the membership of the council, and for the termination of the council.

Senator LEMMOND, from the Committee on State Government, reported the following bills:

### SB 700 (Pr. No. 742)

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for notice of certain contributions.

### SB 770 (Pr. No. 815)

An Act providing for the selection of registered architects, professional engineers, landscape architects and land surveyors to provide professional services to Commonwealth agencies.

### SB 1299 (Pr. No. 1511)

An Act amending the act of December 19, 1990 (P. L. 1200, No. 202), entitled "Solicitation of Funds for Charitable Purposes Act," further defining "charitable organization."

### HB 107 (Pr. No. 104)

An Act providing for the observance of May 27 of each year as Rachel Carson Day.



**HB 1807 (Pr. No. 2171)**

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to Cambria County land situate in the Township and Borough of Cresson, Cambria County, Pennsylvania.

**HB 2145 (Pr. No. 2669)**

An Act authorizing and directing the conveyance of Shamokin State General Hospital to the Lower Anthracite Community Hospital Corporation for the purpose of operating a hospital on the site.

**LEGISLATIVE LEAVE**

Senator FISHER. Mr. President, I request a legislative leave for today for Senator Pecora.

The PRESIDENT. Senator Fisher requests a legislative leave for Senator Pecora. The Chair hears no objection. The leave will be granted.

**SENATE CONCURRENT RESOLUTION****RECESS ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, November 25, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, December 9, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, December 9, 1991, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room. I would also request upon the recess that you would announce the Committee on Education to convene in an off-the-floor meeting in the Rules Committee room.

Senator MELLOW. Mr. President, I would ask for an immediate Democratic caucus to take place upon the recess of the Senate. I would also like to know if we can have some idea from the Majority Leader as to what time we might expect to come back into Session.

Senator LOEPER. Mr. President, depending on how the caucus goes, I would hope about 4:00 o'clock p.m.

The PRESIDENT. The Chair would remind all Members that the Committee on Education will be meeting immediately upon recess in the Rules room at the rear of the Senate Chamber, and for the purpose of that meeting and Republican and Democratic caucuses, the Senate will stand in recess.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**CALENDAR****SB 1243 CALLED UP OUT OF ORDER**

**SB 1243 (Pr. No. 1433)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1243 (Pr. No. 1433)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for investigations in adoptions.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## SPECIAL ORDER OF BUSINESS

## ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent again has been given for the Committee on Education to reconvene in the Rules room during today's Session to consider Senate Bill No. 1456.

## SB 1355 CALLED UP OUT OF ORDER

**SB 1355 (Pr. No. 1573)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1355 (Pr. No. 1573)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1986 (P. L. 1675, No. 192), entitled "Assessors Certification Act," repealing the sunset provision of the law.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator TILGHMAN, by unanimous consent, offered the following amendment No. A2601:

Amend Title, page 1, line 7, by inserting after "fees,"": transferring administrative responsibility and powers and duties from the State Tax Equalization Board to the State Board of Certified Real Estate Appraisers; and

Amend Bill, page 1, lines 11 through 13, by striking out all of said lines and inserting:

Section 1. The title and the definition of "board" in section 2 of the act of December 17, 1986 (P.L.1675, No.192), known as the Assessors Certification Act, are amended to read:

## AN ACT

Providing for the certification and recertification of assessors; establishing eligibility and training requirements; defining the powers and duties of the [State Tax Equalization Board] State

Board of Certified Real Estate Appraisers relating to training, certification and recertification of assessors; and authorizing the board to establish fees.

## Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\*\*\*

"Board." The [State Tax Equalization Board] State Board of Certified Real Estate Appraisers.

\*\*\*

Section 2. Section 10 of the act is repealed.

Amend Sec. 2, page 1, line 14, by striking out "2" and inserting: 3

Amend Sec. 3, page 1, line 16, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator TILGHMAN.

## THIRD CONSIDERATION CALENDAR RESUMED

## BILL ON THIRD CONSIDERATION AMENDED

**SB 101 (Pr. No. 1715)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further providing for the termination, evaluation and review of agencies.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A3174:

Amend Title, page 1, line 7, by removing the period after "agencies" and inserting: ; changing the termination date for the State Board of Optometry; and making a repeal.

Amend Sec. 3 (Sec. 6), page 8, line 24, by striking out all of said line

Amend Sec. 3 (Sec. 6), page 9, by inserting between lines 10 and 11: The State Board of Optometry.

Amend Sec. 3 (Sec. 6), page 9, lines 12 and 13, by striking out all of said lines

Amend Sec. 3 (Sec. 6), page 9, line 25, by inserting after "EDUCATION": and its Board of Governors

Amend Sec. 4 (Sec. 7), page 16, lines 17 through 21, by striking out "THE RESOLUTION SHALL BE PRESENTED TO" in line 17, all of lines 18 through 20 and "PENNSYLVANIA," in line 21 and inserting: and the resolution is approved and takes effect pursuant to section 9 of Article III of the Constitution of Pennsylvania.

Amend Bill, page 17, line 7, by striking out all of said line and inserting:

Section 6. Section 12 of the act of May 15, 1986 (P.L.186, No.58), entitled "An act amending the act of June 6, 1980 (P.L.197, No.57), entitled 'An act regulating the licensure and practice of optometry, making repeals and providing penalties,' reestablishing the State Board of Optometrical Examiners as the State Board of Optometry; providing for its composition, powers and duties; further providing for renewal, revocation and suspension of licenses; providing for fees; and making repeals," is repealed.

Section 7. This act shall take effect as follows:

(1) The amendment of sections 4 and 5(e) and (f) of the act and the addition of section 5(g) of the act shall take effect April 1, 1992.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Education to be held immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Education to convene in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess. Will the Members of the Committee on Education please report immediately to the Rules room at the rear of the Senate Chamber.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### SB 953 CALLED UP OUT OF ORDER

**SB 953 (Pr. No. 1730)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL ON THIRD CONSIDERATION AMENDED

**SB 953 (Pr. No. 1730)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments for transportation of pupils; requiring interest to be paid on certain late subsidy payments to school districts; and establishing a program to enhance educational opportunities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

### GREENLEAF AMENDMENT

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A3131:

Amend Sec. 1 (Sec. 1310.1), page 6, by inserting between lines 20 and 21: (1) The student or the student's parents shall pay for any tuition charged by the educational institution or school district attended by the student in excess of the grant or subsidy paid to the school district.

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, this is a clarifying amendment. The intent of the bill, I believe, is to provide that once a choice is made to move from a public school to another public school and once the \$900, or whatever monies, and the voucher are given and that student then takes their subsidy formula with them, invariably in a public school system there will be a difference, a deficit, in the cost of educating that child. I believe the bill implies that deficit will be paid by the student, not by the receiving school district. But this legislation will clarify it and spell it out in black and white that if there is a deficit, that deficit in educational costs will be paid for by the student and not by the receiving school district.

Senator SALVATORE. Mr. President, I support the amendment. I think it is a good amendment. It has clarifying language and I wholeheartedly support the amendment.

Senator LINCOLN. Mr. President, I do not know who I want to ask the questions to first after that explanation because, if anything, what the gentleman from Philadelphia, Senator Salvatore's endorsement of this amendment did was confuse me even further. But, I think that probably if the gentleman who offered the amendment would stand for a brief interrogation, I would appreciate it.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator LINCOLN. Mr. President, if I understood correctly in the remarks just a few minutes ago, he is offering the amendment in an effort to clear up who pays a potential resolving difference, and that difference would have to be that a public school that a public school student would choose to go to from their own public school would have a higher educational cost, and that amendment would say that the person leaving the lower educational cost school going to the higher one would be responsible for paying whatever that difference may be?

Senator GREENLEAF. Mr. President, let me answer that. The question assumes certain things I do not think are correct. I mean that just as an informative point, not as a critical point.

Senator LINCOLN. Mr. President, I have no problem with that.

Senator GREENLEAF. Mr. President, let me give you an example in dollars and cents which might clear this up and clarify it. Let us say, for example, in Montgomery County the average cost of educating a high school student in one of my adjacent township school districts is \$7,000 a year. A child from outside of that school district A decides that they want to enter that school district and they go from another school district, we will say is B. That child brings with him his voucher, whatever monies that would be, depending on how this bill will be funded. He also brings with him the subsidy formula that he receives and that, of course, depends on whether, not to complicate this, but apparently it depends on

which school district has the higher subsidy. But regardless, let us say in some of my areas it is as little as \$700 a student. It is not a lot of money. Let us use that as an example as going from a urban district to an suburban district in Philadelphia. I have checked, and it is about \$2,500. So that student would receive the \$700 or let us say \$900. Let us say it was fully funded. That is the money that student would have, but it costs \$7,000 to educate that student a year. So the difference between, in this case is \$1,600 and \$7,000. This amendment is intended to clarify to make sure that it is not going to be the receiving school district that has to pay that difference. I think that is the intent of this bill from my conversations with the sponsor and those people who are advocates of this concept. It has never been the intention that the receiving school district make up the difference. It is the student's responsibility to make up the difference between what it is actually going to cost to educate that child and the monies that they bring with them in either voucher and/or subsidy money.

Senator LINCOLN. Mr. President, in effect, then, what you are saying is that a student leaving school district B transferring to school district A which has the \$7,000 a year basic cost for education, would be expected to bring their \$900 check plus their subsidy plus whatever the difference was? That family would be responsible for paying that out of their pocket?

Senator GREENLEAF. Mr. President, yes. I think that was the intention of the bill originally and this is clarifying is what the intention has been. I do not want that receiving school district and those taxpayers to be responsible for providing local taxpayers' money for a student coming in from another school district. That is not fair. It is not appropriate, and if it was the intention of the bill, it should not be, and this legislation will clarify it, but I believe that it was never the intention of the legislation.

Senator LINCOLN. Mr. President, do I understand that the amendment would be directed only to public schools, that school B would be a public school and that school A would be a public school and that your amendment would have no effect, impact, or whatever, on any non-public school?

Senator GREENLEAF. Mr. President, looking at the amendment, it does not say that. It just says educational institution or school district. I used the example of the public school system, but, reading the amendment, I do not believe it makes a distinction.

Senator LINCOLN. Mr. President, then your amendment will rather clearly define a protection for school district A, the school district that the student from school district B chose to go to?

Senator GREENLEAF. Mr. President, yes, it will provide a protection for the receiving school district.

Senator LINCOLN. Mr. President, if you have concern for the unfairness of the potential cost to school district A, why would you not have some concern, and if you did, why would it not have been expressed by some language in this amendment that would have protected school district B, which not only lost a student but lost that subsidy that student took with

him, and if enough of that happened would see their aid ratio diminish and they would lose more money? What is the concern that would be there for the receiving district when they already have an opportunity to say no to that student?

Senator GREENLEAF. Mr. President, if the gentleman wants me to answer that, I will answer that, but it has nothing to do with the amendment right now. If you want to start debating the bill in its total, I will, but the fact is that it has nothing to do with that or my concern or my unconcern about any other district. The fact is that when that child leaves that school district, they do not have the \$7,000 educational cost associated with that child. But the purpose of this amendment is to provide for the protection of the receiving school district.

Senator LINCOLN. Mr. President, do you see that as being a real serious concern that a school district that could afford to spend \$7,000 a year to educate a student would need that kind of protection? Are you justifying that with this amendment?

Senator GREENLEAF. Mr. President, I would not be offering it if I did not think it was a concern.

Senator LINCOLN. Mr. President, I do not mean that in any way other than there is a curiosity about this debate that amazes me, and I just really am concerned that the gentleman feels that strongly that he wants to protect a school district that was going to increase its student population and the gentleman has indicated that is a concern for him in his district.

Senator GREENLEAF. Mr. President, it is a concern for me, and I think it is a concern that should be a concern for all of us that we do not impose those educational costs on the receiving school district, that if we are going to pass this legislation it should be a state responsibility and the state should be funding this as much as possible.

Senator LINCOLN. Mr. President, I thank the gentleman.

Mr. President, on the amendment, I believe that half of my concerns have been expressed in this amendment. The other half will probably be coming very apparent in further debate. I could not agree with the gentleman from Montgomery County more that we should be concerned about protecting the school districts that are going to be asked to take other students. I wonder, though, if that concern should not have been directed a little bit more to where the nonpublic schools are concerned, and it does not seem to make any difference, I guess, there. I have no problem with this amendment. I do not believe the amendment does anything to make the bill any better. The only thing it does is take the rich school districts that are going to benefit from this bill and make them a little bit stronger in their ability to decide whether or not they want somebody who can afford their school or somebody who cannot, and I have no idea until you call my name how I am going to vote on this amendment.

Senator WILLIAMS. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator WILLIAMS. Mr. President, just so I could be clear, we are talking about a situation in this amendment where, one, a student transfers from public school district A to public school district B. Is that correct?

Senator GREENLEAF. Mr. President, the example I used was from B to A, but regardless.

Senator WILLIAMS. Mr. President, either way we are talking from public to public in different districts. We are not talking here from public A to private B?

Senator GREENLEAF. Mr. President, no. I think the amendment would cover that as well. My example was towards the public school system, but I think it can apply to transferring to a private school as well.

Senator WILLIAMS. Mr. President, in that second situation where they transfer to a private school in a different district, is the gentleman saying that the \$7,000 service fee would come out of public school district A and go where in B? Would that go to the private school? Would that be \$900 plus—

Senator GREENLEAF. Mr. President, I think the bill does not provide that for transfers from public to private. In my understanding of the bill—and I do not pretend to be expert on this bill, that is for sure—when they transfer from public to private, the only thing that goes with that student is the voucher, not the subsidy money.

Senator WILLIAMS. Mr. President, in that situation, the gentleman's amendment does not speak to the subsidy money where it goes to the private school?

Senator GREENLEAF. Mr. President, no subsidy money goes to private institutions under the bill.

Senator WILLIAMS. Mr. President, the subsidy money stays where it is in that situation?

Senator GREENLEAF. Mr. President, I would think that they would lose it, that the school district of residency would lose their subsidy money for that student.

Senator WILLIAMS. Mr. President, does the gentleman's amendment require that that district lose its subsidy money?

Senator GREENLEAF. Mr. President, no.

Senator WILLIAMS. Mr. President, it does not. Is it the gentleman's understanding that the bill he is amending would cause a loss of the subsidy money if it were a transfer to a private school?

Senator GREENLEAF. Mr. President, it does not impact the bill one way or another on that issue. My understanding is that this amendment would not impact that issue. The bill remains the same in regard to the subsidy money. It does not impact that at all.

Senator WILLIAMS. Mr. President, I have one final observation or question. I guess my concern is if there is a real need to move the subsidy money. In any case, I guess it should be accounted for one way or the other in the case of a movement to a private situation. In other words, either the district would lose the money, it would keep the money and the first district would either lose it or keep it, but if it would keep it, then that is a basis to not send it to the other district in the first place. But it seems that \$7,000, so to speak, using that figure unac-

counted for, and I guess my observation is whether or not the gentleman's bill adjusting that really is a reflection of some inequities, i.e., the preference or choice to move. In this case you have \$900 plus \$7,000 following someone in the public sector. Why would not that same right follow to a private sector, if you are using common sense, because if it goes to a private sector they are doing that job and so then we are talking about scholarships basically amounting to about \$7,900?

Senator GREENLEAF. Mr. President, I think that question probably is mostly directed towards the sponsor of the bill itself because this amendment does not deal with that at all. This amendment does not impact on that at all. What the gentleman is referring to is there are clauses and provisions in the bill as drafted. This amendment—just to make sure we clarify this, I think there is some confusion—has no impact on that at all. Also, I would like to address your question, and also the previous gentleman's question about poor school districts. This would apply to poor school districts because it does not really matter because if you are going from a "more affluent school district to a less affluent school district," usually the total cost to educate the child is going to far exceed the subsidy and voucher that child brings to it. I do not know. You probably would have to get a computer and punch them all up, all the school districts and the millions of variations of one student going to this school district and that school district, but I would be very surprised if there would be any scenario in which the subsidy and the voucher would exceed the actual public school cost of educating any child, wherever that child went. I would think in all cases there is going to be a deficit, and if that is the case in this legislation, it just indicated that, regardless, it is the responsibility of the parents to pay that deficit.

Senator WILLIAMS. Mr. President, I agree with the commentary by the gentleman that the bill is the heart of it, but the amendment we are talking about speaks to the problem or the issue contained in the bill and that is why I brought it up, to say that the need for an amendment like yours really speaks to try to clarify a fundamental inequity in the bill itself.

I would rise to oppose the amendment which seems to be fair, but I think, basically, if you look at it, it really tries to solve a problem which is unsolvable because it is based on a premise of a full and comprehensive look at an unequal opportunity given to a limited number of children, all of whom, if they all left one district, all would go to another district, all that money would flow, if there were room. So I just wanted to say that the amendment really has no need in the legislation because it really speaks to a fundamental problem that cannot be solved because it is inherently contradictory to a system as we have already set up the formula, having set up in the Constitution to have a public school and to also build in private preferences that do not necessarily equate when you put it in the public sector, and so forth and so on. So I think that, basically, the amendment is complex, confusing, contradictory, and all those bad things.



Senator CORMAN. Mr. President, I do not know how anyone could really oppose this clarifying amendment. It tries to state, and I think it does very well, that the receiving school district's taxpayers ought not have to pay that difference which there will be in the amount of monies that the child coming to that school district will bring with him or her. There will be a difference between what the tuition is that is established by the Commonwealth of Pennsylvania for that particular school district and how many dollars, both with the voucher and with the equalized subsidy payment that the child brings with them, and there will be a difference in monies. That difference ought not to be made up by the receiving school district, be it a wealthy or be it a poor school district. Otherwise, you know, I would take all the children from my school district and put them into the next school district and those taxpayers would have to support, you know, all of these receiving children and we will stop paying school taxes in our particular school district. There is going to be a difference, and I think this clarifying amendment says, just so you know in advance, there will be a space between the state dollars available and what it will cost you to attend that school district and you the parent will have to pay it. That is what is in the bill and this merely clarifies it so everybody knows in advance what it is they will be facing.

Senator FATTAH. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator FATTAH. Mr. President, I think that this amendment may be helpful in clarifying it, but I wanted to get some more information. The bill states on page 2, Section C, starting on line 27, that "...any other provision of this act to the contrary notwithstanding, every public school student in this Commonwealth shall be permitted to attend the public school selected by his or her parents or guardians unless..." and it goes on for one basic exception which is that there is notification and that there are attendance slots. In terms of Senator Greenleaf's amendment which is an issue of costs and the relative cost disparities between school districts, is it clear that the bottom line is that, under this bill, any kid would be able, with his parents, to pick any school anywhere in the Commonwealth at any time as long as they met the provisos in this bill and would it not be, therefore, very difficult to make arrangements, financially, for these kinds of disparities?

Senator SALVATORE. Mr. President, yes, subject to slots.

Senator FATTAH. Mr. President, that is the only issue, so, for instance, if it were a child who, for some reason, brought with that child extraordinary costs—a special needs child, a child with some special health condition or who happened to be pregnant as a teenager or some other special costs that could accrue to the receiving school district—there is no other provision for the school district that would be receiving a child. For instance, if a kid had a great deal of truancy problems or delinquency problems, there is no other reason why a school district could disallow the admittance of a student

from another school district other than the issue of whether or not there were attendance slots available?

Senator SALVATORE. Mr. President, that is right.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator LINCOLN. Mr. President, the gentleman has very clearly outlined the amendment which I appreciate, and one of the questions I had that I forgot to ask was, would this same breakdown apply to transportation? In other words, if student B, going back to the same example, transferred to school A from school B, we pay right now \$70 per student for nonpublic transportation. One, does the gentleman know under current law if a student who goes to a nonpublic school and is transported along the same route, if it is no more than ten miles from the school, are those families at this point in time assessed the difference in the \$70 that the school district gets for doing that and what the actual cost of transportation is?

Senator GREENLEAF. Mr. President, I do not believe so at the present time. The amendment does not address the accessory costs such as the books or additional costs that may be associated here. It only addresses the tuition costs. It does not deal with the other costs that the school district may incur.

Senator LINCOLN. Mr. President, I think it does. I think the gentleman's amendment very clearly addresses the costs of books and other educational costs because I think they are all included in what he would finally come to in that \$7,000 a year figure. My question is more pointed in that does this amendment address what receiving district A would have to absorb in additional costs for transportation?

Senator GREENLEAF. Mr. President, the amendment does not address that issue.

Senator LINCOLN. Mr. President, I thank the gentleman.

Mr. President, I think the further we go into one very simple amendment, the more we find how difficult this issue is going to be for us to deal with. I think the comments of the gentleman from Centre, Senator Corman, on this amendment have indicated to me how little he understands what we are dealing with, and I do not say that in a degrading or a negative type of a comment. I think it is important to understand that whenever those students left that Senator Corman feels it is a good idea to protect the school district they are going to, that his property taxes are not only going to be gone, they are going to be so high that it is going to be hard to believe because school district B, the physical structure, is not leaving. The constitutional and statutory mandates that we have in this state for those people who remain in that district do not go away. They still have the obligation of educating the students in that school district. Whenever you have less students, you get less money from the state, but the cost of educating that student does not change. So instead of being the way the gentleman from Centre, Senator Corman, explained his reason for voting for this amendment, it is just the oppo-



site. That is why I think to protect anybody we ought to be worried about protecting school district B more than school district A because school district A has a chance to say no to that student because nothing in this whole mess dictates what the criteria is for picking who gets in school district A and who does not. I believe after listening a little bit longer, hearing the gentleman from Philadelphia, Senator Williams' debate, that this is not a good amendment, and I would ask for a "no" vote.

And the question recurring,  
Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator HELFRICK. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator GREENLEAF and were as follows, viz:

#### YEAS—28

Andrezeski	Greenleaf	Lemmond	Rhoades
Armstrong	Greenwood	Lewis	Robbins
Baker	Hart	Loeper	Salvatore
Bell	Helfrick	Madigan	Shaffer
Brightbill	Holl	Pecora	Shumaker
Corman	Hopper	Peterson	Tilghman
Fisher	Jubelirer	Punt	Wenger

#### NAYS—22

Afflerbach	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Porterfield	Stewart
Bortner	Lincoln	Reibman	Stout
Dawida	Lynch	Scanlon	Williams
Fattah	Mellow		

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Lynch, Senator Fumo, Senator Jones and Senator Scanlon who was just called from the floor.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Lynch, Senator Fumo, Senator Jones and Senator Scanlon. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### RHOADES AMENDMENT

Senator RHOADES, on behalf of himself and Senator MELLOW, by unanimous consent, offered the following amendment No. A3129:

Amend Sec. 5, page 7, line 22, by striking out "1992" and inserting: of the first calendar year occurring one year subsequent to the approval by the citizens of this Commonwealth of amendments affecting sections 15 and 29 of the Constitution of Pennsylvania

On the question,

Will the Senate agree to the amendment?

Senator SALVATORE. Mr. President, I oppose the amendment.

Senator LINCOLN. Mr. President, I believe if we are not going to be so kind and gentle in this world and not accept this wonderful amendment, I think the prime sponsor should maybe explain just a little bit of it.

Senator RHOADES. Mr. President, what the amendment does is it is what we want to refer to as the link or the trigger. Let me just read it. We would strike out "1992" and insert, "of the first calendar year occurring one year subsequent to the approval by the citizens of this Commonwealth of amendments affecting sections 15 and 29 of the Constitution of Pennsylvania." We brought out of committee today a joint resolution which would place before the citizens of the Commonwealth of Pennsylvania their opportunity to tell us whether they support the essence of the meaning of what has been amended into Senate Bill No. 953.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Schuylkill, Senator Rhoades.

The PRESIDENT. Will the gentleman from Schuylkill, Senator Rhoades, permit himself to be interrogated?

Senator RHOADES. I will, Mr. President.

Senator LINCOLN. Mr. President, in the gentleman's remarks two seconds ago, he made reference to the fact that the Committee on Education, of which he is the Majority Chairman, reported out a joint resolution that would have to be passed before this bill with Senator Salvatore's amendment in it would actually start into effect for the \$900 vouchers. What happens if that is four years from now?

Senator RHOADES. Mr. President, then it would be implemented four years from now. Let me put it this way. I think to my recollection of looking at this, this would be about the quickest way we could get to the bottom line. With the legislation, I think you all saw on the paper ACLU threatened to take this legislation automatically to court. If we were to pass the amendment which, hopefully, would be before us tomorrow or when we come back, pass that and then pass it in the next Session, it could be on the ballot in the Spring of 1993. Meanwhile, it could also be in the courts for the next four, five, ten years, or whatever the case may be, or the courts may rule that it is unconstitutional. Then we would have to come back and do this again. I am cutting out, hopefully, what I consider to be all the roadblocks and baloney to get down to the bottom line.

Senator LINCOLN. Mr. President, does the gentleman have some question in his mind about the constitutionality of the Salvatore amendment?

Senator RHOADES. Mr. President, well, I think the best way I can define it for the gentleman would be in the bill, as

amended, on page 4, line 2, sub-section (f) "The office"—meaning the Educational Opportunity Grant Office—"shall annually award grants to parents of eligible students..." and then if you go down to line 25, under sub-section 5 it says, "Grants shall be made in the form of checks paid to the parents and shall be used solely for the purpose of paying tuition at the educational institution or school district offering the program designated in the grant application." When you get into the Constitution, under Article III Section 15 and Section 29 which reads as such: "No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school." And, too, I think this is most appropriate: "No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational and sectarian institution, corporation or association." I think, based on that interpretation, there is definitely a constitutional question.

Senator LINCOLN. Mr. President, regarding the resolution that the committee reported maybe 15 minutes ago, can the chairman very briefly explain to me once again the process that we would go through and then I have one further question on that issue.

Senator RHOADES. Mr. President, I think, to the best of my recollection, if it passed here, it would have to be approved by the House. Then it would have to come back in the next Session of the Legislature and be passed by both Chambers again and then be placed upon the ballot for the citizens of the Commonwealth to act upon.

Senator LINCOLN. Mr. President, when he says the next Session, does he mean not the second year of this Session but the first year of the 1993-94 Session of the General Assembly, and it would have to go through the process of being approved both by the House and the Senate in exactly the same form that it is in right now and then it would go on the ballot? At that point, whether it be the Primary or the General Election in 1993, what happens if more people in Pennsylvania say no to that change than yes?

Senator RHOADES. Mr. President, then democracy, I guess, functions the way it is supposed to.

Senator LINCOLN. Mr. President, and this bill would never trigger in?

Senator RHOADES. Mr. President, yes, that would be correct.

Senator BELL. Mr. President, I thought the Supreme Court of Pennsylvania had seven members, justices, and that the American Civil Liberties Union did not determine the constitutionality of laws. If we are to stop, stand still in our tracks every time the American Civil Liberties Union says something is wrong, I do not know if we will get much done. But I see this trigger, as it is called, if it passes, as a message to the Supreme Court that this Senate feels this method is unconstitutional, the method we are following, the same method that PHEAA uses in giving grants for students to attend Catholic colleges.

Senator WILLIAMS. Mr. President, I rise to support the amendment. I think the gentleman who offers the amendment brings us square face to face with reality. I do not think the American Civil Liberties Union is the issue, and I do not think we ought to divert it as such. Personally, I think it is unconstitutional as well. I think that many, if not most, highly respected minds would think it would be unconstitutional, but that is not the issue. Common sense would tell us that for all these years and all these decades we have clearly operated under a system of order which, basically, was public schools, and respected that procedure and always denied the fact that we could do preferential, private offshoots of that. So our conduct as a state and as a Legislature has consistently for many, many, many years functioned in a public, not a private voucher segment, and the Constitution has spoken directly, as the gentleman says, to the issues at hand. It is almost patently clear and obvious to anyone who would look. At the least we have a very serious constitutional question, if not a question that is already resolved. In those circumstances, is that not right if we are going to change the fundamental way to deliver probably the most important service to children, education, that we would not give those people in our state the opportunity to speak on this constitutional question by a constitutional amendment. I think the gentleman has the only candid and objective approach to what is a serious political problem, a practical financial problem to a lot of non-public school systems which are doing a great job, especially in urban areas, and to see whether or not the people, after discussing this, are willing to take on this particular obligation. As has happened so often, and as the gentleman has spoken, we can point to a series of political laws in this very area that came back that were unconstitutional, cost a lot of money and went on to the next question. The gentleman says, not again, not again. It is kind of easy, I guess, to fool the public going on to another issue, but there comes a point in time where we as Legislators have to deliberate and to look at what is obviously before us, and there is nothing more precious to our system than what we have laid out for education. It says, do not touch it. It says, good, bad or indifferent today, but there is an obligation to educate children. The proposals before us speak on dislodging that. I have had promises that it will work okay, but it is obviously a threat to poorer children, to a lot of people. It is obviously a threat to the system we set up. It is a threat of dislodgement, and we cannot handle that in a political way strictly. We cannot handle that in a surface way strictly, and so I think the gentleman's amendment is the most sober approach to this question. Let us put it in the open. Are we ready for fundamental change? And if we are ready for fundamental change, let our public participate in that. Anyone who even suggests that there is not a serious constitutional question in this matter just is bereft of reason and common sense and does not know the facts.

Senator FATTAH. Mr. President, I just wanted to make a brief comment. One, the gentleman from Chester raised the issue of the PHEAA grants, and as a member of the PHEAA board, I would not want there to be any constitutional cloud

over our activities. I would point again to Article III of the Constitution and Section 29 thereof, which was read by the Majority Chairman of the Senate Committee on Education. It provides for exceptions to that for the purposes specifically of higher education grants, but it does hold that no appropriations for charitable or educational purposes should be provided for any person for educational purposes except for that exception. I would also remind the Members of this Chamber that the federal courts have handled the issue of support for Catholic higher education on a number of occasions, and the court has come to the determination, through many a precedent, that Catholic higher education, which is an education that in our country has not participated in discrimination, has upheld academic freedom, is deserving and it is fully within our constitutional abilities to provide support for those higher education institutions. The court has also found that adult students are much more able to delineate their own religious preferences and not fall victim to a religious indoctrination than elementary and secondary children, so they are two separate issues, and I think we should be very clear today not to muddle the waters here and to deal with the subject before us. We have all taken an oath to uphold the Pennsylvania Constitution. The Constitution is not vague on the subject of whether or not we can provide educational grants for religious or sectarian schools. It is very specific in a prohibition against that, and that is the issue that is raised here. I think that all of us, whether we are pro or con on this issue, should recognize it and should support this constitutional amendment, and, therefore, I rise to support the Rhoades amendment.

Senator BELL. Mr. President, I agree with the gentleman from Philadelphia. I have since checked the Constitution, but I think he also agrees that we should not take the constitutional law as that being interpreted by the American Civil Liberties Union.

Senator FATTAH. Mr. President, I would say that even though many of us have had cause to be concerned about the ACLU's activities when they support the Klan's right to march, and so on, we would have to also recognize this is an organization that on many occasions has fought for the right of Americans as expressed in our Constitution, notwithstanding our disagreements as individuals from time to time on the various sides of issues that they take.

Senator HART. Mr. President, I rise and ask for a negative vote on the amendment. The supporters of this constitutional amendment want us to focus solely on the plain language of Article III, Section 29 of the Pennsylvania Constitution, and if in deciding on whether the choice legislation is constitutional, if that was all we could go on, I would have to agree with them. But you cannot read the Constitution in a vacuum. The rhetoric of the amendment's supporters proves that if you torture the language of the Constitution enough, you can get it to say what you want it to say, but to do that in this instance you would have to ignore pages and pages of solid case law, legislative intent and reams of legislation that has been previously passed by this Body. It is true that as Pennsylvania Senators we cannot vote for legislation that we know to be

unconstitutional and still abide by our oath of office, but I can say in good conscience that the statute before us is not unconstitutional. It is constitutional. There is no reason in law to support amending the Constitution in this fashion. For more than half a century opinions of the State Attorney General and of our state courts have found that Article III, Section 29 is not to be read in the narrow, tortured fashion that supporters of this amendment claim is appropriate. His opinions are crystal clear. The Constitution contains no blanket prohibition against such appropriations, but prohibits only those appropriations that lack any public benefit or serve no legitimate governmental function. The last thing I want to do is allow this debate to get bogged down in legal minutiae. However, there have been a number of legal claims traded on both sides of this issue, but we have been provided with one brief that sums up the issue in clear and insightful fashion. In my mind it leaves no doubt on this question. The language in one case sums up these findings. Take, for instance, the case of *Basehore vs. Hampden Industrial Development Authority*, which was decided in 1968 by the Pennsylvania Supreme Court, in which they said, "If the legislative program is reasonably designed to combat a problem within the competence of the Legislature and if the public will benefit from the project, then the project is sufficiently public in nature to withstand constitutional challenge."

Another example is an Attorney General's opinion from 1963, which took its cue from an earlier Pennsylvania Supreme Court case. The issue at hand was support given for the health of children in parochial schools. The opinion said, "The protection and preservation of the health of school children is clearly a proper governmental function in the nature of public welfare legislation, whether the children attend public, private or parochial schools and the use of tax funds for this purpose cannot be successfully attacked on constitutional grounds." Certainly, even the most ardent supporters of this amendment would not claim that creating new opportunities in education would be totally lacking in public benefit. Not only is education a governmental duty, I would argue that it is a paramount governmental duty and strongly supporting our educational system, as the choice proposal does, benefits the public and furthers the legitimate governmental aim of providing a solid education to Pennsylvania's children.

But even if you were totally convinced, despite all the language of the courts to the contrary, that a constitutional amendment is needed to enact schools of choice, then you must be consistent. You must call into question dozens of payments, programs and services that this Commonwealth provides to individuals every day. The list is very long. It includes unemployment compensation. It includes medical assistance, foster care, payments for nursing home care, tuition for blind and visually handicapped students, care of neglected children, and the list goes on. Supporters of the constitutional amendment must, if they are to be legally consistent, call into question this Legislature's support for these and many other programs. But as the courts have said, these payments are constitutional because they further a legitimate con-

stitutional function, and the choice statute is no different. We as a legislative Body should not and must not look to constitutional amendments and their attendant guarantee of a referendum as shields for every controversial or complex issue which we face. If this debate today is allowed to set a precedent, then we will be paralyzed as a deliberative Body. We have been sent here to make the laws, not to create needless roadblocks in the face of meaningful reform. There is simply no reason in law to adopt this constitutional amendment, none. Given the clarity of court opinions and given the fact that this Legislature has in the past authorized similar payments to individuals in support for what are on their face charitable, benevolent or educational purposes, why are we seeking to plow new constitutional ground here today? Because the bill, if this needless amendment is defeated, challenges the educational status quo. It breaks new ground and it offers a bold new chance for improving education.

Passage of this amendment will delay these educational reforms for at least 18 or more months. While the wheels of our amendment process grind on, this needless delay means that we push off the chance for students and families to have a choice of picking the schools that they want. It means we again delay the chance for educational progress. It seems to me that the supporters of this needless amendment have taken the name "America 2000" too literally because, if they have their way, Pennsylvania may not see school choice until the year 2000, if at all.

Senator FATTAH. Mr. President, I think the previous speaker has missed the forest for the trees, and that is to say that it is obvious when we provide unemployment compensation, we do not do so because of anyone's religious beliefs, and we do not provide aid to families with dependent children or any of the other supports that we provide for the general welfare of the citizens of this Commonwealth having anything to do with their religious preferences. In fact, in spite of their religious preferences, we provide those types of support and relief, and that the distinction made here between one of the highly touted choice programs in our country, the Milwaukee Program, where in Milwaukee they exempted religious institutions in schools and said there could be choice between public and private institutions, they did not include in that proposal religious schools that mandate sectarian-based education. So there is a distinction, and that is why the constitutional prohibition is very, very relevant today as we debate this issue.

Senator LINCOLN. Mr. President, I am going to be a little more harsh than the gentleman from Philadelphia, Senator Fattah, was on the good Senator from Allegheny County. If she would have read the Constitution rather than just read something that her staff put together for her, she would see that everything that was listed in those remarks are exceptions in the Constitution. They are all covered. Every one of those things that she was concerned about us questioning the constitutionality of is covered in the Constitution as an exception. Plus, I believe that her training and background is legal, and I think that she should know that for her to presume that this will be a public benefit because it is her perspective and her

point of view is about as narrow as I have ever seen an attorney take on any position in all the years I have been involved in this business. For one thing and for real, the public good in this issue has to be determined at some point in time, not only by the courts but by the people that we represent, because if she believes that the 17 percent to 20 percent of the people may be affected in a positive manner by this particular amendment to this bill offered by the gentleman from Philadelphia, Senator Salvatore, then wait until she starts to hear from the 80 percent who are going to see the public good damaged because of the damage that is going to be done to Valley High School and North Allegheny High School, all of those public schools that we have the responsibility for taking care of. But none of the argument that was given against the constitutional question being raised in the amendment offered by the gentleman from Schuylkill, Senator Rhoades, makes any sense if you read the Constitution, and I think that Senator Rhoades was actually speaking in favor of individuals who have the point of view and are going to vote in the manner that the lady from Allegheny, Senator Hart, indicates she is going to do, and that is that this will shortcut the constitutional question because, even though the gentleman from Delaware, Senator Bell, has done what the Republican Party seems to do all the time when they throw things up in the air to deflect, the ACLU, Mr. President, is not the only group in this country, in this state, in this Legislature concerned about the constitutionality of this issue. I will give you a list of educational associations, school boards. Everybody involved in public education is concerned about this issue, and if it is not the ACLU, it will be someone, whether or not we pass this amendment, that is going to go to the Supreme Court and challenge the constitutionality of the Salvatore amendment. But, believe me, none of the other arguments used against this issue such as child welfare, AFDC payments, those things are exempted specifically in the Constitution, and, please, if you are going to stand and talk about it, read it.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the lady from Allegheny, Senator Hart.

The PRESIDENT. Will the lady from Allegheny, Senator Hart, permit herself to be interrogated?

Senator HART. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, does the Senator have a copy of the Pennsylvania Constitution with her?

Senator HART. Mr. President, I do.

Senator BRIGHTBILL. Mr. President, would the lady look at Section 15 of Article III, please. Would the lady indicate whether or not Section 15, Article III would permit any money raised for public schools to be appropriated or used for any parochial school?

Senator HART. Mr. President, yes, it does.

Senator BRIGHTBILL. Mr. President, you say it does permit that?

Senator HART. Mr. President, monies are not permitted to be appropriated directly to a parochial school.

Senator BRIGHTBILL. Mr. President, Is that the lady's position?



Senator HART. Mr. President, on its face, I would say that is what that section does say.

Senator BRIGHTBILL. Mr. President, I would ask the lady then to look at Section 29 of Article III. As I read Section 29 there are exceptions but the beginning of Section 29 reads that no appropriation shall be made for educational purposes to any person with exceptions. Is that the lady's reading of Section 29?

Senator HART. Mr. President, again, on its face, I say that is what the words so say, however, my argument is not only with the Constitution on its face, my argument deals with the way this Constitution has been interpreted by the Pennsylvania Supreme Court.

Senator BRIGHTBILL. Mr. President, is there any exception provided in the actual words of the Constitution which would encompass the provisions of Senate Bill No. 953?

Senator HART. Mr. President, again, to belabor the point, there is nothing specifically on its face which permits many appropriations such as unemployment compensation, welfare payments directly to individuals, in fact it specifically excludes individuals. However, case law interpreting this Constitution has permitted those.

Senator BRIGHTBILL. Mr. President, is it true that Senate Bill No. 953 makes an appropriation of \$900 per person or per parent?

Senator HART. Mr. President, yes, that is correct.

Senator BRIGHTBILL. Mr. President, I thank the lady.

Mr. President, there is another provision of the Pennsylvania Constitution which is Section 30, and I am not going to make the point of order now but it will come, and Section 30 provides that no appropriation shall be made to any educational institution not under the absolute control of the Commonwealth except by a vote of two-thirds of all Members elected to each House. So, we are going to have the issue as to whether or not there is a two-thirds vote required to make this appropriation, and that is going to be a real issue in the future. I would direct the Members' attention to the debate at this point in time, because what the parties here have done is they have written a bill, Senate Bill No. 953, that attempts to have it both ways and you cannot have it both ways.

Number one, in an attempt to avoid Section 30, they have written this bill to provide that grants shall be made in the form of checks paid to the parents and that is an attempt to avoid Section 30. However, they then find themselves in a dilemma where Section 29 of Article III provides very simply that no appropriation shall be made for educational purposes to any person. Mr. President, it is crystal clear that one way or the other, one reading or the other is absolutely correct under this Constitution. Does the other side agree that it takes a two-thirds vote? Are they going to stand up here when I make my motion and say, hey, we are willing to agree to a two-thirds vote, or are they going to try to have it both ways. My position, Mr. President, is that Section 29 is absolutely a problem. The fact that someone has a legal brief or a legal memorandum written by some lawyer someplace does not absolve the problem. I am sure arguments can be made on both sides, but

the clear, crystal reading of the provisions of the Constitution would indicate very simply we are here to make an appropriation for an educational purpose to a person.

The PRESIDENT. The Chair would hasten to remind all Members that we are dealing with the Rhoades amendment, and we would appreciate it if the Senate would refrain from debating the bill in its entirety. Let us deal with the amendment.

Senator FISHER. Mr. President, I rise in opposition to the Rhoades amendment. I think the debate we have had here this evening on the Rhoades amendment typifies the fact that this bill has contained within it at least one provision on which even among the lawyers who have taken a very close look at this, and I have seen two opinions so far and perhaps there are a couple more out there. At least I have had the opportunity to read both sides. I have one opinion from a firm that I know has been involved in Pennsylvania constitutional law extensively. But those lawyers differ, particularly on the constitutional question dealing with the voucher, the \$900 that would go to the parents of private school and parochial school students. But that issue, I submit to my colleagues, is an issue that, ultimately, in this Commonwealth is not going to be decided by us. It is going to be decided by the Pennsylvania Supreme Court. That is the way our Constitution is set up. Most certainly, passage of this legislation and its acceptance by the Governor is going to result in some litigation. I submit that litigation is going to take this case to the Pennsylvania Supreme Court. Perhaps, depending on what that decision is, it is going to take the case to the United States Supreme Court. That is how significant this issue is. But for us to try to predetermine really what the decision of this court is, I do not believe we are capable of doing that. I think the constitutional debate which we sometimes engage in, it is good, it is healthy, but it really is not definitive. It is not that kind of debate which is going to come out with a decision which is binding on the people of this Commonwealth. Our debate, however, on final passage on this or any other bill, of course, is binding. It leads to the passage of legislation if signed by the Governor. I have been involved in constitutional debates for many years on both the floor of the Senate and the floor of the House of Representatives. I can remember Bill Hutchinson, who was one of the leading Members in those debates, rose with frequency. Of course, his opinions have changed. The force of his opinions have changed since he moved on, not only to our Supreme Court, but now to the Third Circuit Court of Appeals. But the issue that we have before us, the Rhoades amendment, in tying this bill into the passage of a constitutional amendment really begs the question of whether or not the issue before us is, in fact, constitutional. I think, unfortunately, regardless of what side you are on in this debate, whether you are for this bill or whether you are opposed to this bill, I believe the proper way is to wait for the courts to decide, and if, in fact, the courts decide in the negative, those who are proponents of this legislation may, in fact, have to start anew with the procedure that has been recommended by the gentleman from Schuylkill, Senator Rhoades. But I do not

believe that based on the system we are governed under in this Commonwealth, we really should be starting on two tracks, one track saying here is what the law is going to be, and the other track saying we need a constitutional amendment to do it. That is the wrong way to go, trying to couple these two things together, which really is what the amendment before us tries to do, is the wrong thing to do. I would recommend that we reject the amendment and move forward with our debate and our vote on the bill, whatever your respective position is.

Senator WILLIAMS. Mr. President, the last speaker's comments were so nice and modulated and sounded so reasonable, let us just move on. I think he avoids the fundamental question. Of course, we have had these debates for years and we were wrong a lot of times. It is very costly to the citizens of the Commonwealth. Much of those failures were in this area. We are saying alert, alert, alert. Not many more times can we afford to just pass it along this way. It is clearly obvious from all the speakers who had the book, the Constitution, out that few, if any, no one would dispute the clear reading of the Constitution. No one has refuted that. We have heard, well, let us go by interpretation. I do not want to get into that, but any time you have a clear reading which says you cannot do this, you have a history of a lot of years of doing it another way, you are talking about a fundamental question. What issue deserves to go before a referendum? I mean, if you are going to have an issue at all, what would deserve that? No, the amendment by the Senator, I repeat, is a very reasonable, straight up meeting of this issue. I do not remember in all my years here ever seeing an issue that begged participation by the constituents, and each and every speaker who has spoken concerning concern for the Constitution has been an irrefutable statement of, here we are. So I just wanted to say finally that we cannot just say, well, let us just move it on in some smooth way as the gentleman suggests. It is about time that we counted the monumental, costly failures of failing to recognize that there is a time when we must face a constitutional question here.

Senator SALVATORE. Mr. President, I am not going to speak on the constitutionality. I think it has been covered, and if we had more lawyers in here we could probably be here all night talking about laws and interpretations of laws. What we are concerned with with this amendment is that this amendment will kill the bill for a lot of reasons. But most important, it affects the quality of education of our children, and we cannot wait three or four more years because if the constitutional amendment goes in after this trigger, then we are talking about a possible 1994 before we can act on this constitutional question. It might be on the ballot in 1994 when a lot of people are running for office. I do not think a lot of people would like to see that. But, more importantly, even after that is settled, and say that we vote that it is constitutional, then it still will be challenged in court. What we are doing, Mr. President, is delaying this thing four or five years out, possibly six years, when we can do it in three years. We can ill afford to have this happen to the educational system of our state.

Senator FATTAH. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

The PRESIDENT. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator FATTAH. Mr. President, as a Member of this Chamber, I, like you, took an oath of office, and as part of that oath, as I recall, it was to uphold the Constitution. Would the gentleman's recollection be the same?

Senator FISHER. Mr. President, yes.

Senator FATTAH. Mr. President, so the gentleman just suggested in his remarks on the floor that we should essentially, as far as I could follow, ignore the written word in the Constitution and just do what we think because the courts would determine what was constitutional or not. Can the gentleman reconcile those two things to uphold the Constitution in his statement on the floor just a few minutes ago?

Senator FISHER. Mr. President, I indicated that at this stage of the proceedings, which as I understand it is a vote on Senator Rhoades' amendment, to tie this bill into another bill which is a constitutional amendment, and at this stage of the proceedings an affirmative vote for that bill would be a determination by us that, in fact, some part of the legislation was, in fact, not constitutional.

Senator FATTAH. Mr. President, is the gentleman saying that his statements earlier, that is the essence of all it is that he was saying? Let me attempt to get to the heart of my question. Mr. President, the gentleman is not suggesting to this Chamber that we should ignore the Constitution as we frame legislation for purposes of promoting the general welfare to citizens of the Commonwealth, is he?

Senator FISHER. Mr. President, I am not suggesting that. I am saying, however, that by voting on this amendment a vote on this amendment would, in fact, if it is an affirmative vote, if the amendment carried, would, in fact, be de facto, a decision that at least some part of the bill which is before us was unconstitutional and that you needed to amend the Constitution to pass that or at least to get it into law.

Senator FATTAH. Mr. President, I recall his statements on the floor of the Senate and perhaps we can have them reread to us that he was suggesting that we should not worry about interpreting the Constitution because the courts would do so. The purposes of our Rules that allow constitutional questions to be raised on the floor and the purposes of our ability given to us in the Constitution to amend the Constitution is obviously there for us to look at, first of all, as something that is constitutional. Secondly, when we find that it may not be, to create a circumstance in law for us to change the Constitution, and that is why for the history of the Pennsylvania Legislature we have used the process of constitutional amendments to bring before the voters of the Commonwealth changes as we saw fit in the Constitution through that mechanism. So, he does believe, Mr. President, that we have a responsibility to uphold the Constitution as it is written?

Senator FISHER. Mr. President, I would answer that question in the affirmative. However, I do not believe that what



we have before us is a properly raised constitutional question on this bill but rather an amendment which would seek to couple or trigger this bill into a separate constitutional question, and I argued that, in fact, that is an inappropriate way to handle this matter and, in fact, is an inappropriate way. I have not heard, except for, I think, Senator Brightbill, anybody specifically debate the constitutional parameters of the issues that are in front of us.

Senator FATTAH. Mr. President, I thought that Senator Brightbill's comments were fairly cogent on that subject.

Senator FISHER. Mr. President, I said except for Senator Brightbill.

Senator FATTAH. Mr. President, I think Senator Rhoades also raised on the floor two separate sections of the Constitution that gave rise to his amendment which would create the appropriate constitutional climate for the educational opportunities program to go forward. And so, Mr. President, I will end my interrogation, but I would also caution all of the Members of this Chamber that we did take an oath of office, that we do have a responsibility, notwithstanding our whims at the moment, to fully within our responsibilities here in the Senate to uphold this Constitution, and there are several sections that have been raised today that I think would give rise to any reasonable person that the proposal before us does deserve some constitutional scrutiny.

Senator LINCOLN. Mr. President, very briefly, I think after listening to the debate, it is very clear to me that there is a question about the constitutionality of the Salvatore amendment. I think that everyone who has spoken on this anticipates that some form of constitutional challenge will be raised in the courts. I think we have narrowed it down now to where the supporters of the Salvatore amendment, as it is incorporated in Senate Bill No. 953, are very clear that they do not want anything to go before the people of this Commonwealth for any determination. That is, if you vote "no" on this amendment, you are saying that we are willing to take our chances and allow this to go to court and let the seven Supreme Court justices here, and potentially the nine Supreme Court justices on the national level, determine the issue. Although the gentleman from Philadelphia, Senator Salvatore, talked about that being quicker, my experience with it is that it could be a very long process and much longer than the constitutional amendment process. I also believe that if you vote "yes" on this amendment that you are saying that we really ought to give the people of this Commonwealth the opportunity, after full debate and after having the issue put before the General Assembly on two different occasions and then on the ballot for some period of time in excess of 90 days, there would be a debate on this across this Commonwealth. That determination then would be made, I think, and give clear determination to this issue as to whether the people of the Commonwealth truly support educational choice or not. That is why I believe we should very clearly and very strongly support the amendment of the gentleman from Schuylkill, Senator Rhoades, so that the people of this Commonwealth would have the opportunity to say whether they

believe this is a way they want the Constitution of this Commonwealth to read and not leave that solely up to seven justices to determine that somewhere in a court that very few people will be aware of.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Fumo is back from leave and will be recorded as such.

And the question recurring,  
Will the Senate agree to the amendment?

Senator FUMO. Mr. President, I rise to oppose the amendment, and I cannot believe what I am hearing on the floor tonight about constitutionality. I have been here when we have passed some of the most horrendous bills known to man, and the only basis of constitutionality was a ruling from the Chair. Now we waste an hour of discussion on whether or not this should be a constitutional amendment as opposed to a statute, and I fully suspect that the people advocating the constitutional amendment really just want to kill the bill. Mr. President, we are not going to be able to kill this bill. We know it. We all know it. Let us get on with the business of the Senate. Let us pass the bill, forget this amendment. Ultimately it will be tested. If the Supreme Court rules it is unconstitutional, I have no doubt that the proponents of this cause will be back again then asking for a constitutional amendment. Mr. President, the people who want this type of legislation surely have thought about it and are surely willing to run the risk of a Supreme Court challenge. Mr. President, let us move forward. Let us vote down this amendment and let us get to the crux of the issue as to whether or not we want this program in Pennsylvania or not.

Senator RHOADES. Mr. President, it is not the intent to kill this bill. It is trying to get something done deliberately, directly and to the point. Consider these three things as you cast your vote on this.

Number one, what you are studying or proposing or reacting to was a philosophical difference of such magnitude that it requires a change in the Constitution.

Secondly, what is its effect on education, not only at the public sector, but at the private sector? No one has any confirmed results of saying this is good, this is bad. Initial results have not spelled anything out.

The third thing, because we got accused of stonewalling this in the committee, it came in April 29th, does somebody remember something about a budget in here through the spring and the summer and the fall? Does somebody remember about tax votes and about \$2.8 billion in taxes? The bottom line on this is \$309,600,000 right now without any transfers between public to public. So you have a choice. You can either raise it or else you can take it off your local districts and let them raise their taxes there. Look beyond your nose. Know what you are doing, and if you want something this philosophically profound, fine. Then give the people who through the Constitution have enfranchised us the opportunity to determine the course to go.

Senator LINCOLN. Mr. President, my dear friend from Philadelphia spoke to this issue, and I am not sure if he could have possibly been listening to this whole debate because I have been part of it now for quite some time and at no time did I indicate my desire to see this issue killed by this amendment. In fact, to be quite honest with you, I am going to vote for the amendment, and I think it is a fair way to handle it. But I really hope the amendment fails because I personally believe that the courts will take a much longer time to determine this issue, and I believe the courts will probably, based on what the Constitution says, come back and say to us that it is unconstitutional, on which there has been no debate whatsoever. I have heard no one stand up to the microphone and say what we have done in the Salvatore amendment is constitutional. It has been clearly determined, even with us in this Body, some of us being non-attorneys, that there is no question that the Salvatore amendment is unconstitutional. How you determine that, I do not really care. I do not care if the Supreme Court does it or if we do it by referendum, but I think Senator Rhoades in the beginning of his debate said he was really trying to shortcut the process. I, personally, do not care how long it takes because I am not going to vote for this on final passage. If there is only one negative vote, and if I get my calls from the Cardinal and Bishop and everybody else that has been doing their lobbying in this issue, I do not care who calls me. It is a bad piece of legislation. I do not care if God says it is good.

Senator FUMO. Mr. President, I have not been called by the Cardinal. I suspect it is because I am pro-choice on abortion, but, with regard to the amendment, I think those people who are advocating this as a way to get around a constitutional case before our Supreme Court are very naive. I remember in this General Assembly when we passed, I believe it was, Senate Bill No. 1 which dealt with the Constitution, it dealt with the manner in which the courts have to take care of themselves, and the courts struck it down. I also remember, Mr. President, having had a conversation one time with the Chief Justice who was not worried about constitutional amendments because the Supreme Court, according to him—and I fully suspect he speaks for his brethren—is the last determination as to whether or not a constitutional amendment is, in fact, constitutional. Mr. President, if anyone thinks by making this into a constitutional amendment they are going to ward off a court challenge in this state, they are crazy. This Supreme Court has the power to determine whether or not even a constitutional amendment is constitutional. It has the power to determine what the amendment says, and by the very virtue of that power, anything this controversial will be challenged. So, let us short circuit the process and get on with it, Mr. President. Let us live in the real world. As to the budget, Mr. President, and as to the cost of the bill, I fully intend to vote for any taxes necessary to pay for it. I would hope that others who support this concept as vigorously would also not be afraid to put up their tax votes when it comes time to pay for the bill.

## POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, we have been debating extensively an amendment before this Body. I have noticed there have been several speakers that have spoken more than one or two times on the issue, and I would just remind the Chair as to what his ruling may be as far as how many times a Member may speak on an amendment before this Body.

The PRESIDENT. The Chair would remind all Members that the general rule is to allow each Member to speak twice on an issue and then for a third time only without objection from the Body. However, it is also the Chair's practice to allow leeway until the situation reaches a level of tedium. Now, whether we are at that point or not is a matter of conjecture.

The Chair recognizes the gentleman from Philadelphia, Senator Williams, if there is no objection.

Senator BELL. Mr. President, I object.

The PRESIDENT. Your comments would be out of order.

Senator BRIGHTBILL. Mr. President, I will be brief. Regarding the comment of the gentleman from Philadelphia, Senator Fumo, about the need for taxes and the willingness to vote for the taxes necessary to pay for this bill, I would only say, Amen, brother.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator RHOADES and were as follows, viz:

### YEAS—21

Afflerbach	Greenwood	Lincoln	Reibman
Baker	Jones	Madigan	Rhoades
Brightbill	LaValle	Mellow	Schwartz
Corman	Lemmond	Porterfield	Stout
Fattah	Lewis	Punt	Williams
Greenleaf			

### NAYS—29

Andrezeski	Fumo	Lynch	Scanlon
Armstrong	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bell	Holl	Pecora	Stapleton
Bodack	Hopper	Peterson	Stewart
Bortner	Jubelirer	Robbins	Tilghman
Dawida	Loeper	Salvatore	Wenger
Fisher			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

## PERSONAL PRIVILEGE

Senator LINCOLN. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper, on the schedule.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator LINCOLN. Mr. President, there are a number of amendments yet to be offered to this bill. Is it the gentleman's plan to take the amendments and then have the bill printed with the one amendment that I believe is in it at this point and any further amendments that may be accepted and then vote this tonight or tomorrow, or when?

Senator LOEPER. Mr. President, it is my intent that we will continue the amendment process this evening, dispose with all amendments that would be offered to the bill. Overnight, the bill would be reprinted. We would reconvene at 11:00 o'clock tomorrow morning in regular Session and vote the bill on final passage at that time as amended by way of any action taken this evening.

Senator LINCOLN. Mr. President, does the gentleman plan on dealing with Senate Bill No. 953 in its amended version immediately on taking up Session at 11:00 o'clock in the morning?

Senator LOEPER. Mr. President, the gentleman is correct.

Senator LINCOLN. Mr. President, there will be no further caucuses?

Senator LOEPER. Mr. President, that is my intent.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### REIBMAN AMENDMENT I

Senator REIBMAN, by unanimous consent, offered the following amendment No. A3100:

Amend Sec. 1 (Sec. 1310.1), page 2, line 26, by inserting after "SCHOOL.": The term does not include any public or nonprofit nonpublic elementary or secondary school that does not agree to make available to the Auditor General and to the Secretary of Education an annual audit prepared by an independent auditor in accordance with accepted accounting procedures or that does not agree to permit the Auditor General to conduct an audit, as now required of the public schools of this Commonwealth.

On the question,

Will the Senate agree to the amendment?

Senator REIBMAN. Mr. President, this amendment excludes from the definition of school any public or nonprofit nonpublic elementary or secondary school which will not agree to make available to the Auditor General or to the Secretary of Education an annual audit prepared by an independent auditor in accordance with accepted accounting procedures or that will not agree to permit the Auditor General to conduct an audit as now required of public schools in the Commonwealth. Mr. President, I ask support for this amendment because we will be asking, if this bill should pass, the people of Pennsylvania to submit to a tax increase that in the initial cost will be over \$305 million, perhaps rising to \$1.6

billion. The least we can do, if there are public funds being used for school purposes, then the voters of Pennsylvania, the taxpayers of Pennsylvania, are entitled to an audit similar to those provided for the public school system. I ask for support for this amendment.

Senator SALVATORE. Mr. President, I oppose the amendment. I just feel we have enough bureaucracy, and we do not need the bureaucracy of bureaucrats auditing our nonpublic schools and the private schools.

Senator REIBMAN. Mr. President, we are not creating any new bureaucracy. We already have in place an Auditor General. We also have in place an auditing provision, and it would seem to me that when we are dealing with public money, the public has a right to know whether their money is being spent for educational purposes or not.

And the question recurring,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator STEWART. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator SHAFFER. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were required by Senator REIBMAN and were as follows, viz:

#### YEAS—25

Afflerbach	Greenwood	Madigan	Schwartz
Armstrong	Jones	Mellow	Shumaker
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Corman	Lemmond	Reibman	Williams
Fattah	Lewis	Rhoades	
Greenleaf	Lincoln		

#### NAYS—25

Andrezeski	Fumo	Lynch	Salvatore
Baker	Hart	Musto	Scanlon
Belan	Helfrick	O'Pake	Shaffer
Bell	Holl	Pecora	Stapleton
Bodack	Hopper	Peterson	Tilghman
Dawida	Loeper	Robbins	Wenger
Fisher			

The PRESIDENT. The Chair exercises its constitutional prerogative to vote and will vote "aye." Therefore, the official vote is as follows:

#### YEAS—26

Afflerbach	Greenwood	Madigan	Schwartz
Armstrong	Jones	Mellow	Shumaker
Bortner	Jubelirer	Porterfield	Stewart
Brightbill	LaValle	Punt	Stout
Corman	Lemmond	Reibman	Williams
Fattah	Lewis	Rhoades	The President
Greenleaf	Lincoln		

#### NAYS—25

Andrezeski	Fumo	Lynch	Salvatore
Baker	Hart	Musto	Scanlon
Belan	Helfrick	O'Pake	Shaffer
Bell	Holl	Pecora	Stapleton
Bodack	Hopper	Peterson	Tilghman
Dawida	Loeper	Robbins	Wenger

Fisher

A majority of the Senators having voted "aye," the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### REIBMAN AMENDMENT II

Senator REIBMAN, by unanimous consent, offered the following amendment No. A3094:

Amend Sec. 1 (Sec. 1310.1), page 2, line 26, by inserting after "SCHOOL.": The term does not include any public or nonprofit nonpublic elementary or secondary school which does not agree to provide for due process procedures, no less than those procedures constitutionally required of the public schools, for pupils before expulsion of pupils from the school.

On the question,

Will the Senate agree to the amendment?

Senator REIBMAN. Mr. President, I am amending the bill, Section 1, Page 2, line 26, by inserting after "school," "The term does not include any public or nonprofit nonpublic elementary or secondary school which does not agree to provide for due process procedures, no less than those procedures constitutionally required of the public schools, for pupils before expulsion of pupils from the school." This amendment would guarantee due process for the students, constitutionally required, as required in the public school system to all children. The Constitution's doors do not close upon children. I ask for your support of this amendment.

Senator SALVATORE. Mr. President, I desire to interrogate the lady from Northampton, Senator Reibman.

The PRESIDENT. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?

Senator REIBMAN. I will, Mr. President.

Senator SALVATORE. Mr. President, would the lady explain what due process procedures are for students?

Senator REIBMAN. Mr. President, due process means a hearing, an opportunity for parents to be heard as to why their student or why their youngster might be expelled, whether all of the constitutional guarantees are permitted. That is what due process is.

Senator SALVATORE. Mr. President, I ask for a "no" vote on the amendment.

Senator FUMO. Mr. President, I think this issue requires more than just a request for a "no" vote. I happen to disagree with the gentle lady because I think that constitutionally people always have their civil rights and their constitutional guarantees whether they are in a public school or a nonpublic school. What this amendment is attempting to do is to go further than the constitutional guarantees and impose on these institutions other guarantees that we have decided to do in the public schools. Mr. President, I am shocked that the last amendment passed because I think that there, too, we are missing the point. Mr. President, this is aid to the families. This is not a direct contribution to the institution. I am shocked that we want to go in and audit the books of institu-

tions that receive monies from the citizens just because it came from the Commonwealth. I wonder, too, if we would be able to go in and audit a used car company, for example, if a citizen bought a car with a check from a tax refund. Mr. President, this is going too far afield. What we are talking about here is aid to parents. These children in these schools will not be impaired. Their civil rights will not be denied. The door is not shut on constitutional guarantees, but what the door may be shut on, Mr. President, is some of the stuff that we tell our public schools to do that maybe we ought to reassess. Mr. President, I taught in the Catholic school system for five years and one of the biggest advantages that I saw in that system was discipline. Mr. President, as a Catholic school teacher, I worked for almost half the salary that public school teachers worked for and I was very happy to see them compensated the way they were because they deserved it because of the aggravation they had to put up with.

Mr. President, what we are attempting to do here, possibly, and through the series of amendments that were spoken about earlier, in caucus anyway, is to try and make all the private schools in Pennsylvania be saddled with all the problems of the public schools in Pennsylvania so that maybe we can equalize education across the lines and make it all lousy. Part of the reason why parents send their children to these schools is not because of a religious belief, but because of a desire to have those children receive a good education. Mr. President, the facts speak for themselves. Education in this country is a disgrace, not just in Pennsylvania. We are not educating kids for the jobs of the next century. Business is complaining like crazy because it has to teach new people and new employees remedial reading.

#### POINT OF ORDER

Senator REIBMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The lady from Northampton, Senator Reibman, will state it.

Senator REIBMAN. Mr. President, I think that the previous speaker has gone far afield. It seems to me that the remarks he wants to make with respect to the quality of education are more properly reserved for another time because we can answer a lot of the arguments that he is raising with respect to the quality of education. What this amendment does is to protect youngsters from not having a hearing within the school administration, that they can willy-nilly be expelled from a school if they are disruptive or if they look crooked at the teacher, and that is the purpose of this amendment.

The PRESIDENT. If the lady will yield for just a second, the Chair understands and the Chair also understands that her point has been made and finds the point to be in order and would simply suggest to the gentleman that he would confine his remarks to the amendment.

Senator FUMO. Mr. President, I will. I submit if we are really worried about the rights of children, we should be worried about the right to make a living. We should be worried about their right to learn to read and write in America. Mr. President, I know of no private institution that

does not have a handbook clearly setting forth its guidelines and clearly setting forth its appeal processes when a child is subject to expulsion. If the gentle lady can tell me of such an institution that has no guidelines, but just willy-nilly, as she says, expels children at whim and that that has been sustained in our court system, I would be more than happy to entertain this amendment, but she cannot point to one example. Mr. President, there is no need for this amendment and it seems we are hiding behind and trying to hide behind the Constitution and worried about the rights of students and children. Mr. President, the rights of the children in these institutions are clearly protected by the Civil Rights Act on the federal level and also by our civil rights statutes on the local level as well as our Constitution. A child does not lose his or her constitutional rights the day they enter a private institution of learning. They do not lose that right, Mr. President. This amendment is therefore frivolous and I regret that my colleague has to use the argument that this is necessary to protect their constitutional rights. It is not, Mr. President. This is another attempt to water down the bill, to stall the bill, to stop the bill, to try to make the bill so obnoxious that it does not go anywhere.

Senator SALVATORE. Mr. President, to follow up on what my colleague from Philadelphia has just said, we do not audit transportation for nonpublic schools. We do not audit the books and supplies, auxiliary services and equipment. There are functions now that we do not audit. Now all of a sudden we are going to audit everything. It just seems like this is another attempt to defeat this bill and, more than that, it defeats education again in the State of Pennsylvania.

Senator REIBMAN. Mr. President, with respect to the last speaker, this amendment has nothing whatsoever to do with auditing. We have already voted for that amendment to provide safety for the taxpayer's money to see how it is being spent. This amendment guarantees due process procedure so that a child is guaranteed the constitutional due process privileges and rights, which my colleague, the gentleman from Philadelphia, Senator Fumo, has mentioned is already there. If it is already there, then what is the harm in making sure that it is a guarantee in this amendment? I do not see any harm whatsoever in using this amendment to underscore the fact that students have rights, that they cannot be expelled for disciplinary purposes, or for whatever reason, unless the parents are provided a hearing, and there is a time for the hearing so that these guarantees, which my colleague, Senator Fumo, has said are already there, are certainly implemented and followed. I am in support for the amendment.

Senator FUMO. Mr. President, this amendment goes further than constitutional guarantees. That is the argument. These students already have their constitutional guarantees. This amendment is not redundant. This amendment, rather, takes those guarantees and so-called rights and extends them into an area that is not currently guaranteed by the private school children. It is in public schools because that is what we adopted to do. Mr. President, there are a thousand rules in public schools that most people would say do not work. I

remember standing here once when the gentleman from Lancaster, Senator Armstrong, wanted to do away with prevailing wages for school construction, something that made sense all over the place except for the labor unions that build the schools that do not want it. Now in the public domain you can do that.

#### POINT OF ORDER

Senator REIBMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The lady from Northampton, Senator Reibman, will state it.

Senator REIBMAN. Mr. President, I do not see anything remotely resembling wages in this amendment.

The PRESIDENT. The Chair understands. The gentle lady's point is well taken. The gentleman has completed his remarks.

Senator LINCOLN. Mr. President, the amendment, I think, addresses not just the issue of due process for students in public or nonpublic schools, but I think the amendment addresses the issue of what is wrong with the Salvatore amendment as it has been put in Senate Bill No. 953, and that is that it is completely and blatantly unfair to stand and compare an educational system that has no rules and no guidelines—did not even have an auditing procedure until ten minutes ago—and that is the argument and that is why the amendment is offered, not just so that we can make this bill something that cannot pass. I do not believe that anybody in this room would want to put into our educational system something that does not work. I cannot stand here and debate all night long, but I am willing to try that on the fact that our educational system is not quite as bad as some of the naysayers are going to stand up here and say, and if they do, I can assure you that we could go into the committee of the gentleman from Schuylkill, Senator Rhoades, and find a hell of a lot of bills and legislation that would take away from our public school systems a lot of the silly stupidity that the gentleman from Philadelphia, Senator Fumo, wants to allude to in debating against this amendment. This amendment does nothing but give the nonpublic schools that we are going to give taxpayers' dollars to the right to have the same type of education, nothing more, nothing less.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator REIBMAN and were as follows, viz:

#### YEAS—16

Afflerbach	Jones	Madigan	Rhoades
Brightbill	LaValle	Mellow	Schwartz
Corman	Lemmond	Porterfield	Shumaker
Fattah	Lincoln	Reibman	Williams

#### NAYS—34

Andrezeski	Fumo	Loeper	Salvatore
Armstrong	Greenleaf	Lynch	Scanlon
Baker	Greenwood	Musto	Shaffer
Belan	Hart	O'Pake	Stapleton
Bell	Helfrick	Pecora	Stewart
Bodack	Holl	Peterson	Stout



Bortner  
Dawida  
Fisher

Hopper  
Jubelirer  
Lewis

Punt  
Robbins

Tilghman  
Wenger

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

### REIBMAN AMENDMENT III

Senator REIBMAN, by unanimous consent, offered the following amendment No. A3104:

Amend Sec. 1 (Sec. 1310.1), page 4, line 13, by inserting after "STUDENT.": However, no grant may be made to any parents of eligible students who would not be eligible for grants from the Pennsylvania Higher Education Assistance Agency under the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act.

On the question,

Will the Senate agree to the amendment?

Senator REIBMAN. Mr. President, this amendment would insert after "student" that no grant could be made to any parent of eligible students who would not be eligible for grants under the Pennsylvania Higher Education Assistance Agency. Under Senate Bill No. 953, over \$305,000,000 at the outset will be going in the form of \$900 vouchers to people of very high income. This amendment would assure that the money would be used for those poor students from poor families who, perhaps, we are not serving as well as we should in our public school system. If Senate Bill No. 953 should pass, then they should have the opportunity to have the vouchers applied to them, to the poor, lower-income students, rather than to those rich students who are already enrolled in nonpublic schools whose families are already paying the tuition in accordance with their choice and right to do so under our system. I would ask for support for this. It is a reasonable amendment. It will assure that the money will go to those poor people, poor students from poor families who you think would benefit from a nonpublic school.

Senator SALVATORE. Mr. President, I cannot believe that the Senator from Northampton is going to offer this amendment. You know, we are supposed to be the party of the rich, and here we are going to deprive the middle class, the people who pay the taxes in Pennsylvania, the people who are concerned about an education, we are going to deprive them of a tuition of \$900 or a voucher. The people who we are trying to help most, the people who never get anything. They cannot get student assistance. They cannot get any grants because they make over \$25,000 or \$30,000 a year. If you call \$35,000, \$40,000, \$45,000, \$50,000, \$55,000 or \$60,000 or \$65,000 or \$70,000 rich, they are not rich. Two people working to make ends meet, making \$60,000 to \$65,000 and by the time they are through paying their bills, they cannot afford to pay any tuitions, and we are going to say to these people, you are not allowed again, but you pay your taxes. You keep paying your taxes middle America, but we are not

going to give you any breaks. We are going to tell you that you have to have your kids go to school and provide all the monies and we have in place already for the poor in the inner cities the nonpublic schools in Philadelphia. The parochial school system in Philadelphia provides education for the inner city kids right now, and they are trying to help the inner city kids and the poor at no expense to them. Do you know why? Do you know why the kids attend there? Because they are getting an education, and I guess the quote would be, "A miseducated child is a child lost," and that was stated by one of the great presidents, John F. Kennedy.

Senator LINCOLN. Mr. President, first, I think we ought to clarify a little bit what that PHEAA eligibility means. It is not \$9,000 a year, and I have not seen the computation recently, but memory serves me that the adjusted gross income of a family would be somewhere in the neighborhood of \$37,000 a year and you would still be eligible for a grant. So we are not talking about the people who live in my district where the average salary, the mean salary, is \$13,000 a year. I am not lucky enough to represent a district like the gentleman from Philadelphia, Senator Salvatore, where they have \$50,000, \$60,000 and \$70,000 a year average incomes. If that is the case, I cannot understand why he is bleeding so much for this bill. I mean, I could see me standing here with the very low income families who I represent arguing for a \$900 grant, but the trouble is, none of that money, the \$900 grants, is going to go to families who really need it throughout Pennsylvania. Eighty percent of it is going to go to Philadelphia, Delaware and Montgomery Counties, down in the southeast. Everybody in this room who is voting for all of these wonderful things that Senator Salvatore is talking about is voting to give 80 percent of their \$307 million of taxpayers' dollars to one area, but they would not be excluded. In fact, many of those \$40,000 and \$50,000 a year, after they have adjusted it down, income families in Senator Salvatore's district would be eligible because the one thing, if you have noticed, the amendment does not say a PHEAA grant for how much. You can get as little as \$50 or \$100 in a PHEAA grant, and you can get as high as \$1,300 or \$1,400, or whatever our maximum is. That amendment covers a multitude of ranges of income, and if you vote against this amendment, then you are very clearly and very arrogantly saying to the taxpayers of this Commonwealth, we really do not care about fairness. We really do not care about education. We really do not care about any of those things that this Commonwealth has been founded on. We are interested in only helping a very narrow, narrow, narrow group of people who have lobbied, lobbied, lobbied very hard for this piece of legislation. That is what this vote on this amendment is all about.

Senator FATTAH. Mr. President, for purposes of clarifying, the gentleman from Philadelphia, Senator Salvatore, indicated that the parochial schools and private schools in that city are providing an education to poor inner-city kids at no cost to those children. That is not the case and I think that he obviously misspoke, but there is no such occurrence taking place in the City of Philadelphia. All of those families who do



benefit through education in private and parochial schools pay a tuition which I think is the subject of why we are involved in this debate. But, nonetheless, let me move to the heart of this issue. If we are going to provide a \$900 stipend to families, some of which make over \$200,000 and \$300,000 a year and provide the same \$900 stipend for families, unfortunately, too many of whom are below the poverty line in this state, that does not seem to be an appropriate, equitable way to try to provide enhanced opportunities to those families. I think the amendment of the lady from Northampton, Senator Reibman, which attempts to provide a means test for purposes of this \$900 stipend so as to not overburden taxpayers who are going to have to meet this \$300 million bill coming very soon to their doorsteps, will provide at least some equitable distribution so the taxpayers know that we are focusing this effort on families who really need this help.

Senator TILGHMAN. Mr. President, I am not going to bring up the question of germaneness, but I do not think this amendment has anything to do with this bill. As I understand and I know the lady knows, the PHEAA program is for higher education and so stated in the Constitution. The whole PHEAA program and the computer formula, or whatever is in the computers, is towards the cost of college education. It is based on the cost of the college at the University of California or Indiana, or wherever they are going, of the Pennsylvania residents going to college. It has nothing to do with the cost of basic or elementary schools, and how you can put that formula in place for basic or elementary education, I have not the foggiest idea. I think it is unbelievable that it is even being considered or discussed.

Senator HART. Mr. President, I desire to interrogate the lady from Northampton, Senator Reibman.

The PRESIDENT. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?

Senator REIBMAN. I will, Mr. President.

Senator HART. Mr. President, does the lady have any statistics as to the income level for a family of four that would allow someone to get a grant of this fashion?

Senator REIBMAN. Mr. President, I do not, but there are statistics and we certainly can provide them to the lady from Allegheny with respect to statistics for a family of four and poverty level people. Mr. President, for the lady's edification, all this amendment does is to assure that taxpayers' money is not going to affluent people who might be sending their children to the nonpublic schools that are so expensive in tuition.

Senator HART. Mr. President, I would like to ask the lady for a definition of what would be considered affluent under this?

Senator REIBMAN. Mr. President, I think there is a general recognition that affluent are incomes around \$100,000, perhaps between \$75,000 and \$100,000, depending upon the number of people in the family.

Senator HART. Mr. President, I would also like to ask the lady if this amendment is not much more limiting than to refuse a grant to those who make \$100,000 a year?

Senator REIBMAN. Mr. President, what this amendment does is to use the income level that is used by the Pennsylvania Higher Education Assistance Agency. If they fall within a certain income level, then they do not receive a PHEAA grant, and what we are saying under this amendment is that if they fall within that same income level, they would not be eligible for the tuition of \$900. It is a fair amendment. It is based really on an ability to spend or an ability to pay is what it is.

Senator HART. Mr. President, the distinction made, I would caution the lady, it appears to be much more limiting, especially in view that we are considering a grant to parents of younger students and those who do not even have the ability to get a job and raise the money for tuition for themselves as a PHEAA grantee would be able to do. Therefore, I think this amendment is somewhat limiting.

Senator SHAFFER. I desire to interrogate the lady from Northampton, Senator Reibman.

The PRESIDENT. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?

Senator REIBMAN. I will, Mr. President.

Senator SHAFFER. Mr. President, I would like to continue that line of reasoning. I certainly do not want to be recorded as supporting the use of taxpayers' dollars for what otherwise would be wealthy individuals, whatever that means, and I do not think anyone else in this Chamber does either, but I really do not understand from the remarks I have heard so far from the maker of the amendment as to just by income, who are the people who will be included or excluded by this amendment. Can the lady tell me, did she specifically intend to use the word grant instead of loan?

Senator REIBMAN. Mr. President, yes. We give grants under the Pennsylvania Higher Education Assistance Agency as well as loans, and this is a grant. A tuition voucher is a grant.

Senator SHAFFER. Mr. President, it is my understanding then, is this correct, that even individuals who under the PHEAA program might be eligible for PHEAA loans would be excluded from participation under the lady's amendment?

Senator REIBMAN. Mr. President, if their income is such that they do not qualify for grants under the Pennsylvania Higher Education Assistance Agency, then they can get loans, and we have that program for people in middle income and higher income levels.

Senator SHAFFER. Mr. President, it is my recollection that virtually no middle-class Pennsylvanian qualifies for a grant under the Pennsylvania Higher Education Assistance Act. They do qualify, it is my recollection, in many cases for loans. Therefore, I am trying to assure myself that the lady's amendment would not seriously limit this program to only destitute individuals, and I need some assurance from the lady that this program, her amendment, would allow what I will variously refer to as middle-class working families to participate. I need some assurance that her amendment would not exclude middle class working parents from this bill.

Senator REIBMAN. Mr. President, I do not think that we should use taxpayers' money to help them pay high tuitions.

For example, one of my sons went to Mercersburg Academy in the last two years of his high school for various reasons, because they had small classes, ten students to a teacher. The tuition at that time was \$3,000 a year. I do not believe that the general taxpayer should have helped me pay for the tuition of my son to go to Mercersburg Academy when the public schools were there, open for everyone of every income level, a common ground for every diversity, cultural diversity, every religion, every creed, every color to meet on a common ground, which is the democratic way. No way should I have asked or expected the general taxpayer to help me pay that tuition, and that is what this amendment is all about.

Senator SHAFFER. Mr. President, I had some initial interest in this amendment that was proposed by Senator Reibman in that, as I stated before, nobody has much interest here, if any interest, in helping rich people with hundreds of thousands of dollars worth of income send their kids to Fox Chapel or Mercyhurst, or any other private schools. Nobody has that intent for this legislation. However, it appears to me, Mr. President, that by limiting the scope of this legislation to those people who would qualify for PHEAA grants, what the lady is attempting to do, or at least by omission or commission she is insuring that no middle class will be able to participate in this program. The only people who qualify for grants, g-r-a-n-t-s, that are not paid back, are the very, very poorest among us. Most families, Mr. President, are included in the PHEAA loan program. Let the Members understand that even though you may qualify for a loan under PHEAA, as many middle-class parents do, under the lady's amendment you would receive nothing under this new legislation. I think this amendment is very anti-middle class. It is extremely deleterious to the working men and women of Pennsylvania who may want to send their kids to private schools, and I think it is a very thinly disguised attempt to scuttle this legislation.

#### POINT OF ORDER

Senator LINCOLN. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I object. I do not believe that anyone on this floor has a right to impugn the integrity of another Member by putting forth on the record what they think they are offering an amendment for. I think that those remarks are out of line, and I move that they be expunged from the record.

The PRESIDENT. The Chair would first acknowledge that the gentleman from Fayette is correct. It is not within the right of any Senator to impugn the motive of another. However, the suggestion of expungement seems to the Chair to be somewhat extreme.

Senator LINCOLN. Mr. President, I will abide by your decision.

Mr. President, it is very apparent that Members of this Body have less information and less knowledge of the most important program that they have in their districts, the PHEAA program, than they do about the amendment that

Senator Salvatore put in this bill last Wednesday. I urge Senator Shaffer to call the PHEAA board tomorrow morning and give them all of the ZIP Codes from his district, and I guarantee that he is going to be amazed at how many of those middle-class people whom he represents are getting grants, because the program is established with some degree of fairness. Over the 15 years that I belonged to the PHEAA board, there has been a continual upgrading and movement up of what is called the level that you need to meet to get a grant. I am not going to argue with you that not everyone eligible for a grant gets the full grant, but the amendment does not say you have to get the full grant. If you get \$50, you are eligible, and I guarantee you that you have constituents who have an income of anywhere from \$35,000 to \$50,000 a year who have students attending Pennsylvania's colleges who get grants. The only thing I urge you to do is to check that. This is a very fair way of doing it because the formula they use adjusts for many factors involved in what it takes to be a middle-class wage earner, taxpayer, parent in this Commonwealth. If this amendment is not fair in assessing how we take \$900, I guarantee you that is not the average grant. Very few people who have students in college get grants higher than \$900 from PHEAA. But, yet, you are willing to say that we can take \$900 and give that to any family, absent any means test, to take and send their kids in elementary purposes to school anywhere they want. I do not understand that. I do not understand if that is the case, why we do not take away the total means test under the PHEAA program completely, because, if it is fair within the limits of what we have to spend for higher education, surely it has to be fair if you are taking \$900, which is a great deal more in percentage of what it costs that parent to pay tuition, and the only thing we want to do is base that on the same means and needs test as you would meet on income guidelines for PHEAA. That is as black and white as you could make it. It is bottom line, and it is an issue that if you tell me that you do not believe me, check with PHEAA, because PHEAA will tell you basically the same thing I am telling you.

Senator SHAFFER. Mr. President, I noticed that the speakers from the opposite side do everything but give us information. They have told us that I should call PHEAA, that we should do this and what the record will show. Interestingly, I have not heard one iota of data, not one income guideline, not one specific PHEAA rule or reg be mentioned here. We are being asked to take this amendment on the so-called faith that families of \$75,000 to \$100,000 are not included. That could possibly be fine with me and maybe with many others, but before I vote to exclude what I have a sneaking suspicion is the very middle-class working families that I am intending to help, before I do that, I need more data, more documentation, certainly more than the zero amount that has been furnished to this Body here tonight.

Senator FUMO. Mr. President, to some degree I echo the sentiments of the gentleman from Butler, Senator Shaffer. I, too, am not as adept at the PHEAA formulas as the gentleman from Fayette, Senator Lincoln, who is a member of that

board, and I certainly commend him for his intelligence and his expertise in that area. I, too, am suspicious about cutting out working class families. Mr. President, I had a law school professor a long time ago, and I think I have said this before, tell me that the history of civilization has been the upper class finding ways to make the middle class pay for the lower class. I suspect this may be another one of those ways that we want to exclude and stick it to the middle class. If there is a need for income guidelines, then let us have an amendment that clearly says that anyone with an income in excess of \$100,000 a year or \$75,000 a year, if that is the number you want, will not be eligible for the program. But, when we start hiding behind guidelines of other institutions and other programs, I, too, get confused. Mr. President, perhaps it would be a good idea to do what Senator Lincoln said, remove all guidelines on PHEAA for higher education and perhaps, if we get to revisit PHEAA, we might have a debate on that issue. But what we are concerned about here today, Mr. President, is sustaining the middle class and allowing them to let their children get an education.

Mr. President, my two children both went to private schools, and I agree with the lady from Northampton, Senator Reibman, that I would not have thought it appropriate for the Commonwealth to assist me in sending them to those schools, because I do, in fact, make enough money to do that, and I have a young daughter, now two years old, who will probably also go to private school, maybe even starting next year, and I assure you we will not accept this or apply for it. That is up to everyone's conscience to do that. I am also a little bit concerned about the remarks of my colleague Senator Reibman, when she started out and said, perhaps the school systems do not treat the poor properly and perhaps the poor are not properly served. Mr. President, if the poor are not served, why is the middle class then served by that same system? What is so unique to poor people that the middle class does not share the same problems when it comes to education? I do not know the answer to those questions, Mr. President, but I do think that the middle class is entitled to this type of a program. Mr. President, I also say this for another reason. One of the things I do know something about is the budget, and, Mr. President, I fully agree with some of the other speakers that this is going to be an expensive program. I have heard estimates thrown around during this debate of \$300 million, and I think that is probably about correct. And what I said earlier was that I would be the first to vote for a tax increase to pay for this program, because if I did not say that I would be hypocritical. But, Mr. President, let me also say if the private schools were to close tomorrow, and I will speak for Philadelphia because that is where I come from and that is the area I know best, if the private schools in Philadelphia, and in particular the Catholic schools because they are the ones who educate the poor and the middle class in Philadelphia, nonpublic schools, the truly private schools—yes, many of the people who go there are wealthy, but let us talk about that narrow area, the Catholic school system in Philadelphia, which does educate poor and middle-class chil-

dren—if that system were to close tomorrow, Philadelphia taxpayers would not be able to absorb the increases in taxes necessary to run that system. Also, Mr. President, I submit to you if that happens statewide, we here would not be prepared to step up to the plate and pay for the increase in costs that ESBE would require. Mr. President, this is a cost-effective way, albeit to some distasteful, but it is a cost-effective way to maintain education in Pennsylvania. If we think this is expensive, wait until you see what it will cost if those institutions close. Mr. President, I was advised recently that in Philadelphia, just this year, 15,000 new students enrolled in the public school system because they could not afford the tuitions any longer in the Catholic school system. Mr. President, that is going to create an additional burden in Philadelphia. Real estate taxes are going to have to be raised in Philadelphia to sustain the school system, and that is just with 15,000 new students. Mr. President, we all know what it costs to educate a kid. We all know what we pay in our ESBE formula for a student, not counting the local matches. It is a lot more than \$900 per student, Mr. President. And, yes, I have become a fiscal conservative in my years as the Minority Chairman of the Committee on Appropriations since I have a Governor who is leaning that way, and I think if we are fiscally conservative and if we are worried about saving a buck and getting a bang for a buck, we had better look at the numbers. It is a lot cheaper at \$900 a student than it is at the multi-thousands that we put in for a student. I, therefore, urge a “no” vote on this amendment so that we can help the middle class avail themselves of an education that they see fit to get.

Senator SCHWARTZ. Mr. President, I rise to add my comments on this amendment and must admit the previous speaker seems to, as have others, forgotten that, in fact, we already pay for a system of education that is supposed to serve children of all incomes, and it is called the public school system. We just seem to have forgotten that. We are talking about how could we possibly provide education for middle income, wealthy and poor children. Well, the way we do that is the public education system. The rhetoric around this bill, which I do not think relates very much to the substance of the bill, is that this bill is intended for people who cannot afford to send their children to private and parochial schools which must mean they do not have enough money to do so. Those who already have a lot of money have that option available to them. I am not at all convinced that this is truly what this bill does, but assuming for the moment that the rhetoric is, in fact, what the bill does, this amendment is the only language we have seen so far that would speak to the financial need on the part of parents who want this option and do not now have it. I would disagree vehemently with the speaker before me, the gentleman from Philadelphia, Senator Fumo, who talked about the fact that he wants to encourage people to opt out as a cost-effective method. I do not think that is what we want to do. I think we want to, in fact, invest in quality public education, but I will reserve those remarks for later on when we are discussing the entire Salvatore amendment and not this one. But let me just remind people that this is the only language we

have that will limit this. PHEAA grants, as I understand them, or the PHEAA formula is adjustable, and I am very pleased that my colleagues on the other side of the aisle have discovered middle and working folks in this state and are anxious to help them with financial loans and grants. Certainly we Democrats have for a long time recognized the importance of government assisting all Americans and that they do not want to just assist the wealthy. But this bill would provide financial assistance to the wealthiest among us. The language in the amendment of the lady from Northampton, Senator Reibman, is the only language we have that would somehow set a means test to this bill and I would encourage my colleagues to take a look at that. If you truly mean you want to expand options, then help those who do not have the option to choose other schools. I would also ask that you remember that public education is really what we as government should be assuring is high enough quality so that no one has to be driven from the public school system to private school systems, and \$900, as we know, is not enough in case they are.

Senator FATTAH. Mr. President, I am going to attempt to be brief. But let me just say first that if every time a politician rose and used the word middle class, it is a buzz word. We are going to protect the middle class from that. That is when people should really start to grab their pocketbooks and their wallets, because it is that kind of notion to try to, through smoke and mirrors, pass a bill like this and avoid an amendment like this in which people who do have very high incomes will not do, as the gentleman from Philadelphia, Senator Fumo, says, well, we will not apply for it. They will apply for it, and families who make hundreds of thousands of dollars will be collecting \$900 in order to send their kids to some of the most expensive schools offered in this state. The reason that 15,000 students enrolled in the Philadelphia public school system this year is not because their parents could not afford parochial schools. They enrolled because of some of the excellent programs offered, like our School for International Affairs, our music magnet schools, our engineering high school and some of the other programs that have attracted middle-class families back to the Philadelphia public school system. So, we should not stand on the floor here and use these buzz words in a way to do what, in essence, this bill is about. It is to bail out the Catholic school system, which has done a tremendous service in terms of providing an education to many, many families, and maybe there is some way that we can find to help, but this way is not the way. It is unconstitutional, and also, we should not, in our attempt to bail out a very worthy school system in the City of Philadelphia, provide a loophole for the very rich.

Senator LINCOLN. Mr. President, one thing I would like to make clear on this before I vote is that I agree with the gentleman from Philadelphia, Senator Fumo, on middle class and who we are trying to help, but I also want to know who is middle class. In Philadelphia, maybe, that is the middle-class people you are trying to help with this whole effort through the Salvatore amendment. I can tell you that it is not going to

help the middle class in almost every other Senate district in this state. Less than ten percent of the Senators in this room are going to see some benefit to the middle class who they represent. In fact, in most cases the benefit to the ten percent is going to be at the expense of the other 90 percent. So, those of us who live in the rural areas also represent middle-class people, and they are not being helped, not one drop, by this. They would be if this amendment was put in place because it would control somewhat where the money was going to be spent only by lessening the amount that we would need to fund this particular piece of legislation.

The most important thing I want to say in rebuttal to Senator Fumo is that if every nonpublic school in this state closed, aside from Philadelphia, aside from some schools in Delaware County, aside from other very unique places in Pennsylvania, out of the 500 school districts, I would have to say to you that 450 at a minimum would benefit, because then when those students went into the school districts, the aid ratio and the daily average membership would go up and those school districts would get a considerable larger amount of money from the state, and, as we all know, school student population has decreased over a period of years where most school districts, if not all, have buildings that could be used if the student population grew and came back to what it was, say, in the mid '70s. So, it is whose middle class are we really hurting? Whose middle class are we helping? I can tell you that in most districts, if the extreme came where you would see nonpublic schools go out of existence, which I do not want to see, I am not advocating that and I am not asking for that to happen, but if that were the extreme thing that came about, I would believe that you would see most school districts be able to assimilate those students into their districts with very, very little problem.

Senator REIBMAN. Mr. President, one last word to my colleague, the gentleman from Butler, Senator Shaffer, who is so willing to help the middle class, I think we all are, but I think he ought to look to see that out of this \$307 million, which is calculated to be spent the first year on this bill, that in Butler County the amount of money which would go to his district is 0.5 percent. I do not know how many middle class people are included in 0.5 percent of that money.

And the question recurring,  
Will the Senate agree to the amendment?

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Williams, Senator Musto, Senator Stout and Senator Bodack.

The PRESIDENT. Senator Lincoln asks temporary Capitol leaves for Senator Williams, Senator Musto, Senator Stout and Senator Bodack. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator REIBMAN and were as follows, viz:

## YEAS—12

Afflerbach	Jones	Mellow	Schwartz
Bortner	LaValle	Porterfield	Stout
Fattah	Lincoln	Reibman	Williams

## NAYS—38

Andrezeski	Fumo	Loeper	Robbins
Armstrong	Greenleaf	Lynch	Salvatore
Baker	Greenwood	Madigan	Scanlon
Belan	Hart	Musto	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bodack	Holl	Pecora	Stapleton
Brightbill	Hopper	Peterson	Stewart
Corman	Jubelirer	Punt	Tilghman
Dawida	Lemmond	Rhoades	Wenger
Fisher	Lewis		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

## FATTAH AMENDMENT I

Senator FATTAH, by unanimous consent, offered the following amendment No. A3098:

Amend Sec. 1 (Sec. 1310.1), page 2, line 26, by inserting after "SCHOOL.": The term does not include a school which does not agree to be subject to all the health and safety requirements of this act.

On the question,

Will the Senate agree to the amendment?

Senator FATTAH. Mr. President, this amendment simply would require that any school, public or private, that would receive students and grants under this bill would meet the health and safety requirements of this act, in the acts relative to public schools now in the Commonwealth, and I would ask for its adoption.

Senator SALVATORE. Mr. President, I think we will accept the amendment. I think it is already in Act 178 of 1986, so I do not see anything wrong with it.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

## FATTAH AMENDMENT II

Senator FATTAH, by unanimous consent, offered the following amendment No. A3061:

Amend Sec. 1 (Sec. 1310.1), page 6, by inserting between lines 20 and 21: (1) All teachers in a school under this section shall be subject to the certification provisions of Article XII of this act.

On the question,

Will the Senate agree to the amendment?

Senator FATTAH. Mr. President, this would require that all teachers in any of these schools, so situated, would have to be certified under state law.

Senator SALVATORE. Mr. President, I urge a "no" vote on this. I think that is an amendment that is not needed.

Senator FUMO. Mr. President, I think the argument has to be expanded just a little bit. I think we have a concept in this country that allows parents to determine what the destiny of their children will be except when, in fact, they determine a destiny adverse to their health and safety. We allow children under limited circumstances to be educated at home, and those people are not certified. We have a number of schools that have produced a number of successful citizens in our society that went to schools without certified teachers. We have a number of successful citizens who were educated in schools that had teachers who were not certified. I even went to schools where the teachers were not certified. Regrettably, teacher certification has become, in some instances, a way in which unions limit the number of people who can teach and raise the cost of those salaries. I do not know if teaching one and one is two to a first grade student we need someone with a Ph.D. But I am very sure if we allow PHEAA and the AFT unions in Philadelphia to have their way that certainly would be a requirement. I do not know if that child would be taught any better, but I certainly know it would cost us a lot more money. I think it is up to the parents to decide if they want to send a student to a school that does not have certified teachers, provided that school meets the requirements and becomes licensed by the Commonwealth of Pennsylvania to graduate students into our society. I do not think teacher certification is the necessary thing that my colleague, the gentleman from Philadelphia, Senator Fattah, seems to think it is, because I know we are all worried about these students and no one is worried about anything else. Mr. President, I respectfully disagree with him. I do not think we need certified teachers everywhere and certainly, as experience has taught us, we can exist in society without them.

Senator SHAFFER. Mr. President, I would only point out here that under the current so-called teacher certification, the test scores of students in this state have continued to decline. So, anyone who puts value in Pennsylvania's teacher certification is misplacing their confidence by and large. Under teachers certification in Pennsylvania today, I would remind my colleagues that James Michener could not teach English in our high schools. Lee Iacocca could not teach a business course in a Pennsylvania high school. I rest my case, Mr. President.

Senator FATTAH. Mr. President, as the final word on this subject, I would just remind both previous speakers that without this, David Duke could teach at the David Duke academy, and we could provide them a \$900 stipend also.

Senator SALVATORE. Mr. President, when I objected to this amendment, I felt that this amendment was not needed in this legislation. If you are talking about certification of teachers and certify them, then we ought to look at home schooling where they do a better job. We look at what they are doing



now as far as education in the nonpublic schools where we have in a public school system, at one of my high schools, only one person who had SATs over 1,000, those teachers are all certified. Fifty percent of the people who go to high school do not finish high school in Philadelphia. That is a lot of dropouts.

Senator LINCOLN. Mr. President, I just do not believe what I heard the gentleman from Butler, Senator Shaffer, and the gentleman from Philadelphia, Senator Salvatore, say. They finally agreed that there are problems in our public education system, and what they are going to do is they are going to allow noncertified teachers to take my \$900 from my kids and my classes in Fayette County and go and do whatever they want to do with it. They do not want to be audited. They do not want health care. They do not want asbestos removal. They do not want any of that stuff. Just give me my 900 bucks and let me go to school where I want to go. That is wonderful. That is a wonderful set of circumstances that we responsible lawmakers have put ourselves in here this evening. I want to tell Senator Shaffer that what he is saying about teachers, that those teachers have the responsibility of taking every student who belongs to some family, some citizen of this Commonwealth, not an elite special group that you screen 1,000 applications and take 250 kids. You take the special ed, you take the kids who come from broken families, you take the kids from AFDC families, you take the kids who have this and this and this and this. Teachers are not miracle makers. We have created a society that is impossible to teach in, and what are we going to do? We are going to make it a hell of a lot better place by taking \$350 million out of state coffers and put it in a private school system. That really is going to help Butler High School. That is going to help Knouck High School, or all the other high schools, or whatever else you have up there. That is really going to help them. The worst part of it is that we are arguing over teacher certification, and the two people who I have heard argue against this amendment, other than Senator Shaffer, do not have a noncertified teacher in their city. We are not talking about the parochial school system, the nonpublic, the Catholic school system in Philadelphia, because I venture to say to you that they probably have a strict certification rule where they would not have a teacher come into that school system. But in this Commonwealth there are a number of other kinds of schools springing up all over, and they are the ones that have resisted considerably, with some considerable muscle. The ones who are making the phone calls to the rural people are not from the Catholic schools, they are from the Christian academies and the other academies that have sprung up over the last eight or ten years. They are the ones who do not want a curriculum. They are the ones who do not want certified teachers. It is not in the City of Philadelphia. Your nonpublic education system in the City of Philadelphia probably has as good teachers as those who are certified and are specifically directed to teach the class that they are certified in as probably anyplace in this Commonwealth. But what is going to happen with this bill? If you think that \$900 is only going to go to that school, I guarantee you that five years

from now there are going to be little schools all over the place where somebody is going to start one to make a couple of bucks. That is what we are talking about here. We are going to foster a whole brand new kind of teaching. We are going to have teaching for money, only for money, because the 900 bucks is going to come in when you get a student, and we are going to do more damage to what we already have in the public school system which has done fairly well in spite of all the criticism. Everything that goes wrong in this society is blamed on school teachers. Well, I want to tell you, Mr. President, I grew up with a lot of people who became teachers and they became damn good teachers, and there are a lot of good teachers out there, and for every bad one you show me, I will show you a hundred or a thousand good ones, people who are just as dedicated in the public school system as anybody in a nonpublic school. I will tell you something. I am sick and tired of hearing people stand up and talk about SAT scores. Hell, you do not have kids reading. How can you teach? I will bet you half the homes in this Commonwealth do not get a newspaper. They do not get magazines. That is what is wrong with our SATs, not the teachers, and I am damn sick and tired of hearing that.

Senator FUMO. Mr. President, I do not think anyone is here assailing teachers, but, Mr. President, I think that what is happening here is that there are those people who question what is going on in education today. I do not know that it is the teachers' fault, but I also have some trouble in listening to the gentleman from Fayette, Senator Lincoln, tell me that we have created a society that has made it impossible to teach. I do not know what we did to do that, Mr. President. We have been in the forefront of giving money to education, funding ESBE last year so much we got criticized for it. I do not know what we did to make it impossible to teach kids. When Senator Lincoln says they do not want all that stuff, all parents do not want all that stuff. What parents want is an education for their child and what they perceive to be a good education for that child. Mr. President, I know of no requirement in state law that mandates that in the Catholic schools in Philadelphia or anywhere else or any of these private schools that there must, in fact, be certified teachers unless something has changed radically recently. I taught for five years and was not certified, and I know a lot of other people who did it. I know of people even in the grade schools who taught at a high school and at a college and they were not certified. That is not my concern, whether or not "Christian academies" in the rural areas will get some benefit from this. Mr. President, I have a lot of trouble worrying about people who are going to "start schools to make a few dollars." It is the parents of those students whose God-given responsibility it is to worry about those students. Those parents will decide whether or not they want to send their students to one of these so-called "Christian schools" or one that would open up just to make a few bucks. Who else are we supposed to trust with this decision? Part of the problem with government in America today is that we want to do everything for everybody, and we want to make everybody think they have no responsibilities in this



life. Now we even want parents to think they do not have the responsibility of looking into the education of their children. Mr. President, that is what life is about. That is how it started on earth. Who are we to say that a parent cannot decide where to send their kids? We do not even prohibit the fact that that parent can educate that child. We have a right to demand some sort of standard in the end. We have a right to demand that if you are going to get a recognized diploma that the institution be licensed to meet some minimal guidelines, and if someone wants to start an institution of learning to make a couple of bucks and it complies with the state laws that are governing this area, what is wrong with free enterprise? Mr. President, I have seen on the media lately, national news shows, where they are showing people doing this for money and turning out good students. What is more American than the free enterprise system? Education is the responsibility of society, no question about that, but maybe part of what is wrong today is that we who sit in this Chamber and our colleagues in the other Chamber, not knowing much about the realities of some of these issues, sit here and pontificate on what is wonderful for everyone and what people should do. We often make laws that do not apply to us, and we think that is right. Mr. President, there is no need for certified teachers because we have already proven that people can be educated without them. It is not our business to try and protect some parent from sending their child to some school that might open up because somebody wants to make money in educating kids. That is not our role, and I would hope to God it never becomes our role. Mr. President, if we have a problem with certification or some of the standards that some schools meet, then let us address that in a School Code bill. Let us say that this school is so horrendous that no child should be allowed to go to it, or if they do, they will not get a diploma. But we do not have the courage to do that. No. All of a sudden we are worried about these other institutions that exist, and even those that could exist in the future, and we do not care what they do as long as they do not take this \$900. I do not see any amendments on this floor to amend the whole School Code, to mandate that every school in Pennsylvania have certified teachers. No, no. What I see is if you want the \$900, you have to do that. But if you do not want the \$900, you can send your kid to the worst school in the state, that is taught by the dumbest people who do not even teach, and if you meet some guidelines we will still give him a diploma under the State Licensure Act. Mr. President, what could be more hypocritical than this argument? If people are truly concerned about having certified teachers in education because that is the only way to learn, then let us see an amendment pop up, because this is an appropriate vehicle to do it to, mandating that all schools licensed by the Commonwealth of Pennsylvania have certified teachers. Now that one I might vote for because that is parity across the board. That is not hypocrisy. But I am not going to sit here and say that if you want this \$900 and you are a middle-class person trying to make a living to send your kids to a school, that all of a sudden you have some new requirements.

The PRESIDENT. Would the gentleman yield for just a second. The Chair just simply wanted him to catch his breath. The Chair would also ask the gentleman, please, to rein in his comments and address the amendment so that we can proceed.

Senator FUMO. Mr. President, I thought I was doing that. I think the issue here is whether or not a person receiving this \$900, if they want to use that to send their child to a school, that that school now has to have certified teachers.

The PRESIDENT. That is correct.

Senator FUMO. Mr. President, my argument is that that is an unnecessary requirement. It is a requirement we do not make to that very same institution if we want the child to get a diploma. Why, then, should we make it a requirement if they are going to receive this \$900? It makes no logical sense whatsoever. With all due respect to my colleagues on both sides of the aisle, that is not the way to attack this problem. If we truly believe certified teachers are necessary in order for children to learn, then we should amend the School Code to require it at all licensed schools, but you cannot discriminate and just say that they should only have certified teachers if some parent gets money and decides to participate in this program.

Senator SHAFFER. Mr. President, I will be brief. I am delighted, though, to have a second chance to speak on this bill because, by doing so, I give the gentleman from Fayette, Senator Lincoln, the opportunity not to respond to the gentleman from Philadelphia, Senator Fumo, and if my means for being in this process is to provide the foil so that the gentleman from Lackawanna, Senator Mellow, can respond to my comments but not the concurring comments of Senator Fumo, well, I guess, maybe, I have done some justice.

Mr. President, what I said was—and I would like to repeat it since the gentleman, Senator Lincoln, has a great affinity for taking things out of context and hyperbolating on them—that this amendment deals with certification of nonpublic teachers in this process. What I said was, and I would continue to stand by that, we do have certification for the public school system, and by looking at the test results, by looking at any empirical data anyone wants to look at, it has not in and of itself ensured quality education in this Commonwealth. That I think is an established fact. I did not say that the teachers are responsible for all of the decline in the educational process. I never said that. I did not say that teachers, and teachers alone, are responsible for the education of our children. Indeed, they are not, and when we have a society where both parents are working, where we have latchkey children, we have children who cannot even get a decent breakfast and we have to be responsible in the government for feeding those children, where we have kids who watch hours and hours of television, they are subjected to all kinds of murder and mayhem by the thousands of hours, I do not envy any teacher, public or private, in trying to mold that young person's mind by the time they are 5 or 6 years old. It is a difficult process, and to those teachers who toil in the field and who are giving it their maximum effort, we owe them every allegiance.

I also said, Mr. President, just as I said that teacher certification does not guarantee great education, that our certification process currently is so run amuck that an individual of the stature of Lee Iacocca could not teach a business course in our schools. That is a fact, Mr. President, and the gentleman can dispute it if he wants and take it out of context, but it is a tragic shame and speaks unfavorably for teacher certification in that James Michener could not teach a course in English in our public schools in Pennsylvania today.

Senator LINCOLN. Mr. President, do I have to stand every time the gentleman from Butler, Senator Shaffer, speaks to make sure that he more fully explains that he just did not say teacher certification, low SAT scores, very poor grades, and sit down, and not have us believe that had to have some implication on teacher certification. And then we say low SAT scores and low grades, they have nothing to do with one another. I am so very pleased that Senator Shaffer got up and explained he really does not think teachers are the whole problem in our society. Plus, I am not so sure that I would want Lee Iacocca or James Michener teaching one of my kids simply because one can write a book and one can make a few bucks building cars does not necessarily mean they could be very good teachers. Some of the worst people in the world, I believe, would be teachers if you followed that analogy, and that does not make any sense. Most of the good teachers I had in my life were people that dedicated themselves to that proposition from the very beginning of their lives in most cases. Sometimes it did not work in my case, but they worked hard at it.

The real purpose for me standing was I cannot believe the debate of the gentleman from Philadelphia, Senator Fumo. The one thing that I have never said is that you should not have a choice. That has never been the question. You have a choice right now without the amendment of the gentleman from Philadelphia, Senator Salvatore. You have the choice to send your kid anywhere you want to. What you want me to do now is to pay for it. You want me and everybody else in this state to pay for the choice you made. You want to send your kid to a nonpublic school. You made that choice, pay for it yourself. That is my choice, and I do not want to pay for it and I do not want to pay for it at the expense of my own students. I do not care how often you choose.

The PRESIDENT. The issue is rather simple. The issue relates to teacher certification. There is an amendment before us. The Chair would appreciate it if we could focus in on the amendment and deal with it. The Chair is hoping that the gentleman from Philadelphia, Senator Fattah, the author of the amendment, is about to have the final word.

Senator FATTAH. Mr. President, while we are optimistic on that point, let me just say in conclusion on this debate that we are involved in a process of discussing whether or not teachers will be certified who will teach kids in which taxpayers' money will support them. We live in an environment in which we license and certify electricians and plumbers. The least that we could do is to provide for parents the comfort level that would be provided through the certification of

teachers. The question is not whether Lee Iacocca or James Michener can teach in our schools. The question is the people who taught them so they could accomplish what they have accomplished in this life, who were teachers who were certified, that our young people would have the same benefit. Let me just use this analogy in my conclusion. What is being suggested here is because there are some problems in public education that we should set up and support private education and nonpublic education. It is as if saying that crime is still a problem in our society, let us do away with our police departments or at least start to fund private police officers, but let us not regulate their activity. Let us not have them certified in the handling of firearms. Let them arrest and batter or assault anybody they would at will. What we are saying is just let us set up a system because the problem still exists, but let us not create any of the safeguards that provide the public a comfort level that we now have. I think that is foolish and is foolhardy for us to be involved in this process, and I would ask for people to support this amendment.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Bell has been called from the floor to his office and I would request a temporary Capitol leave on his behalf.

Senator LINCOLN. Mr. President, I request temporary Capitol leave for Senator Fumo.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Bell. Senator Lincoln requests temporary Capitol leave for Senator Fumo. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, I will try to be as brief as I can. You know, it is amazing to me. I stand here as the Chairman of the Senate Committee on Education where we spend 48 percent of our multibillion dollar budget in education and then we are going to say you do not have to be certified to teach. If I am going to hold that true for the private, then, please God, hold it true over here. So right now I will say to everybody, no one has to be certified anywhere in the Commonwealth of Pennsylvania because it is not important, it is not significant. That is, in essence, what you are saying.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator FATTAH and were as follows, viz:

#### YEAS—14

Afflerbach	LaValle	Reibman	Stewart
Bortner	Lincoln	Rhoades	Stout
Fattah	Mellow	Schwartz	Williams
Jones	Porterfield		

#### NAYS—36

Andrezeski	Fisher	Lemmond	Punt
Armstrong	Fumo	Lewis	Robbins
Baker	Greenleaf	Loeper	Salvatore
Belan	Greenwood	Lynch	Scanlon
Bell	Hart	Madigan	Shaffer

Bodack	Helfrick	Musto	Shumaker
Brightbill	Holl	O'Pake	Stapleton
Corman	Hopper	Pecora	Tilghman
Dawida	Jubelirer	Peterson	Wenger

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

### FATTAH AMENDMENT III

Senator FATTAH, by unanimous consent, offered the following amendment No. A3107:

Amend Sec. 1 (Sec. 1310.1), page 2, line 25, by inserting after "241)": and complies with all Federal and State requirements regarding racial discrimination and equal opportunity to which public schools are subject

Amend Sec. 1 (Sec. 1310.1), page 2, line 26, by inserting after "SCHOOL.": The term does not include any public or nonprofit nonpublic elementary or secondary school which does not agree to provide full access to all children, regardless of race.

Amend Sec. 1 (Sec. 1310.1), page 6, by inserting between lines 20 and 21: (l) In the event that admission for eligible students to a school must be restricted because of space limitations, the selection of candidates for admission shall be accomplished by lottery.

On the question,

Will the Senate agree to the amendment?

Senator FATTAH. Mr. President, this is my last amendment. This is an amendment that I assume can be agreed to. It is an anti-discrimination amendment.

Senator SALVATORE. Mr. President, I oppose the amendment because, first of all, we already do not discriminate. Schools are already more stratified by race, income and ability than ever before. It is hard to imagine how any new system comes to make it harder for those that are left behind. The reason we have this problem in the first place is because we presently have a choice system that is limited to the financially well off. Those of financial means already exercise choice either by an expensive home in the best public school district or by sending their children to private schools. Neither of these options apply to the poor and working class children who are currently stuck in inferior schools. The choice bill attempts to eliminate some unfairness by expanding or utilizing the choice that already exists. Many parochial schools, particularly the city Catholic schools—

### POINT OF ORDER

Senator LINCOLN. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I apologize to the gentleman from Philadelphia, Senator Salvatore, but I really have no idea what—did I miss something? I thought the gentleman from Philadelphia, Senator Fattah, offered an amendment that said that you could not discriminate, and I am not sure what the argument is that Senator Salvatore is using. It sounds to me like it is completely away from the issue.

The PRESIDENT. The Chair thanks the gentleman and finds his point to be well taken. The gentleman could reserve his remarks on the bill for the passage tomorrow.

Senator SALVATORE. Mr. President, the point I was trying to make was that we do not discriminate now in the Catholic school system and nonpublic school systems. We accept children of all denominations, of all races and creeds, so we do not discriminate. The second part of the amendment is a redundant one of the first one. Then in the third part of this amendment we are going to resort to a lottery. That is an attempt to kill the bill. When we say that, "In the event that admission for eligible students to a school must be restricted because of space limitations, the selection of candidates for admission shall be accomplished by lottery," that is sad. That is sad to say that we are going to do that by a lottery, and that is why I oppose the three parts of this one amendment.

Senator DAWIDA. Mr. President, I have been very solidly against many of these amendments because I thought they really had only one attempt and that is to eliminate the opportunity for, I think, an innovation whose time has come. However, this particular amendment, I think, is meritorious because schools should not practice discrimination in any way, shape or form. It is un-American and, I think, in fact, that most of the nonpublic schools in my area are quite meritorious in their willingness to accept students of all types, and they do not find this at all a threat. This is something they practice, quite frankly, a lot more in nonpublic schools in my area than many of the public schools in some of the communities in the outskirts of Pittsburgh. So I would urge a "yes" vote on this particular amendment.

### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request legislative leaves for Senator Afflerbach and Senator Belan.

The PRESIDENT. Senator Lincoln requests legislative leaves for Senator Afflerbach and Senator Belan. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator LEWIS. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator ANDREZESKI. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator FISHER. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator HART. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The lady will be so recorded.

Senator CORMAN. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator BAKER. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator LEMMOND. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator ROBBINS. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

The yeas and nays were required by Senator FATTAH and were as follows, viz:

#### YEAS—32

Afflerbach	Dawida	Lemmond	Rhoades
Andrezeski	Fattah	Lewis	Robbins
Baker	Fisher	Lincoln	Scanlon
Belan	Fumo	Madigan	Schwartz
Bodack	Greenwood	Mellow	Stapleton
Bortner	Hart	O'Pake	Stewart
Brightbill	Jones	Porterfield	Stout
Corman	LaValle	Reibman	Williams

#### NAYS—18

Armstrong	Hopper	Pecora	Shaffer
Bell	Jubelirer	Peterson	Shumaker
Greenleaf	Loeper	Punt	Tilghman
Helfrick	Lynch	Salvatore	Wenger
Holl	Musto		

A majority of the Senators having voted "aye," the question was determined in the affirmative.

#### RECONSIDERATION OF FATTAH AMENDMENT A3107

Senator LOEPER. Mr. President, I would move that we reconsider the vote by which Amendment A3107 passed, and I would move for a division of the question.

The PRESIDENT pro tempore. Senator Loeper, first, moves that the vote by which the previous amendment was adopted be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

#### MOTION TO DIVIDE QUESTION

The PRESIDENT pro tempore. Senator Loeper moves a division of the question. Would the gentleman be specific.

Senator LOEPER. Mr. President, I would move that the question be divided, that the first two paragraphs in the amendment dealing with, "...Federal and State requirements regarding racial discrimination and equal opportunity to which public schools are subject," and "The term does not include any public or nonprofit nonpublic elementary or secondary school which does not agree to provide full access to all children, regardless of race," that those two be taken as one issue, and the second issue to be voted on would be the language relating to lottery.

The PRESIDENT pro tempore. The Chair rules that that is divisible.

On the question,

Will the Senate agree to the first part of the amendment?

#### PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, when would be the proper time to interrogate or debate on this issue?

The PRESIDENT pro tempore. Which one? The first part or the second part?

Senator LINCOLN. Mr. President, either one.

The PRESIDENT pro tempore. We are ready to vote on the first part, which is the first two paragraphs. If you wish to interrogate the Majority Leader, or whoever, now would be the time, Senator.

Senator LINCOLN. Mr. President, I will wait until the second part.

And the question recurring,

Will the Senate agree to the first part of amendment A3107?

A voice vote having been taken, the question was determined in the affirmative.

On the question,

Will the Senate agree to the second part of amendment A3107?

Senator LINCOLN. Mr. President, would whoever, I mean either the maker of the motion or the gentleman from Philadelphia, Senator Salvatore, stand for interrogation? I have no one in particular that I would care to direct this to, but just somebody who can answer the question.

The PRESIDENT pro tempore. Senator Salvatore seems prepared to be interrogated.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT pro tempore. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator LINCOLN. Mr. President, this part of this amendment, I think, is almost impossible to separate from the first two parts, because if I read Senator Salvatore's amendment correctly, there is absolutely no provision whatsoever in that amendment dealing with how do you determine who gets into where. I would ask Senator Salvatore then, that if there were 200 spots in a school and 200 people who fit the definition of the first two paragraphs applied, does that mean that all 200 would be accepted, and if you did not accept all 200, would that mean that you were being discriminatory, and at that point in time, if you were discriminating, what happens?

Senator SALVATORE. Mr. President, I think that the local school boards should have local option in determining if

they have any openings rather than be determined by a lottery system, and it is a first-come, first-served basis.

Senator LINCOLN. Mr. President, then passing the first two parts of this amendment means nothing. The intention is to put it into law but it does not make any difference. If you are one of the first 200 people in school A where you want to go, you are going to be accepted. Are there going to be criteria as to when the deadline is when you actually start the applications? Is there anything in this act that says we are going to take applications on August the 1st for a class that starts on September 15th, or is it April or March or February?

Senator SALVATORE. Mr. President, this piece of legislation is not intended to discriminate against anyone. This piece of legislation is intended to educate all children of all races, colors and creeds.

Senator LINCOLN. Mr. President, but the gentleman resists leaving in a section that says that if there is discrimination, then we are going to say to your school board, absent any other rules which I do not see any anywhere, you have to do it by a lottery which is fair. What is the purpose in removing this lottery section from this amendment? Is it going to lessen the education process by bringing in one of 150 or 200 eligible, qualified applicants for those positions?

Senator SALVATORE. Mr. President, if they have room for them, then they will accept 150 to 200.

Senator LINCOLN. Mr. President, but if they do not, if they only have room for ten and there are 200, how do you determine who those ten are?

Senator SALVATORE. Mr. President, it is hypothetical, and also I would say that the lack of school choice has been one of the major reasons for the urban flight, whether it be white, black or Hispanic, and middle-class blacks and Hispanics are likely to leave cities today just as much as whites are. So all you are saying is that you want to create a lottery system, and I am saying that the local school board should have the option to determine how many openings they have and who they are going to accept.

Senator LINCOLN. Mr. President, why would the gentleman oppose that section of this and support the first two sections which are absolutely meaningless without the third portion?

Senator SALVATORE. Mr. President, because we do not discriminate and we are not going to discriminate, and the lottery system is wrong. I do not think that we should have a lottery system. You can disagree with me and you can ask me all night the same question, and I am going to give you the same answer.

Senator LINCOLN. Mr. President, I am not going to persist in asking the question because it is very obvious that your scope of what a good education is narrowly defined to certain people, and my question does not even go to the discrimination part of this amendment. I would like to know if you have a 100 white middle-class female-male mix for 15 positions, how are you going to determine who they get? How do you determine out of that group of 200 how 15 people get in? First come, first served, I know.

Senator SALVATORE. Mr. President, the local school board will establish the criteria.

Senator LINCOLN. Mr. President, under what guise, what guidelines, what rules? What section of Senate Bill No. 953 says that?

Senator SALVATORE. Mr. President, again, I repeat, the local school boards will exercise their option as taking first come, first served.

Senator LINCOLN. Mr. President, I will not even think of continuing this any further. I will say to the gentleman that this probably is just another very clear example of how bad that amendment that Senator Salvatore put in was. It does not have any rules. It does not have any guidelines. It does not have any rules. Tomorrow in debate I am going to talk about how that is going to be a \$300,000 appropriation to the Education Department to hire five people to set up the guidelines for 2,000,000 students. That is how silly, that is how ridiculous, that is how narrow, that is how incredible what we are all about tonight is, that there are no guidelines. If you think you have a hassle now, you wait until 200 of those middle-class kids that you are worried about cannot get in because there is no way to expand most of the nonpublic schools. I have a Catholic high school in my hometown that can probably take 120 new kids in their freshman class each year, and whenever I have everybody in my area who has a \$900 check to take with them, I defy—Principal Tommy Daugherty, the diocesan head of the nonpublic education for the Greensburg Diocese—them to stand before those parents that they are not going to let in and tell them, we do not have any guidelines. We are going to let it up to the boards. We do not have a board. There are no school boards. You have diocesan people who are elected from the different parishes. I cannot wait until Senator Salvatore goes out in the 58th Ward and 16 people every day run into him and say, what the hell is going on? I cannot get my kid into that nonpublic school down there. There are only 200 spaces. How did you determine who gets to go there? Right here you had an opportunity. Do it by a lottery because that makes as much sense as anything else we debated here tonight.

Senator FATTAH. Mr. President, I know the hour is getting late. However, I think it is very, very important to all of us in this Chamber that we watch what has occurred. I offered an amendment to prohibit discrimination in any of these schools, and as part of that amendment there was a process to ensure that kids were not discriminated against. You may have noted the slow pace at which the Senate finally came to a majority to determine that we would not create a circumstance where schools could discriminate on the basis of race, and then we saw an effort to reconsider and we have separated now that question from the guarantee of no discrimination. Now we use lotteries to give out summer jobs to kids through government sponsored programs. We use lotteries to determine who is eligible for low-income mortgages that we provide to the public because a lottery guarantees a way in which nobody gets discriminated against. But now, all of a sudden, we are saying that schools can use whatever other cri-



teria they want to decide who gets in. If it is a space restriction, what is a better way to respond to who gets in and who does not get in, all other things being equal, than a lottery? I would tell you that you will see the vote on this amendment closely follow the vote that was just taken on the question of discrimination, and I would ask the members of the media and everyone else in the Chamber and in the gallery to watch very carefully because this is the same vote. This is a vote on whether or not we are prepared to allow these schools to discriminate or not, and that is the attempt that is being put in a more, as the gentleman from Butler, Senator Shaffer, says, sneakier way, that is now before the Chamber.

Senator RHOADES. Mr. President, during our hearings, this is one of the points that was brought up. From a standpoint of, if this is to speak to educational improvement, a better process getting us better results, then why do we not take the economically deprived and academically deprived child first to put them in this better educational system so they are better? If we are going to discriminate against them, then where is this improvement and how are we making the system better? The lottery is fair, it is fair to everyone, but I think we missed the point of saying if we are improving education, take care of the kid who needs it most of all, not some special interest.

And the question recurring,

Will the Senate agree to the second part of the amendment?

The yeas and nays were required by Senator FATTAH and were as follows, viz:

#### YEAS—22

Afflerbach	Dawida	Madigan	Scanlon
Belan	Fattah	Mellow	Schwartz
Bodack	Jones	Porterfield	Stewart
Bortner	LaValle	Reibman	Stout
Brightbill	Lewis	Rhoades	Williams
Corman	Lincoln		

#### NAYS—28

Andrezski	Greenwood	Loeper	Robbins
Armstrong	Hart	Lynch	Salvatore
Baker	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Fisher	Hopper	Pecora	Stapleton
Fumo	Jubelirer	Peterson	Tilghman
Greenleaf	Lemmond	Punt	Wenger

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### LINCOLN AMENDMENT

Senator LINCOLN, by unanimous consent, offered the following amendment No. A3095:

Amend Sec. 1 (Sec. 1310.1), page 2, line 25, by inserting after "241)": and complies with all Federal and State requirements regarding children with disabilities to which the public schools are subject

Amend Sec. 1 (Sec. 1310.1), page 2, line 26, by inserting after "SCHOOL.": The term does not include any public or nonprofit nonpublic elementary or secondary school which does not agree to provide full access to and programs for children with disabilities.

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, I had several amendments that I was going to offer. I know this will not make everybody happy because they want to stay here the rest of the night, but this is the only amendment I am going to offer. I think we have seen a number of very difficult issues dealt with in other amendments, but I really believe that this could be the litmus test as to how concerned you really are about your own personal school districts, the one that we have in our public education system, because I have heard the whole range of debate on this issue from the initial reaction of the gentleman from Butler, Senator Shaffer, to certification and all the ills of the world being piled on that lack of some accomplishment because of having certified people, but this one is special education. This one says that if you accept the \$900 from that parent who comes into your school, if one of your constituents takes the \$900 and goes to a private, nonpublic school, that school then has to provide a special education program and has to be willing to accept every student who applies with learning disabilities and with other educational disabilities, because, let me tell you, one of the reasons we have people who get up and go on about how difficult and how incredibly bad our education is is because they do not take into consideration that we take every student who goes to the public school and we find a program for them. We have individual education programs for them. Every student is given some type of test to see whether they have a learning disability, some type of a test to see where they would fit in. We take every child severely handicapped, mildly handicapped, and we have a program in our public education system that avails itself of trying to teach that student something. There are times that I know special ed teachers have a great feeling because they are able to go in and show the rest of the world that you can take someone who has never had an opportunity for an education, give them an opportunity to go out and lead a productive life. That is what public education is all about. We fund that, and we fought over that for several years here, and we finally, this past summer, in a very bipartisan manner, came to a conclusion on how to change that funding process, how to make it better and how to guarantee that even the poorest student in this Commonwealth with a learning disability, with a handicap, had the opportunity to go to their school district and get educated. The only thing that this amendment I am offering right now does is give that same opportunity to a parent of a child with a learning disability, with some type of hearing impairment, speech impairment, born with some type of a handicap, relative to these nonpublic schools everyone here is attesting to the fact that they are doing such a tremendous job in educating. I believe they ought to have the opportunity to put those same skills and the same results to educating those



students who want to go there that have some kind of a handicap. If you can say no to that, then I do not know what you are looking for other than the \$900. If you are going to say no to that because you feel that is going to handicap your education system in the nonpublic areas, then I think it is very clear that the only thing we are interested in here tonight is providing money to help fund nonpublic education. No ifs, ands or buts, we do not care what that education system does. As we said, they do not have to have certified teachers. We can say that they can discriminate because if they do not have enough room they do not have to let you in. I do not believe that the public school system ought to be the total and complete depository of every student who cannot afford to go to the nonpublics, or cannot because there are no programs available under the handicapped sections under the federal law that says you have to do it, because, let me tell you what you are doing. If you are going to exclude the nonpublics from having to take care of the handicapped student, then over a period of time the only thing that you are going to see in a lot of our public schools are the very poor, those who cannot afford to get into a nonpublic situation and those who do not have a program offered to them, which are the handicapped, in whatever degree of handicap they might have. I think that is an atrocious, outrageous, almost a David Duke approach to what we are all about in this country—just forget about them—because that is what the Nazis did. They got rid of those who could not read and write because they were disabled. I do not want any parts of that, and I believe that a lot of the students who are of average intelligence and those who are even above average in a public school system are handicapped in their learning process because we have an obligation to see that everybody gets an education. We have handicapped students who are mainstreamed into the regular education program, who are there with students who have no disabilities, and there is no question that a teacher who has to teach a class that is mixed, handicapped and nonhandicapped, has a problem in making sure that those nonhandicapped students get the proper education. But that is what we are all about. We cannot walk away from those among us who are not as capable or those among us who do not have the financial means, but that is what we are doing with this piece of legislation. If this amendment is opposed and the people who are supporting this choice legislation say to me in my amendment and say to the rest of the Commonwealth by their vote that we do not believe in special ed, only in your school—and that is basically and primarily what this is all about—we want a separate nonpublic education system that does not have to deal with those problems. We want to take kids that you give us \$900 for and we want to take them and give them a really good education, but we do not want to slow down that process by having special classrooms, special needs, special students. That is all I say. This amendment only says that you have to give the handicapped an education, an opportunity to get into your nonpublic school with their 900 bucks. Now I want to tell you something. What you are talking about is the difference in education costs between a normal student and a

handicapped student. It is tremendous, but that is why we have such a very expensive public education system, because we do take into consideration that there are students that have special needs. If you want to exclude that completely, if you want only an elitist type of a situation where you do not have to deal with special ed, you do not have to deal with handicaps, you do not have to deal with any of that stuff, then you vote “no” on this issue. That is exactly what I expect to happen, and I tell you it is a sad day and it is a disgrace in this General Assembly, and particularly here in the Senate when that does happen.

Senator FISHER. Mr. President, I desire to interrogate the gentleman from Fayette, Senator Lincoln.

The PRESIDENT pro tempore. Will the gentleman from Fayette, Senator Lincoln, permit himself to be interrogated?

Senator LINCOLN. I will, Mr. President.

Senator FISHER. Mr. President, I know that the gentleman is intimately familiar with special education and special education funding. In proposing this amendment, is the gentleman also proposing that if a nonpublic school educates and provides the special education needs that those additional monies that are currently provided to the public school system for special education would then flow to the nonpublic school?

Senator LINCOLN. Mr. President, I would be very happy to do that and we probably eventually will when the amendment that the gentleman from Philadelphia, Senator Salvatore, placed in this bill says that each year that \$900 figure will increase as we increase the subsidies to other public schools, and I would have no quarrel whatsoever with that particular system that we have in our public school system now applying to the nonpublics, if they accept the students.

Senator FISHER. Mr. President, I believe the gentleman indicated and I know certainly is aware of the fact that there is certainly a huge disparity in costs associated for educating someone with special needs over someone with the basic needs. Are you not aware there is absolutely no question it could be as high as four times as high?

Mr. President, I believe under the law which we just adopted a few months ago there is a special formula that was established that provides a certain grant for the mildly retarded and an even higher grant for the severely handicapped throughout the state. Would you agree that that kind of money should flow then to the nonpublic schools that agree to educate the children pursuant to this amendment, if the amendment is adopted?

Senator LINCOLN. Mr. President, I have already indicated that I think the nonpublics should have the ability to avail themselves of those funds. The only thing I question in this argument is that in no place in this amendment that Senator Salvatore offered is there any talk of accepting the subsidies that the gentleman from Montgomery, Senator Greenleaf, guaranteed that transaction would take place between school B and school A in the public system. I do not see any concern on the part of Senator Salvatore for the other part of the subsidy to go from the public school to the non-

public whenever a student leaves the public to go to the non-public with the 900 bucks. But I have no problem with that. I think if we are going to do this, we ought to do it right.

Senator FISHER. Mr. President, would the gentleman agree, however, that his amendment does not contain any language in it that would guarantee that the additional money for special education would flow to the nonpublic school which accepted the special needs children?

Senator LINCOLN. Mr. President, I think this amendment probably is exactly the way the rest of the amendment is to Senate Bill No. 953. I do not think it contains any guarantees. I do not think it contains any rules. I do not think it contains any regulations. So if we are going to play in fairy tale land, you know, why do we not just do it the whole way. I agree, there is nothing in this amendment that says anything other than you have to accept the students. There is nothing in the amendment of the gentleman from Philadelphia, Senator Salvatore, that says how you are going to accept them. All it says is 900 bucks is coming with them.

Senator FISHER. Mr. President, would the maker of the amendment temporarily withdraw the amendment to allow me to get an amendment to your amendment to provide for that language to guarantee the payment?

Senator LINCOLN. Mr. President, I have no problem with doing that as long as it is done tonight and as long as the opportunity to offer further amendments to whatever you put together may be there. I believe that the opportunity to do something to ensure that nonpublic schools provide special education as the public schools do is worth any effort you want to make. I just do not particularly care to withdraw this amendment and never have an opportunity to vote on it, which sometimes in the legislative process, because of the shortness of time, happens. I would prefer to have this amendment voted on because I think it matches the bill as it is written, and if you want to bring something before us that has a more complete listing of how we are going to do this, I would be very supportive of that effort too.

Senator SALVATORE. Mr. President, I resent some of the remarks when the gentleman likened me to the Nazis. I am not like the Nazis, and I care about the mentally retarded and the disabled. I resent that statement. I think that all children who need special education have to be cared for. They are special people. I have been involved with the Association for Retarded Citizens for many years, and I know what they are, and we do provide funding in our public school systems for the retarded, especially the severe and profound. We mainstream a lot of them into the public school system, and I have no qualms with this amendment as long as the legislative intent by the gentleman from Fayette, Senator Lincoln, is there, that the funding will be there if the nonpublic schools have to provide the service, as long as there is legislative intent and it is in the record by Senator Lincoln that the funding will be provided. I think it would be a shame though in some instances to disrupt a special education child and change his attitudes or change the school where he is going unless that child wants to go there. That would be a darn shame to do

that to a child who is mentally retarded, but I have no qualms with the amendment. All I am saying is, will Senator Lincoln, by legislative intent, say that the funding will be there?

Senator LINCOLN. Mr. President, I think that out of the \$300,000 that I saw in the fiscal note for this bill, we have magically been able to find \$340 million, because when you multiply 900 bucks for every student who is going to be going, it comes out to a heck of a lot more than \$300,000. If you can do that out of \$300,000, I do not have any objections to whatever you do with the rest of that \$300,000 that is left. I will also say to the gentleman we are talking about choice, and that is what I thought this whole debate this evening was about. I do not see anything in this amendment I have offered that forces any student to go to any school. It is now still the same choice. The choice of a parent of a handicapped student will have the same opportunity as a parent of a nonhandicapped student to make a choice to go to a nonpublic school. Now there is nothing anywhere in this bill that says the \$900 that goes with a normal student has any obligation on the part of the Senate, the House, the Governor's Office, the Department of Education, anybody to fund more than the 900 bucks. I do not understand why the concern would be there so dramatically in the case of a handicapped student other than it points out very clearly the nonpublic schools are not equipped to do that. I am saying that is discrimination, as I argued on the last amendment, that discrimination goes deeper than just the color of your skin. That particular effort and this amendment offered by Senator Salvatore is going to be discriminatory against many different kinds of people whenever it finally goes into operation. It is going to discriminate against those who do not get there soon enough. It is going to discriminate against the handicapped. It is going to discriminate against the blind. It is going to discriminate against whatever, and that is the argument I have been making all evening. This is just not a good idea. I have no objections. I have been in the forefront of funding, and what is really disturbing to me is the position I have had to take on this particular piece of legislation that is going to destroy 19 years of very hard work on my part to put in this year, in this budget, \$165 million to fund nonpublic education. I was here when the decision was made that you could not fund directly, and we have worked very diligently over the years to get money for books, for nonpublic transportation, for health care services. I have been a very vital part of that, and there is not going to be one of my constituents who have written me letters in every form, pleading, demanding, threatening that they get their \$900, who is going to understand the position that I have taken here this evening and the position I am going to take tomorrow when I debate very strenuously against the final passage of this bill. If you want me to put on the record that I will support and honor and obey whatever we come down to as far as special education in nonpublics, you have a commitment from me to do that. You have a commitment from me as I hear other people standing up talking about this choice bill and the \$300 million, or whatever it is going to end up being. I do not hear anyone other than the gentleman from Philadelphia, Senator Fumo,

saying that he is willing to vote for the taxes. I have been a stalwart in support of raising revenues for education. I have worked very hard with other Members of this Body and the House to support increasing funding, doing other things that will make our public education system better, and if, in the final analysis, we end up with choice legislation and it includes whatever, if I am here, I am going to be a person, even though I get my brains beaten out on this issue here, on this vote, to be there to support those who are supporting choice, that I know who are not going to have the courage to vote for the funding that it takes to make it necessary. I probably will be dumb enough to be in the forefront of fighting for that financial support too, but I do not believe you can possibly put anything into place that excludes special education as part of that educational system.

Senator FISHER. Mr. President, I join with the gentleman from Philadelphia, Senator Salvatore, and really thank the gentleman for his comments on this amendment and for his commitment for support. I think it is awfully important that that legislative intent be placed on the record. He is right. The gentleman from Fayette, Senator Lincoln, is right. This is a school of choice bill. It is not being changed. A parent with a child with special needs who chose to send that child to a nonpublic school, I believe, should have at that nonpublic school the special needs cared for. Unfortunately, today any nonpublic school student with special needs has to go through the intermediate unit. The intermediate unit provides that service. The nonpublic school does not have the opportunity to avail themselves of those monies to provide those services. I believe this amendment and the support from Senator Lincoln, who I know will stand behind his words here on the floor tonight, will be sufficient to allow the nonpublic schools to serve all of the needs of the students who attend those schools, students who are attending them now or students whose parents will choose to send those children there in the future. So I join with Senator Salvatore in urging adoption of this amendment.

And the question recurring,  
Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### STEWART AMENDMENT

Senator STEWART, by unanimous consent, offered the following amendment No. A3195:

Amend Title, page 1, line 5, by inserting after "thereto,"":  
regulating strikes by employees of school entities;

Amend Sec. 1, page 1, lines 12 and 13, by striking out "a section" and inserting: sections

Amend Sec. 1, page 1, by inserting between lines 13 and 14:

Section 112. Regulation of Selective Strikes.—(a) It shall be illegal for any bargaining unit representing employees of a school entity to strike unless more than fifty per centum of all eligible employees shall have voted in favor of the strike.

(b) The strike vote shall specify the date the strike shall begin. A strike by the employee organization shall be against the entire

school entity. Selective strikes against certain facilities, grade levels, or for portions of a school day are hereby prohibited. If the employee organization does not strike on the specified date, the previous authorizing vote shall be null and void. The employee organization shall be required to schedule another vote to engage in each subsequent strike or other work stoppage. Subsequent votes to authorize a strike shall follow the requirements set forth in this section.

(c) Strikes by employees of a school entity as authorized by the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," shall only be permitted after the bargaining unit has given written notice by certified mail of the strike to the president of the board of directors of the school entity, to two (2) newspapers of general circulation within that school entity, two (2) radio stations broadcasting within that school entity and two (2) television stations broadcasting within that school entity. All such notices shall be received at least forty-eight (48) hours prior to the announced date of the strike. In lieu of the required notice to newspapers of general circulation, in a school entity where no such newspaper is published, a notice shall be posted in at least five (5) public places.

(d) No strike shall be valid except as it is in compliance with the requirements of this section.

(e) It shall be unlawful for a school entity or their representatives to hire, employ, recruit or procure an individual to replace a professional employee who is engaged in a strike in compliance with the requirements of this section.

(f) When used in this section the following words and phrases shall have the following meanings:

(1) "Eligible employee" shall mean the members of the employee organization which is the exclusive representative and employees paying a fair share fee to the exclusive representation as required under section 2215 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(2) "School entity" shall mean a school district, intermediate unit, or area vocational-technical school.

(3) "Strike" shall mean a concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

Amend Bill, page 7, by inserting between lines 22 and 23:

Section 6. The act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, is repealed insofar as it is inconsistent with this act.

Amend Sec. 6, page 7, line 23, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

Senator STEWART. Mr. President, the bill as it is before us, as we have learned over the last five or six hours, is a bill designed to provide schools of choice. This amendment does not really address that particular issue, but perhaps it addresses some of the reasons why we are even dealing with that particular issue, because whether it is certified teachers or noncertified teachers, or whether or not public schools have discipline and nonpublic schools do not have discipline, or whether or not books are audited in one school system and not audited in a nonpublic setting, or whether it is low grades or low SAT scores, or a whole myriad of things, what we do know is parents have turned their heads away from and are

turning their heads away from the public school system. I am not sure whether any of those reasons that we heard this evening, via the amendment process, are valid or not. I am not sure the majority of us in here are really certain which of those have caused that to happen, but I do know there are two things that are causing parents and students to turn their heads and look away from the public school system, and it is the disruption that occurs because school boards refuse to negotiate in good faith and teachers have employed recently a tactic called selective strikes. That has not turned tens of thousands of parents away from this public school system to head for the nonpublic system, but I am telling the Members that these tactics are certainly starting to make people look that way.

This amendment addresses both of those problems. It bans selective strikes and sets up a procedure for a regular strike to occur and also prevents the school board from hiring replacement workers when teachers do avail themselves of the strike process, and I would urge its adoption.

**The PRESIDING OFFICER (D. Michael Fisher) in the Chair.**

#### AMENDMENT DIVIDED

Senator SHAFFER. Mr. President, I rise and ask for a bifurcation of the issue so that subsection (e), dealing with the replacement workers for striking individuals, be voted on separately from the remainder of the proposal.

The PRESIDING OFFICER. Senator Shaffer has requested that subsection (e) be divided out of the amendment and, therefore, be voted on its own. The Chair rules that the amendment is divisible and, therefore, the question before the Senate is the first part of the amendment, which is the amendment with everything other than subsection (e).

#### PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I would like to have some idea as to how the determination was reached that subsection (e) has any ability to stand on its own. I have always been under the impression that to divide something to vote on it, that not only was it divisible in the sense that you could vote on both parts, but there had to be some reasonable, sensible conclusion that the parts, as they were divided, could stand on their own. I have no idea, if we would not vote for the first part and then we would vote for subsection (e), what we would have and how it would stand on its own. I have no idea. I would conclude by my thought processes this is not something that could be divided, and unless there is really some good argument, I would challenge the Chair's decision on that particular issue.

The PRESIDING OFFICER. Is the gentleman filing an appeal of the ruling of the Chair?

Senator LINCOLN. Mr. President, I had asked a question under Parliamentary Inquiry as to how you conclude that subsection (e) could stand, when divided, on its own.

The PRESIDING OFFICER. The Chair ruled that the motion was proper, and the amendment was divisible on the basis that the two sections, the first part and the second part, could both stand on their own because they are separate issues.

Senator LINCOLN. Mr. President, if the first part were to be defeated, could you give me some reasonable explanation as to what it would mean with subsection (e) being put in this bill without the first part?

The PRESIDING OFFICER. It would be the Chair's interpretation that if the first part were defeated and the second part were adopted, that would mean there would be a Section 112 which would contain subsection (e).

Senator LINCOLN. Mr. President, in other words, you are saying we would have a school of choice bill that dictates how someone goes about choosing a nonpublic school and sending their child there for an education, and somewhere in that bill it would say, "It shall be unlawful for a school entity or their representatives to hire, employ, recruit or procure an individual to replace a professional employee who is engaged in a strike in compliance with the requirements of this section." There is nothing else there. I mean, what does that mean?

The PRESIDING OFFICER. Senator, that is correct, and it is the Chair's interpretation that if the entire amendment were adopted into two sections, you would have two separate sections that would be separate and distinct from the main issue of the bill which deals with schools of choice.

#### RULING OF CHAIR APPEALED

Senator LINCOLN. Mr. President, I, unfortunately, have not been convinced by that argument, and I would appeal the ruling of the Chair.

The PRESIDING OFFICER. Senator Lincoln has appealed the ruling of the Chair that the question on the amendment offered by Senator Stewart is divisible. An "aye" vote would sustain the appeal and overturn the decision of the Chair. A "no" vote would defeat the appeal and the ruling of the Chair would stand. The question is debatable.

Senator STEWART. Mr. President, if the Members would read subsection (e), it says... "It shall be unlawful for a school entity or their representatives to hire, employ, recruit or procure an individual to replace a professional employee who is engaged in a strike in compliance with the requirements of this section." Now if we do not pass the first division, then there is no section for subsection (e) to refer to, so, in my opinion, again, it cannot stand by itself, and I would ask the Members to vote "yes" on the appeal of the ruling of the Chair.

The PRESIDING OFFICER. The Chair would restate the question. An "aye" vote sustains the appeal and overturns the ruling of the Chair. A "no" vote denies the appeal and sustains the position of the Chair.



On the question,  
Shall the ruling of the Chair be sustained?

#### LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I would request a temporary Capitol leave for Senator Fattah.

The PRESIDING OFFICER. Senator Lincoln requests a temporary Capitol leave for Senator Fattah. The Chair sees no objection. The leave will be granted.

And the question recurring,  
Shall the ruling of the Chair be sustained?

The yeas and nays were required by Senator LINCOLN and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDING OFFICER. The appeal does not carry and the ruling of the Chair is sustained.

On the question,

Will the Senate agree to the first part of the amendment to A3195, which includes everything except subsection (e)?

Senator STEWART. Mr. President, just for clarification, the first part that we will be voting on is the portion that bans selective strikes and also requires the school teachers association to give 48 hours' notice before they do strike. The second part, which has now been divided for a separate vote, prohibits the school boards from hiring replacement workers for the striking teachers. I would urge an affirmative vote on the first part.

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

Senator SHAFFER. Mr. President, I rise to endorse the gentleman's amendment and ask for a concurrence by this Chamber. We have been through selective strikes, the issue, before and I do not think there is substantive disagreement that this is an idea whose time has come and gone. It wreaks havoc with the system. I have been involved in a selective strike in my district and I can assure you that it unnerves and rattles the parents. It frightens the children. They have no idea from one day to the next whether they should do their homework, whether or not they should be prepared to go to school. It knocks the parents' schedules for a loop. It is very, very

anti-education. It is something we should by law do away with and I am glad to see the gentleman from Cambria, Senator Stewart, has done so. I indeed have a bill, prime sponsored, which has not gotten to this floor yet, which would accomplish the same item. So, I congratulate the gentleman on this amendment and I urge a "yes" vote.

Senator AFFLERBACH. Mr. President, a few weeks ago we considered the issue, particularly with respect to 48-hour notification. That issue was at that time defeated in this Body. But, I would now suggest that if, in fact, we are going to consider a bill of this nature whereby we are going to have students traveling to various and sundry schools, it is now time to reconsider and support a 48-hour notification in the event of a school strike. There are private schools in the Commonwealth which do, in fact, have collective bargaining agreements with their teachers just as the public school systems do. As I have indicated, if we are now going to provide a mechanism by which students will be traveling in various and sundry directions from within the districts where they normally reside, the parents have that much more reason to receive 48-hour notification in the event of a school closure through a work stoppage action. Very clearly they must make child care arrangements, particularly for the younger children. Forty-eight hour notification is not out of line with permitting the parents ample time to do that and particularly if we are going to have a kind of system as this bill would envision. I urge the support of a "yes" vote for this amendment.

And the question recurring,

Will the Senate agree to the first part of amendment A3195, which includes everything except subsection (e)?

The yeas and nays were required by Senator STEWART and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Armstrong	Greenwood	Lynch	Salvatore
Baker	Hart	Madigan	Scanlon
Belan	Helfrick	Mellow	Schwartz
Bell	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—1

Andrezeski

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the second part of amendment A3195, which is subsection (e)?

Senator STEWART. Mr. President, on subsection (e), to me it is unfortunate that we did divide it because one of the root problems that created the tactic of selective strikes is that

schoolteachers are deathly afraid that if they all go out the board will simply hire replacement workers and replacement teachers and fill the school once again and all the existing teachers will be without a job. Hence, they have resorted to a tactic called selective strikes which we all have just, except for one vote, agreed that is not a very good idea. Subsection (e), the second section of this amendment, simply says the school board cannot do that. They cannot hire replacement workers when teachers strike under the provisions of the section we just voted for, and I would urge all of you, all of my colleagues who are in favor of some balance in this collective bargaining process, that you vote for subsection (e).

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Belan, Senator Bodack, Senator Musto and Senator Afflerbach and their leaves are cancelled.

And the question recurring,

Will the Senate agree to the second part of amendment A3195, which is subsection (e)?

Senator SHAFFER. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Stewart.

The PRESIDENT pro tempore. Will the gentleman from Cambria, Senator Stewart, permit himself to be interrogated?

Senator STEWART. I will, Mr. President.

Senator SHAFFER. Mr. President, as I read this amendment, if it said only that it should be unlawful for a school entity to hire or procure an individual to replace a professional employee who is engaged in a strike, I would at least understand the amendment. But, since there is additional language in there that says it is unlawful for them to employ an individual to replace a professional employee, I am wondering, Mr. President, can the gentleman from Cambria tell me whether or not current school employees, to wit, administrators, are included in his prohibition?

Senator STEWART. Mr. President, yes, the wording and the language in that subsection is deliberate. That is so the school board cannot load up the classes or extra curricular activities, or whatever, with school administrators and call them teachers. We all know that school administrators are not teachers. They sometimes do not understand the job of teachers, and that language is deliberate.

Senator SHAFFER. Mr. President, it is deliberate then, is it not, by the maker of the amendment to ensure that if there is indeed a work stoppage, that no school whatsoever go on within the four walls of the buildings?

Senator STEWART. Mr. President, I will simply respond at 10 till 10:00 this evening, that this language was lifted directly from his amendment that the gentleman was going to offer a couple weeks ago. So, maybe the gentleman can answer his own question.

Senator SHAFFER. Mr. President, that will not satisfy the gentleman from Fayette, Senator Lincoln. I feel confident. I am advised, since I have no personal knowledge, that indeed this language did not come directly from my amendment. Regardless of whether it did or not, I do think the gentleman

did agree to be interrogated and I would like to know whether or not he does intend that school administrators who are currently allowed, if they are so certified, to fill in for classrooms, particularly for seniors, during a work stoppage, whether or not that current procedure would be allowed to continue?

Senator STEWART. Mr. President, I said the wording of that sentence is deliberate. I do not want school administrators taking the place of teachers who are out on strike, nor do I want anyone else taking the place of those teachers while they are out on strike. If you want people to take the place of teachers while they are on strike, vote "no." If you do not want them to take their place, vote "yes."

Senator SHAFFER. Mr. President, then do I also take as accurate the fact that under this amendment seniors could not receive any instruction whatsoever from any source whatsoever if, indeed, a work stoppage were to occur?

Senator STEWART. Mr. President, juniors, seniors, elementary, all students in a school district that would be struck by their teachers' organization would not receive any instruction until that board and those teachers negotiated and settled a contract.

Senator SHAFFER. Mr. President, I thank the gentleman.

Mr. President, from the gentleman's remarks I guess it is quite clear we are, if this subsection (e) is adopted, clearly and dramatically changing what is the current practice. For example, Mr. President, under current practice, seniors in particular are frequently taught by administrators who—many Members of the other side will be happy to know—are certified in those particular areas of expertise. Seniors who need to graduate, seniors who need to get on with their lives, seniors who are desperately concerned about what is going to happen to them the next year, they have not another year to make up. They are at the end of the line, seniors who desperately want their high school proms, their high school graduation activities and have worked 11 years to so attain those goals. I think that it would set extremely bad policy and, indeed, would be very bad law for us today, this evening, Mr. President, to agree to subsection (e), which would declare for all time that when a work stoppage occurred, schools would be shut, the doors would be padlocked, no ifs, ands or buts. I hope this portion of the General Assembly is not prepared to take that kind of Draconian step against the education process, Mr. President.

Senator RHOADES. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Stewart.

The PRESIDENT pro tempore. Will the gentleman from Cambria, Senator Stewart, permit himself to be interrogated?

Senator STEWART. I will, Mr. President.

Senator RHOADES. Mr. President, are these certified or noncertified teachers?

Senator STEWART. Mr. President, that depends on who you talk to.

Senator RHOADES. Mr. President, during a strike, just for a point of clarification, what role does an administrator have if the teachers are on strike and no one can substitute for them? What role does the administrator play?



Senator STEWART. Mr. President, the administrators can remain in their functioning role as administrators. It just says that the board cannot replace a professional employe who is engaged in a strike, which is being interpreted here, during the questioning, as a teacher, but the administrators, under the terms of this paragraph, can still administrate. It is what they are paid to do.

Senator RHOADES. Mr. President, does the proposal recognize that as part of logistics, and let me just use a junior high with about 300 or 400 kids who come in on the first day of a strike, no one else comes in, it may just be the principal and 300 or 400 kids in the building where you cannot bring anyone else in to, shall we say, even supervise, if that is going to be the role that the teacher would play?

Senator STEWART. Mr. President, if the school board, I would think, saw a situation like that occurring, they would simply cancel classes and cancel school for that day. Mr. President, I cannot imagine a school board that would see that coming where 300 kids show up at school, the teachers are out on the sidewalk and there is nobody inside but administrators. If the board knows that the teachers are going to be on the sidewalk, I would think that they would just cancel classes for that day.

Senator RHOADES. Mr. President, let me ask, within that amendment that we have adopted, what is the sufficient time of notice for when a strike would occur?

Senator STEWART. Mr. President, we just voted on an amendment that gave a 48-hour notice, so the board and the administrators and everyone concerned with the operation of the school will have plenty of notice to anticipate what kinds of scenarios will occur and, therefore, adjust the school day accordingly.

Senator RHOADES. Mr. President, one other point, I guess, is from a standpoint of clarification more than anything else, too, is the fact to remember that your administrators were certified as teachers first, before they became certified administrators and, therefore, would still have the ability to instruct and could end up in a large group instruction type of thing. I am thinking about loopholes that you may want to have to deal with.

Senator BAKER. Mr. President, to me this is an example of an increasing practice in the General Assembly which I think is very deleterious to good legislation, namely, intruding extraneous issues into substantive bills. Whatever the merits of the main legislation we are working on here tonight, this is not the place to attempt to inject legislation which has been dealt with before and can be dealt with again and which is not on the point. In fact, it endangers the bill by inserting provisions that are extraneous to its purpose. For example, the living will legislation has been complicated by injecting the abortion issue into it. In this case school strike legislation has been injected into the question of schools of choice. In the first instance, the mover of this bill tried to splice together two basically contradictory provisions. I take it that although he did not answer the query of the gentleman from Butler, Senator Shaffer, that he was basically admitting that, yes, his

purpose was to stop instruction in schools by the provisions of this act. I think that it is very unfortunate that he would seek to burden this bill, which is already a rather complex bill with a number of serious questions ranging from constitutionality to administration, and put in this particular provision, which takes a level playing field based on the logic of the strike, which is the withholding of services, and then it attempts to tilt a level playing field of negotiation into an unlevel playing field by writing this particular provision into this legislation. I think it is very unfortunate and should be defeated.

Senator LINCOLN. Mr. President, how could anybody who stood or sat or laid down, or did whatever, in the whole period of time that we have been dealing with Senate Bill No. 953, stand before this Body at ten o'clock at night and say how offended they were that we were doing something extraneous to the legislation? Does the gentleman not remember last Wednesday? We had a bill before us, Senate Bill No. 953, that said that the State Department of Education cannot be late on their payments of subsidies, and at 10:00 o'clock on Monday of the following week, Senate Bill No. 953 says anybody who wants to choose a different school from where they are sending their kid, if they want to send them to a non-public, a private, another public education system, that is what the bill says. We went from not paying our subsidies late to changing our whole education process by an amendment offered to this bill. How much more extraneous could you get than the amendment that the gentleman supported last Wednesday as offered by the gentleman from Philadelphia, Senator Salvatore? That is absolutely hard to believe, and after all these words and talking that do not really mean much, I guess, but I really cannot believe somebody could stand before us and say that about a division of something that does not make any sense, and if you want to talk about changing the level playing field, how more dramatically can you do that than to say to a bargaining unit in a school district you have the right to negotiate with that board and if you cannot come to some conclusion that makes you happy and makes the board happy, then you have the right to withhold your services, but we are going to replace you. That is the most incredible change in the law that we have seen since the Reagan Administration got elected in 1980. Replacement workers—it is the scourge of every working man and woman in this country, union and nonunion, because it does not justify the people on strike. If you have somebody that says I do not want to work under those unsafe conditions, I do not want to work in this place because there is no health care, I do not want to do whatever, we will replace you willy-nilly. It does not make any difference whether you do your job properly or not. This is a union busting effort that has come about since Reagan was elected in 1980. It has been used in many instances, not just in school strikes, and it has just become a problem to deal with in the last few years. It is an ugly thing. It pits the middle class that we have been talking about all night, it pits one of those against another to benefit some wealthy person. That is basically what it is. I cannot believe anybody who believes that we ought to have free negotiating

processes in any business, in any union, in any company could say, go ahead and negotiate, but if it does not work and you go on strike, we are going to replace you. You talk about tilting the playing field. This issue right here is one of the most important issues to working men and women in this country. It is the thing that has caused our standard of living to start going the other way because it has destroyed unions, as we went from 20 percent union membership down to 16 percent. We have less health care. We have had almost a doubling of people who do not have health care, and if you think you are doing everybody a favor by saying go ahead and replace workers, you are destroying our economic base. This is one of the most important issues to labor, to working men and women and to all of us because as we lose the right to freely negotiate for health care, for benefits and for wages, every person, all those nonunion members who go out and go to work everyday, that have had safe working conditions and better wages over the past 50 or 60 years, are at risk because of replacement worker practices that have come about since the Reagan Administration took over in 1980. That is what this is all about. It is not a level playing field now, and if you continue to allow replacement workers to be brought in, you are going to find the level playing field is going to keep tilting and tilting until we all fall off.

Senator LEWIS. Mr. President, I am wondering if the lateness of the hour might be contributing to some difficulty that we all might be having with what would otherwise be viewed as relatively simple language. I, for one, do not disagree with the proposition made by the gentleman from Fayette, Senator Lincoln, about the detriments of any process that would permit replacement workers during the time of a strike. But it also seems to me that the language in subsection (e), as now proposed by the gentleman from Cambria, Senator Stewart, really is nothing more than a restatement of the law and the procedure as we currently find it in this Commonwealth. By that I mean two things. I think the language clearly would forbid the replacement of striking workers but, while doing so, I do not think that the language in any way would inhibit a situation in which administrators who are currently employed by that school district would be allowed to fill in to the extent that they are certified and capable of doing so for an interim period in providing some educational instruction for seniors. It is not permissible today to replace striking workers. Yet we know that the process of providing interim educational opportunities for seniors under very limited circumstances is, in fact, available, and I submit to my colleagues that the language of the Stewart amendment would simply continue the practice and the compliance with the law as it is today. I believe it would prohibit replacement workers, but a replacement worker is something very different from an interim situation in which somebody who was already employed as a professional within that school district would offer an interim instructional opportunity for students who chose to use it. Maybe the lateness of the hour is causing me to view something more simplistically than I ought to, but unless I am in error, I would submit to my colleagues that all of the concerns

I have heard expressed here by the speakers who have preceded me, in fact, are protected and embraced within the Stewart amendment. Unless somebody believes that to be inaccurate, it would seem to me that this ought to be an amendment which we could support unanimously because it does achieve both of the principal objectives which I have heard expressed here in the last half hour.

Senator SHAFFER. Mr. President, in response to the gentleman from Bucks, Senator Lewis, perhaps the gentleman was off the floor, but I did question the maker of this amendment as to his intent, vis-a-vis, current school administrators as well as other so-called off-the-street hirees, and he assured this Chamber that he intended a ban on not only what we would typify as true replacement workers, but also intended a ban on current administrative personnel, whether or not they were certified. Mr. President, that is what I understood the gentleman from Cambria, Senator Stewart, to say, and, indeed, that is what the language appears to say. Let me say also to the gentleman from Fayette, Senator Lincoln, who always wants to get off on a tangent and talk about the demise of labor since Ronald Reagan, et cetera, let me explain to him that this, as we view it, as I view it, is not really a labor issue per se, it is an education issue. Should the education of the students of the Commonwealth of Pennsylvania, to what degree should it or should it not be disrupted? To what degree does the Constitution of this Commonwealth, which guarantees a full and free educational system, to what degree does that mean anything? So the information that the gentleman imparts to us about the demise of the working class and about the backsliding of our standard of living may or may not be true, but I submit to the Members of this Chamber, it is not the specific, relevant issue that is before this Chamber tonight. This relevant issue in this amendment is whether or not the education process, the status quo of the education process, is to be maintained. And the status quo is, as I understand it, that while permanent replacement teachers are not allowed, certainly temporary replacement teachers are allowed. I must remind the gentlemen from the other side of the aisle that, indeed, we are arguing an issue which was brought up by them. We have not asked for this amendment. It is that side of the aisle that has raised this issue.

Senator LEWIS. Mr. President, I was on the floor when the colloquy took place between the gentleman from Butler, Senator Shaffer, and the gentleman from Cambria, Senator Stewart, and because I also heard the questions and responses and was confused by them, I have taken the opportunity to discuss it at sidebar with Senator Stewart. I want to share that conversation with my colleagues.

Mr. President, I desire to interrogate the gentleman from Cambria, Senator Stewart.

The PRESIDENT pro tempore. Will the gentleman from Cambria, Senator Stewart, permit himself to be interrogated?

Senator STEWART. I will, Mr. President.

Senator LEWIS. Mr. President, the comments that I have made about the distinction between replacement on a permanent basis and the opportunity for fill-in for educational pur-

poses, I think, were heard by Senator Stewart and, if so, would he disagree with the statements that I made as to my opinion of the interpretation of that language?

Senator STEWART. Mr. President, let me simply say this to the Senator. There is, in my mind, a clear difference between administratively filling in and keeping the wheels of education going during a strike and permanently replacing a teacher of those children who are being subjected to that situation. I believe that teaching a child in our public school system and educating our children by a teacher is a completely different thing than an administrator sitting in and making sure that they do not tear the building down. But to answer the question, I do not disagree with his interpretation.

Senator LEWIS. Mr. President, just by way of a final point, I was listening again to the comments carefully that were made by Senator Shaffer, and I should point out to him that the language of the bill, which is really that with which we are dealing, says replacement. It is not qualified in any way, shape or form, and the simple English definition of the word "replacement" means to put someone new into a position permanently. For him to try to suggest that what this might mean is temporary replacement is just his own speculation as to something that is not to be found in the bill. I think when the clear language is viewed in its ordinary English usage, one will come to appreciate the fact that replacement is something very different than somebody who is already an employee of that school district temporarily filling in for an educational purpose, and I would submit that that distinction is at the crux of the whole issue as we are debating it here and as I think Senator Stewart has now explained to us his understanding and intent as to what this amendment would do. For those reasons I will support the Stewart amendment and would urge my colleagues to do the same.

Senator SHAFFER. Mr. President, I, for one, am extremely confused from the last colloquy as to exactly what subsection (e) means. I thought I made a number of fairly direct questions to Senator Stewart, and I thought I got some fairly direct and complete answers. My recollection was, Mr. President, that Senator Stewart said that if there was a strike, he wanted the schools closed down, period. That was my recollection of what he said. Now there seems to be some trepidation with that kind of fiat, Mr. President, and so we have all heard the dialogue with the other gentleman on his side of the aisle, so I am not sure what it does mean. But I am certain, Mr. President, that the intent of the maker of this amendment and the intent of those who are going to vote in the affirmative is to shut down the education process in this state. Their intent is to see that no senior gets any outside professional help during a work stoppage. It is, in my opinion, Mr. President, the intent of those who vote in favor of the adoption of this amendment, when a strike occurs, and when there is no qualified English instructor or teacher on the premises in an administrative capacity, it is the intent of those who vote in favor of this amendment to deny the students in that school the opportunity to a qualified teacher. If this amendment passes, Mr. President, we are proceeding in what is

nothing less than a travesty, the most anti-education, anti-student vote that we have taken in this Chamber in many a year.

Senator LINCOLN. Mr. President, on the issue, for an individual who the first two words that he uttered tonight were the only two that I think ever made any sense that I ever heard him say—I am confused—I believe that he came to a very definite conclusion after that confusion cleared up. The issue is not replacement of strikers. The issue is do not allow strikes at all. If that is the intention of the gentleman, that he does not believe there should be any disruption and it always should be the teachers' fault, which it seems to me like, for some reason, he really does not like teachers, I believe that we ought to face the issue squarely. It is not always the teachers' fault that there is a strike. There are board members who refuse to negotiate, and if the process is so bad that all he is worried about is the ultimate goal of education for students, then I do not know why, if he is in the Majority, he cannot seem to get any of his bills on the Calendar. We have to offer amendments to get his ideas out here. Why he does not put some pressure on his caucus to put out an Act 195 bill that does away with the right to strike entirely because, in his opinion, strikes are caused by teachers. Do away with the right to strike. That is absolutely ludicrous, and replacing of strikers who may or may not be the reason there is a strike is absolutely the ultimate of unfair application of any law.

And the question recurring,

Will the Senate agree to the second part of amendment A3195, subsection (e)?

The yeas and nays were required by Senator STEWART and were as follows, viz:

#### YEAS—25

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bell	LaValle	O'Pake	Stewart
Bodack	Lewis	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida			

#### NAYS—25

Armstrong	Hart	Loeper	Robbins
Baker	Helfrick	Madigan	Salvatore
Brightbill	Holl	Pecora	Shaffer
Corman	Hopper	Peterson	Shumaker
Fisher	Jubelirer	Punt	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Greenwood			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### RECONSIDERATION OF REIBMAN AMENDMENT

Senator LOEPER. Mr. President, I move that the vote by which the Reibman amendment No. A3100 passed be reconsidered.

The motion was agreed to.

And the question recurring,  
Will the Senate agree to Reibman amendment No. A3100?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—23

Afflerbach	Greenleaf	Lewis	Reibman
Armstrong	Greenwood	Lincoln	Rhoades
Bortner	Jones	Madigan	Schwartz
Brightbill	Jubelirer	Mellow	Stout
Corman	LaValle	Porterfield	Williams
Fattah	Lemmond	Punt	

#### NAYS—27

Andrezeski	Fumo	Musto	Shaffer
Baker	Hart	O'Pake	Shumaker
Belan	Helfrick	Pecora	Stapleton
Bell	Holl	Peterson	Stewart
Bodack	Hopper	Robbins	Tilghman
Dawida	Loeper	Salvatore	Wenger
Fisher	Lynch	Scanlon	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT pro tempore. Without objection, Senate Bill No. 953, as amended, will go over in its order.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 101 (Pr. No. 1748)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further providing for the termination, evaluation and review of agencies; changing the termination date for the State Board of Optometry; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### ANDREZESKI AMENDMENT I

Senator ANDREZESKI, by unanimous consent, offered the following amendment No. A3123:

Amend Title, page 1, line 6, by inserting after "Committee," "": further defining "performance audit"; and

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting:

Section 1. The definition of "performance audit" in section 2 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, is amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

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"Performance audit." A written report by the Legislative Budget and Finance Committee evaluating the management and performance of an agency based on the statistics on its operations and carried out in accordance with the standards for performance and financial compliance auditing developed by the United States General Accounting Office. It shall determine whether the agency:

(1) Is conducting authorized activities or programs in a manner consistent with accomplishing the objectives intended by the General Assembly.

(2) Is conducting programs and activities and expending funds made available in a faithful, efficient, economical and effective manner.

(3) Can save money by instituting the changes recommended by the committee, and what the cost or savings of instituting the recommended changes would be.

This report shall include, but not be limited to, the criteria listed in section 5(d).

Section 2. Section 4 of the act, amended December 16, 1982 (P.L.1355, No.310), is amended to read:

Amend Sec. 2, page 3, line 23, by striking out "2" and inserting: 3

Amend Sec. 3, page 5, line 7, by striking out "3" and inserting: 4

Amend Sec. 4, page 15, line 25, by striking out "4" and inserting: 5

Amend Sec. 5, page 17, line 1, by striking out "5" and inserting: 6

Amend Sec. 6, page 17, line 7, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

Senator ANDREZESKI. Mr. President, the original Sunset Act which we are renewing was established in 1981 and instead of going through all of my remarks, I would like to point out we have spent \$3.5 million out of the 79 agencies and entities we have audited. Nine have been terminated. Of these nine, three were later combined under one comprehensive state board, two were essentially defunct by the time Sunset Review was started, one had its functions reestablished with another department and another was replaced by a similar new agency. What I am saying is that after 10 years we have done nothing with Sunset Review. The purpose of this amendment is to help us, when necessary, downsize state government. This amendment will require Sunset audits, the tool that we pay to look at and never do anything with, to carry revenue estimates of how much could be saved by implementing the specific recommendations contained in the performance audit. One of these recommendations would be how much could be saved by the elimination of the agency that was being audited. It would be then up to us in the Legislature to weigh that savings to the taxpayer against that entity's need to exist in order to serve the public health, safety and welfare, and I offer this not just in light of the fact that I spent ten years looking at reports of which nothing was ever done but also in light of this year's fiscal challenges that we have gone through and will continue to go through.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative.

On the question,

Will the Senate agree to the bill on third consideration?

#### ANDREZESKI AMENDMENT II

Senator ANDREZESKI, by unanimous consent, offered the following amendment No. A3124:

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting: Repealing the act of December 22, 1981 (P.L.508, No.142), entitled "An act requiring the termination of certain agencies of State Government under certain circumstances, creating a Leadership Committee with certain powers and duties and imposing powers and duties upon the Legislative Budget and Finance Committee."

Amend Bill, page 1, lines 10 through 19; pages 2 through 16, lines 1 through 30; page 17, lines 1 through 7, by striking out all of said lines on said pages and inserting:

Section 1. The act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, is repealed.

Section 2. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator ANDREZESKI. Mr. President, seeing that the previous amendment went down as a reform of the Sunset Review process, this amendment eliminates Sunset Review.

Senator LOEPER. Mr. President, I would ask for a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1355 (Pr. No. 1749)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1986 (P. L. 1675, No. 192), entitled "Assessors Certification Act," transferring administrative responsibility and powers and duties from the State Tax Equalization Board to the State Board of Certified Real Estate Appraisers; and repealing the sunset provision of the law.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Stout. His temporary Capitol leave will be cancelled.

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILLS ON THIRD CONSIDERATION AMENDED

**SB 273 (Pr. No. 282)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mediation in divorce and custody matters.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator SCHWARTZ, by unanimous consent, offered the following amendment No. A2806:

Amend Sec. 1 (Sec. 3901), page 2, line 3, by striking out "The court shall adopt local rules for the" and inserting: (1) The court shall adopt local rules for the

Amend Sec. 1 (Sec. 3901), page 2, by inserting between lines 6 and 7: (2) The court shall not mandate mediation in a case where either party is the subject of a domestic violence or child abuse complaint.

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.  
Without objection, the bill, as amended, was passed over in its order at the request of Senator SCHWARTZ.

**HB 344 (Pr. No. 2680)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator LOEPER, by unanimous consent, offered the following amendment No. A2859:

Amend Sec. 4 (Sec. 507), page 5, line 12, by striking out "Registered" and inserting: Professional

Amend Sec. 4 (Sec. 507), page 5, line 26, by striking out "registered" and inserting: professional

Amend Sec. 4 (Sec. 507), page 5, line 30, by striking out "registered" and inserting: professional

Amend Sec. 4 (Sec. 507), page 6, line 5, by striking out "Registered" and inserting: Professional

Amend Sec. 4 (Sec. 507), page 6, line 6, by striking out "registered" and inserting: professional

Amend Sec. 4 (Sec. 507), page 6, line 11, by striking out "registered" and inserting: professional

Amend Sec. 4 (Sec. 507), page 6, line 14, by striking out "registered" and inserting: professional

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.  
Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

#### BILL OVER IN ORDER

**SB 517** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 773 (Pr. No. 1630)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for confidential registration for judges.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator FISHER, by unanimous consent, offered the following amendment No. A3210:

Amend Sec. 1 (Sec. 1303.1), page 1, line 10, by striking out "or a State court" and inserting: justices of the Supreme Court, judges of the Commonwealth Court, judges of the Superior Court or judges of the courts of common pleas

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.  
Without objection, the bill, as amended, was passed over in its order at the request of Senator FISHER.

#### BILL OVER IN ORDER

**SB 865** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 960 (Pr. No. 1702)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator MELLOW, by unanimous consent, offered the following amendment No. A2945:

Amend Sec. 3, page 3, by inserting between lines 25 and 26: (4) The Lieutenant Governor.

Amend Sec. 3, page 3, line 29, by striking out "(4)" and inserting: (5)

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.  
Without objection, the bill, as amended, was passed over in its order at the request of Senator MELLOW.

#### BILL LAID ON THE TABLE

**HB 1132 (Pr. No. 1282)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, relating to stay of proceedings.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL OVER IN ORDER

**SB 1209** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.



## BILL ON THIRD CONSIDERATION AMENDED

**SB 1271 (Pr. No. 1469)** — The Senate proceeded to consideration of the bill, entitled:

An Act creating an incentive for small business employers to offer health insurance to employees.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator PETERSON, by unanimous consent, offered the following amendment No. A3142:

Amend Sec. 4, page 3, line 6, by striking out "Surgery" and inserting: Medically necessary surgery

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PETERSON.

## BILLS OVER IN ORDER

**SB 1272, 1295 and 1296** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED REREFERRED

**SB 7 (Pr. No. 1720)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a motor vehicle theft prevention program.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

PREFERRED APPROPRIATION BILL  
ON SECOND CONSIDERATION

**SB 1440 (Pr. No. 1727)** — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS OVER IN ORDER

**HB 26, SB 331 and 332** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**HB 520 (Pr. No. 2765)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the time for holding organizational meetings and for compensation of township commissioners.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 537 (Pr. No. 1712)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for mayors' associations and for compensation of borough councilmen.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 538** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL LAID ON THE TABLE

**HB 626 (Pr. No. 1748)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for termination of leases by persons in military service, for implementation of interest rate ceilings, for deferral of motor vehicle insurance and for exceptions to financial responsibility requirements.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

## BILLS OVER IN ORDER

**SB 629, HB 719, SB 959, 963 and 973** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**HB 1058 (Pr. No. 2766)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for residency requirements for certain township officials; and further providing for compensation of township supervisors.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL REREFERRED

**SB 1069 (Pr. No. 1607)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the certification of organic food products; providing a civil penalty; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**SB 1080, 1086 and 1087** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 1091 (Pr. No. 1208)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for an economic impact statement for proposed legislation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1109 (Pr. No. 1226)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Rules and Executive Nominations.

## BILLS OVER IN ORDER

**SB 1214, 1273 and 1332** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## UNFINISHED BUSINESS

## REPORTS FROM COMMITTEES

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bill:

**SB 1205 (Pr. No. 1750) (Amended)**

An Act providing for proper immunization of all children in this Commonwealth; and imposing duties on providers of birth health care.

Senator RHOADES, from the Committee on Education, reported the following bill:

**SB 1456 (Pr. No. 1745)**

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for educational appropriations.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to James T. Heslop III by Senator Armstrong.

Congratulations of the Senate were extended to Justin D. Barth by Senator Baker.

Congratulations of the Senate were extended to Hallie Shindehite and to Sarafina Strangis by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Tokar and to Dr. Jon J. P. Warner by Senator Bodack.

Congratulations of the Senate were extended to John R. Watson, Charles L. Hosler and to Aaron P. Maloy by Senator Corman.

Congratulations of the Senate were extended to Edward P. Kanai by Senator Dawida.

Congratulations of the Senate were extended to Santrina Campbell by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Nelson C. Spahr by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Adam Chovanes, Mr. and Mrs. Albert Guzzo, Mr. and Mrs. King Platt, Mr. and Mrs. Martin Kranker, Mr. and Mrs. Albert Mangini, Mr. and Mrs. George Barrowman, Joseph D. Orr, Jr. and to Sewickley Valley Hospital Health Agency by Senator Hart.

Congratulations of the Senate were extended to Margaret A. Bailey, Aloysius S. Banmiller, Pennsylvania Wing of the Civil Air Patrol and Lieutenant Colonel Hugh Waskovich and to Philadelphia Electric Company by Senator Holl.

Congratulations of the Senate were extended to Reverend William B. Moore and to Viola Hasty by Senator Jones.

Congratulations of the Senate were extended to Bellwood-Antis High School by Senator Jubelirer.

Congratulations of the Senate were extended to Evelyn McTaggart Adamo by Senator LaValle.

Congratulations of the Senate were extended to Paul J. Roberts, Sr., Jason Jordan and to Thomas G. Reese by Senator Lemmond.

Congratulations of the Senate were extended to Sergeant Michael W. Hart by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. John P. Foster and to Mr. and Mrs. Lee Burleigh by Senator Madigan.

Congratulations of the Senate were extended to Dr. Gladys F. Ball, Dr. Ben Kline and to Olyphant Lions Club by Senator Mellow.

Congratulations of the Senate were extended to Troy Nelson by Senator Porterfield.

Congratulations of the Senate were extended to Harry Benedict by Senator Punt.

Congratulations of the Senate were extended to Gregg Marsili by Senator Reibman.

Congratulations of the Senate were extended to District Justice Elizabeth M. Lurwick by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Jay Bryan, Mr. and Mrs. Gilbert L. Elliott, Mr. and Mrs. Paul Morrow, Mr. and Mrs. Ernest H. Carr, Michael J. Lindquist and to William R. Hastings by Senator Shaffer.

Congratulations of the Senate were extended to Kathryn Schaefer and to George L. Grimes, Jr. by Senator Shumaker.

## BILLS ON FIRST CONSIDERATION

Senator GREENLEAF. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 700, 770, 1205, 1299, 1456, HB 107, 1807, 1827, 1981 and 2145.

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### DISTRICT JUSTICE

November 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leo Napoli, 105 North Orchard Drive, Butler 16601, Butler County, Twenty-first Senatorial District, for appointment as District Justice in and for the County of Butler, Magisterial District 50-3-01, to serve until the first Monday of January, 1994, vice Robert L. Watson, resigned.

ROBERT P. CASEY.

### CORRECTION TO NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF VETERINARY MEDICINE

November 25, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated October 9, 1991 for the appointment of Joy Louise Ellwanger, 2283 West Pine Grove Road, Pennsylvania Furnace 16865, Huntingdon County, Thirtieth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anne Marie McFeely, Kennett Square, whose term expired, should be corrected to read:

Joy Louise Ellwanger, 2283 West Pine Grove Road, Pennsylvania Furnace 16865, Huntingdon County, Thirty-fourth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anne Marie McFeely, Kennett Square, whose term expired.

## ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, NOVEMBER 26, 1991

9:30 A.M. CONSUMER PROTECTION Room 8E-B  
AND PROFESSIONAL East Wing  
LICENSURE (to consider  
House Bills No. 722 and  
2000; Regulations Nos.  
16A-210, 16A-299, 16A-156,  
P-900443/57-101 and  
L-890050/57-98)

10:30 A.M. BANKING AND INSURANCE Room 461  
(to consider Senate Bills  
No. 1345, 1361, 1436 and  
House Bill No. 536)

Off the FLOOR RULES AND EXECUTIVE Rules Committee  
NOMINATIONS (to consider Conference Room  
Senate Bill No. 303,  
Senate Resolution No. 121  
and certain executive  
nominations)

MONDAY, DECEMBER 9, 1991

1:30 P.M. JUDICIARY (to consider Room 8E-A  
the nominations of Gregory East Wing  
E. Smith, Nitzia I. Quinones  
Alejandro, A. John Snite, Jr.,  
Gary S. Glazer, Anne E. Lazarus  
and James M. Lynn, for the  
Court of Common Pleas of  
Philadelphia County)

TUESDAY, DECEMBER 10, 1991

10:00 A.M. GAME AND FISHERIES Room 461  
(to consider impact of PA  
whitetail on forestry and  
agriculture in the  
Commonwealth)

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, November 26, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 10:42 p.m., Eastern Standard Time.

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 26, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 73

### SENATE

TUESDAY, November 26, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The Chaplain, Reverend STEVE E. BELINSKI, Pastor of Grace Lutheran Church, Reading, offered the following prayer:

This is the week of Thanksgiving. I would like to share first a few verses with you from the Old Testament which speaks to this Thanksgiving offering.

For the Lord, Your God, is bringing you into a good land, a land of brooks, of water, of fountains and springs, flowing forth in valleys and hills; a land of wheat and barley, of vines and trees, a land in which you will eat bread without scarcity and which you will lack nothing, a land whose stones are iron and that of whose hills you can dig copper, and you shall eat and be full, and you shall bless the Lord, Your God, for the good land he has given you.

Let us pray.

O Lord, as we gather together on this Thanksgiving week, we do give thanks to You for the good land You have given us, for this nation, for this Commonwealth and for our communities. We pray that as we gather in bounty, You would fill those who are less fortunate, those who lack food, shelter and whatever need You would have them have.

Bless the Senators this day as they make important decisions in the lives of Your people. May all that is done in this Chamber be for the benefit of not only the people of this Commonwealth, but all of Your people. We pray it in Your holy name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Belinski who is the guest today of Senator O'Pake.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 25, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess Adjournment.

### GENERAL COMMUNICATION

#### AUDITOR GENERAL'S CERTIFICATE

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE AUDITOR GENERAL  
Harrisburg 17120-0018

November 21, 1991

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII, Section 7 of the Constitution of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, the Governor requested a certificate relevant to the settlement for the general obligation bond sale of November 6, 1991.

A duplicate original of my certificate is enclosed.

Sincerely,

BARBARA HAFER  
Auditor General

#### AUDITOR GENERAL'S CERTIFICATE

Pursuant to

ARTICLE VIII, Section 7(a) (4) and (c)  
of the  
CONSTITUTION OF PENNSYLVANIA  
and the

Act of April 9, 1929, No. 176, as amended

To The Governor and The General Assembly:

I, BARBARA HAFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII (Section 7(a) (4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article

XVI-B; added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

The amount of the outstanding net debt as of the date of this certificate is ..... 3,898,309,052.00

The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a) (4) of the Constitution of Pennsylvania and the amount of outstanding net debt as of the date of this certificate is ..... 19,155,047,780.00

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 21st day of November 1991.

BARBARA HAFFER  
Auditor General  
Commonwealth of Pennsylvania

### APPOINTMENT BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointment:

Senator Robert D. Robbins to serve as a member of the Milrite Council.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 303, 1109, Senate Resolution No. 121 and certain nominations.

### REPORTS FROM COMMITTEE

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

#### HB 722 (Pr. No. 2593)

An Act amending the act of December 10, 1974 (P. L. 852, No. 287), referred to as the "Underground Utility Line Protection Law," defining "Consumer Price Index" and "tolerance zone"; further providing for the duty of users, for duties of designers, for duties of contractors and for the one-call system; and making a repeal.

#### HB 2000 (Pr. No. 2511)

An Act reestablishing the Pennsylvania Public Utility Commission.

### REGULATIONS REPORTED

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations have been submitted, without objection, to the Independent Regulatory Review Commission:

Barber Board #16A-156 (Final Form);

Funeral Board #16A-299 (Final Form);  
PUC Regulation #P-900443/57-101 (Final Form); and  
PUC Regulation #L-890050/57-98 (Final Form).

### DISAPPROVAL OF REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulation has been recommended for disapproval to the Independent Regulatory Review Commission:

Chiropractic Board #16A-210 (Final Form).

### BILL IN PLACE

Senator REIBMAN presented to the Chair a bill.

### PERMISSION TO ADDRESS SENATE

Senator REIBMAN asked and obtained unanimous consent to address the Senate.

Senator REIBMAN. Mr. President, I rise in place and present on behalf of myself and a number of my colleagues a bill which I hope will be left open on the desk for additional sponsors, and if I may have permission to offer a few remarks upon the introduction of that bill.

The PRESIDENT pro tempore. The lady may proceed.

Senator REIBMAN. Mr. President, I am offering this bill which would encourage and support distance learning programs, using two-way interactive video and audio technology and data transmission technology which is already available to provide for the sharing of education resources to all schools in our Commonwealth. We have been debating during the last few weeks legislation which would authorize choice in education that is allowing parents and students to choose which school they wish to attend to receive the best education. I believe we should make every school a good school. We should not place parents and students in a situation where they must choose the school they attend in order to receive a quality education. My legislation would authorize the Department of Education and the Board of School Directors of any school district to enter into an agreement with one or more other school districts, intermediate units or institutions of higher education to provide for distance learning programs to share and augment instruction and educational resources.

Mr. President, two-way audio-video conferencing can strengthen education by strengthening the capability of schools as organizations to learn and borrow from each other and other organizations like businesses and other organizations with similar missions and needs. Many of our foreign economic competitors are making financial commitments to an infrastructure that will provide instantaneous movement of voice, video and data. Japan, for example, will spend \$250 billion by the year 2000 to link government agencies, educational institutions and businesses for voice, video and data communications in a single national network. Other states such as Kentucky and Mississippi are using distance learning technologies in an effort to bring educational equity to all

children in grades K through 12. There are a number of school districts in Pennsylvania that currently have distance learning programs in place. The intent of my legislation is to encourage the Department of Education and school districts to develop distance learning programs statewide. Such programs can extend the reach of teachers and those with special expertise through distance learning technologies. Recent advances in the technology make it possible to extend not only the teacher but the classroom environment itself to reach distant and scattered students in schools. Distance learning technologies can link educational resources in basic education to enhance opportunities for students in grades K to 12, as I said. It can link higher education resources with basic education. It can link businesses with higher education resources. Under this legislation a school district may enter into an agreement with other school districts, intermediate units, educational institutions, including institutions of higher education or businesses or appropriate agencies for the purpose of establishing a distance learning program. The Department of Education is permitted and encouraged to enter into an agreement with such educational entities to encourage and support distance learning pilot projects. Whenever funding is available, the department shall give priority to those distance learning proposals that demonstrate effective and innovative partnerships with business, industry and educational institutions.

I believe that once fully developed, Pennsylvania would have an educational system that would provide opportunities to all students in all schools and offer all students access to excellent teachers, enhanced curriculums and other educational resources that may not be currently available to them. I look upon this legislation as the answer to poor school districts which cannot afford certain programs to be linked up with wealthier school districts that have those programs in place and provide this distance learning so that all children are exposed to the very best that we have both in Pennsylvania and, indeed, across the country.

I would hope that many of my colleagues will avail themselves of additional sponsorship on the bill which is open on the desk.

The PRESIDENT pro tempore. The remarks of the lady will be spread upon the record.

### SPECIAL ORDER OF BUSINESS

#### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Banking and Insurance to meet during today's Session in the Rules room to consider Senate Bills No. 1345, 1361, 1436 and House Bill No. 536.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for Senator Pecora.

The PRESIDENT pro tempore. Senator Fisher requests a legislative leave for today's Session for Senator Pecora. The Chair sees no objection. The leave will be granted.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Lynch and Senator Williams.

The PRESIDENT pro tempore. Senator Mellow requests legislative leaves for today's Session for Senator Lynch and Senator Williams. The Chair hears no objection and those leaves will be granted.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1440 (Pr. No. 1727)** — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SB 953 CALLED UP OUT OF ORDER

**SB 953 (Pr. No. 1751)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 953 (Pr. No. 1751)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," regulating strikes by employees of school entities; further providing for payments for transportation of pupils; requiring interest to be paid on certain



late subsidy payments to school districts; and establishing a program to enhance educational opportunities.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator MELLOW. Mr. President, I appreciate the fact that you have asked the Members to at least have some order on the floor, for a short period of time, while we discuss what is probably the most important piece of legislation in dealing with the finances of the Commonwealth on the expenditure side that we could discuss other than a total General Appropriation Budget. I also fully realize that the emotion of this issue being what it is probably will not, under any circumstances, change one vote on the Floor of the Senate. But, I think, Mr. President, it is very, very important that some remarks be put on the record as to the choice of education, as to the feelings of some individuals with regard to the choice of education and, also, Mr. President, exactly where we hope this particular bill will take us. Mr. President, last evening this particular proposal was discussed in detail by amendment form for the better part of some six and one-half hours. There were a lot of amendments that were offered to the proposal. Some of the amendments were accepted. I believe all of the amendments that were offered had a great deal of merit. Mr. President, I am concerned about some things that were not offered as of yesterday. Mr. President, in not discussing as of yet at least the financial aspects of the proposal, I would like to know, since it was never addressed, and perhaps after we speak maybe the maker of the amendment will address some of the issues, what happens if after several weeks into a school year a child who is going to a nonpublic school drops out of school and the family has already received their \$900 check? How does the state go about to recapture some of that money either in part or in total? I also, Mr. President, heard nobody yesterday talk about, nor was there an amendment offered, nor could there probably have been an amendment offered yesterday, that would deal with the tax consequences of this particular proposal. Since, to my knowledge, there is no other state in the United States that has this particular form of a rebate directly to the family, then what happens with the tax consequences with regard to the federal taxes, and I would wonder, although I would like to interrogate, if someone might later on be able to address the issue with regard to federal taxes and is a rebate of this nature taxable for the purposes of filing a federal tax return and if it is not taxable, I would wish that someone could point out to us where the Federal Tax Code would show that it is not taxable or, Mr. President, if, in fact, there is a separate ruling from the IRS that would eliminate or would make a proposal such as this not taxable. Also, if this is taxable, we would have to look at the rates that people pay. The maximum rate that you can pay in this country today is 33 percent of your income. If a family would receive the \$900 rebate from the state government, is it

possible then that 33 percent of that, or \$297, would have to be paid to the federal government for the purposes of paying federal income tax? If that be the case, then the poor children from the inner-city school districts that we heard so much about yesterday, in fact, would they get \$900 or would their families get \$900 or somewhat less than that? Also, Mr. President, there are a number of other concerns that I have. Are there any controls over cost? Is there anything that is written in this proposal that would say that a school district, a non-public school district today that is charging less than \$900 tuition, once this particular bill would go into effect and was funded for the 1992-93 school year, that that tuition would not far exceed \$900, which would mean that the state would have to make the entire payment? Also, Mr. President, is there any control of cost within the school districts? I realize that yesterday there was a proposal that was put forth to have teachers certified and that was defeated. There will be no certification, mandated certification, of teachers. To me, Mr. President, that does cause a problem because from what I have seen with a lot of the nonpublic schools that do have certified teachers, the certified teachers who are there are only there in a holding pattern until they can find a job, a higher paying position in a public school, and the noncertified teachers that are there, although hopefully properly trained but yet without certification from the Department of Education, are there because they do not have the necessary certifications to get a job in the public schools. Also, Mr. President, yesterday there was an amendment that was offered by the gentleman from Fayette, Senator Lincoln, that was accepted and it is on page 4 of the amendment, lines 18 through 20, and it says a public or nonprofit, nonpublic elementary or secondary school which does not agree to provide full access to programs for children with disabilities basically would not get the money. They would not be included which, therefore, means today, with the enactment of the proposal, that any nonpublic school that does not provide programs and access for children with learning disabilities could not qualify. Now once you go ahead, Mr. President, and you add that group in, the figures that I have from the Department of Education would indicate that there are an additional 83,000-plus students today who are not part of the figures that were shown to us yesterday that would qualify for admission into a nonpublic school. Pure and simple mathematics would tell us that if we would take 83,000-plus students and we would multiply that by somewhere in the vicinity of a \$900 rebate, we will find that the cost of this proposal increases tremendously. Mr. President, maybe on the surface the choice of education—and that word “choice” seems to be kind of a catch word—might sound pretty good on the surface and it might sound appealing to a lot of people, but why do we not look into it at a little more depth. The lady from Northampton, Senator Reibman, offered an amendment dealing with the means test. What does a means test actually mean to us? Does it establish a double standard for those people who are of a certain type of means, that a family of four with an income in excess of \$50,000 who might have two children, one child goes to a university in

Pennsylvania, or anywhere else in this country, and the other child goes to a nonpublic school? By the means test that would be given under Senator Reibman, you would apply this same criteria for the child who goes to a school of higher education for a grant as you would to a nonpublic school. But the way the bill is drafted, because the means test amendment was not considered, if you have a family that makes \$50,000 and they have one child who goes to a private university, they could not qualify for a grant under PHEAA, yet that same family could qualify for a grant under this proposal of up to \$900. To me there seems to be something a bit discriminatory about that particular aspect of this proposal.

There was a very strong editorial in today's Philadelphia Inquirer, 11-26-91. For those of you who may not have had an opportunity of reading the editorial, I think you should take the opportunity and read it. It says, "For school choice. Giving vouchers to the well-to-do is wrong, but that's a flaw that can be fixed." We had the opportunity here yesterday, Mr. President, to fix that flaw, and we were denied that opportunity because there were some phone calls from outside sources that were made that asked Members of this Body not to vote for any amendment regardless of how meritorious those amendments may have been. Of course, the means test for vouchers is an amendment with great merit because not only does it take care of those individuals who are poor, but, most importantly, it takes care of those individuals who are the forgotten individuals in this country today, Mr. President, the middle class, because they would have something by which they could participate at a greater level. It was suggested to me today that a professional athlete that might play for a professional team somewhere in Pennsylvania making in excess of \$1 million annually—in fact, when you see some of the contracts given to baseball players today and being requested by baseball players today, some of those contracts are in excess of \$5 million annually—yet that person would qualify because of no means test. That person would qualify if he would send or she would send their child to a nonpublic school or to the public school of their choice. They would qualify for a \$900 rebate the same way that poor family making \$10,000 a year and struggling would qualify for that same \$900 rebate. To me, Mr. President, that in itself seems to be quite discriminatory as to what we are going to do. Now we talk about a means test. There is no program that I can recall that is a worthwhile program in this state that we do not affix some kind of a means test to it because we have financial responsibilities, and we have not only financial responsibilities to the people of the district to which we are directly elected but we have financial responsibilities to the 12 million people who live in Pennsylvania. What do you think would happen to the Pennsylvania lottery if there was no means test for the PACE program? How do you think we might deal with the property tax rebate if there was no means test that would make people qualify for the lottery? What do you think would happen with a rent rebate if there were, in fact, no means tests on which to justify your income? Or let us talk about public welfare recipients. Suppose there was no means test for public welfare.

What would happen, Mr. President, to the kind of money that the Department of Welfare would have to pay out to every citizen of Pennsylvania because we have no means test for public welfare or medical assistance or the low energy income grants that are given based on a means test? Or let us take the one that has been of great controversy over the last several days because of a story that basically was misquoted or maybe not properly reported, at least not initially, in dealing with a poverty exemption on personal income tax. Suppose there was no means test for a poverty exemption. Then what would we have? Every person in the Commonwealth, regardless of their income, being able to deduct the first \$7,000, which is in law today, for a poverty exemption because of there being no means test. I would think that that would be discriminatory, Mr. President, to the other 12 million people who live right here in this great Commonwealth of ours. So, Mr. President, what are we doing? We are looking at the single largest expenditure ever in the history of the Commonwealth of Pennsylvania. The fiscal note that was given to us says that we are going to spend \$307 million if we go ahead and pass this proposal. But that does not address, Mr. President, Senator Lincoln's amendment that is going to make eligible an additional 83,500 students, because now those nonpublic schools will have to deal with special education children, which means we will be adding approximately somewhere around \$75 million more into the expenditure of this proposal or a bill now that will be somewhere around \$400 million. In case we have not been reading the papers recently, this country, for the last 18 months, has been in a recession. It has been in a deep recession. Some people would like to compare the recession to the depression of the 1920s. Hopefully we will never get to that point. How can we in all good conscience, without being intellectually dishonest with the people who we represent, go ahead and say that we can pass a bill on the floor of this Senate that is going to cost \$400 million when we, in fact, know that the money to pay this bill is not there, and the only Member who said on the floor of this Senate that he or she was prepared to vote for taxes to pay for this, to his credit, is the gentleman from Philadelphia, Senator Fumo. I did not hear the maker of the amendment say where the money was going to come from, nor did I hear the maker of the amendment say he would be prepared to vote for taxes to pay for his proposal, and I subject to you, Mr. President, today that it would be a total disenfranchisement of any individual on this floor to go ahead and to vote for a new program to spend \$400 million without making the same appropriate vote to put up the money to pay for the program that is so very, very expensive. Mr. President, let us make one additional comparison because I happened to be here at the time and I heard so much rhetoric during the budget debate of 1991, comparing it to 1977, if you will. Well, Mr. President, the expenditure here today of close to \$400 million is more than the tax increase of 1977, which means that we worked in Harrisburg throughout the entire summer of 1977 and into the fall to pass a tax increase that does not come up to the increase in the expenditure of this particular proposal. This proposal

makes the Milton Shapp tax increase of 1977 not look all that bad, when you think about the kind of money that has to be spent here. Finally, let us get it into the proper perspective with regard to new programs, vis-a-vis taxes. If you are prepared to go ahead today and pass this proposal, spending up to \$400 million, then you have to be prepared to go ahead and select a tax to make the appropriation to pay for the expenditure or you are being very dishonest with the people that you represent, those individuals who are out there that expect that come the 1992-93 fiscal year, if I send my child to a nonpublic school, that I will be receiving \$900 for that child regardless of my income. You are misleading people if you are not going to vote for the tax. To go ahead and raise the money, you then must be prepared to increase personal income tax by up to three-tenths of one percent because, depending on whose figures you take, the one-tenth of one percent of personal income tax can take in anywhere around \$150 million. Maybe during a recessionary period it might even take in less than that. If we go into a period of prosperity it would take in more than that. So to properly fund this budget just for next year you must increase the personal income tax by up to three-tenths of one percent, or if you do not want to increase personal income tax, then you must be prepared to go ahead and to increase some other tax, and let us look at some other taxes. If you go ahead and you increase sales tax in Pennsylvania by one full percentage point, you will take in somewhere around \$750 million in good times. So, if you want to raise \$400 million, basic mathematics will tell you that you must increase sales tax in Pennsylvania by at least a bare minimum of one-half of one percent to seven tenths of one percent. What that means in Pennsylvania is that we will have a sales tax in Pennsylvania that will be 6.5 percent, and if you have the distinction of living in Philadelphia, your sales tax will not be 6.5 percent but, in fact, will be 7.5 percent. I have heard so much about corporate taxes and what has happened with corporations and how we have not done our job to the corporate community in Pennsylvania, and maybe they are right. We heard a lot during the budget about how we should go ahead and maybe even look at the taxation of some limited partnerships, some of the best corporations, if you will. Mr. President, if we go ahead and pass this proposal, then you have the menu out there. You can increase personal income taxes, you can increase sales tax or you can go ahead and you can take corporate net income tax. Now corporate net income tax, if I can remember from the budget, takes in somewhere in the vicinity of \$110 million for one percentage point, once again, depending on how the recession is, and we are in a recession. So if you take a low side of that, maybe it is \$100 million. If you want to go ahead and increase CNI tax to pay for this program, then you are looking at an increase in corporate net income tax somewhere in the vicinity of four percent, which would give us the dubious distinction in Pennsylvania of having a CNI tax of 16.5 percent. That is out there for you if you choose to do it. Or, finally, Mr. President, we can introduce a bill and we can increase the Capital Stock and Franchise Tax, which was increased, if I remember, during the

budget to 12.25 percent from, I believe, 9.5 percent, and if memory serves me correctly, also, that one percentage point will take in about \$80 million. So for us to go ahead and to pay the school of choice only for one year of \$400 million, then we must increase on that tax alone, we must go ahead with simple mathematics and say that we have to increase that by five full percentage points, which would put that tax at 17.25 percent in Pennsylvania. Every one of those tax increases are ludicrous, and every Member of this Body, all 50 Members of the Senate who are here, knows that, and with the exception of Senator Fumo, not one person has said that they are prepared to vote for the taxes and the revenues to pay for this proposal. I have heard it said over and over and over to me, oh, do not worry. You will find the money. You will be able to find it. Do not worry about it. It is going to come in. Well, I wish somebody would tell me how, in fact, it is going to come in. What we are doing within the passage of this proposal, perhaps, is we are increasing the revenues to the federal government by allowing a substantial amount of money to be paid to parents that then is taxable for federal tax purposes. So, if one of the objectives here is to try to reduce the federal deficit by having Pennsylvanians paying more federal income tax, then we are certainly going to accomplish that to the tune probably, in this proposal, of many millions of dollars of money that is supposed to go to the poor children from our inner cities who do not have the opportunity to receive a quality education.

Mr. President, I am not opposed to the concept of choice of education. I am not opposed to financing nonpublic schools, but I am opposed to going ahead and spending up to \$400 million in a program that circumvented the committee system in this Senate, that bypassed the Chairman, the gentleman from Schuylkill, Senator Rhoades, who I think has done an excellent job in trying to put together public hearings and a program in dealing with the choice of education. I do not quite totally understand the political consequences of why the gentleman from Philadelphia, Senator Salvatore, thought, in his wisdom, it was important to do it this week, why he did not do it during the budget when we could have considered it as a final package, a total package, within our budget so that instead of us having to increase taxes by somewhere in the vicinity of \$2.8 billion, we could have gone very easily and we could have said the package is not \$2.8 billion, it is \$2.8 billion plus \$400 million for aid to nonpublic schools or \$3.2 billion, and then we could have put up our votes. We could have put our vote where our rhetoric is and made the money available to pay for a program that we are misleading people in saying will be implemented next year, and I do not know any worse deception on the part of public officials, to deceive the constituency which they represent, the constituency which has sent us here to represent their interests and their needs by telling them we will pass this proposal and that this money will be available for them in the 1992-93 fiscal year. Mr. President, not on the merit of what the choice of education is because I think people should be allowed, in certain cases, their right of choice, but based on the fact that we in Pennsyl-

vania cannot afford this proposal today, Mr. President, I would have to ask for a negative vote.

Senator GREENWOOD. Mr. President, I think it is clear that the people of this country and the people of Pennsylvania have some very deep-seated concerns about the quality of education, particularly our public educational system. We see declining SAT scores. We see children who cannot identify the nations of the world on a map. We see children who cannot read. We see kids who do not know anything about history. We see students graduated from our public school systems lacking discipline. We see children graduated from our public schools apparently without values, and we worry about whether this country will be able to continue to compete internationally against the West Germans and the Japanese and the other emerging nations of the world. There is plenty of blame to go around for that. Certainly some of it has to do with declining parental involvement in our children's education. Some of that is because of two wage-earner families, I think. There is MTV and there is Nintendo and there is the rest of the pop culture but, certainly, it is reasonable to suggest that part of the reason for the decline in our public school system has to do with lack of competition, that public schools basically have captive audiences, that there is, beyond the motivation of individual teachers, not a need or an incentive for schools to compete on terms of getting more kids into the better colleges, raising SAT scores. There is no dynamic within our public school system to generate that kind of competition. So I think the idea of schools of choice is a good idea. I think the notion that our public schools ought to get involved in competing against one another, building to building, district to district, public to private, private to private, is a great idea, and it is one that has reemerged and attached itself to an old idea. The old idea is the idea of tuition vouchers, and I think the idea of tuition vouchers has a great deal of merit. I understand because I have met with groups large and small and talked on the phone to my constituents and read their letters that when parents pay tax bills to their schools of \$2,000 or \$3,000 a year or more and then shell out hundreds and thousands of dollars for parochial and private tuitions, they feel slighted, they feel crunched, they feel under pressure and they want some help, and they make the argument that they are unburdening the taxpayers by not sending their children to public schools and if they, in fact, can have their child educated at least as well, if not better, at less cost to all of us, they ought to have some help. I am very, very sympathetic to that notion and I think it is a notion that needs to be addressed. So I begin this debate very, very open to the concept of schools of choice and really excited about the prospect that maybe we could do something that would accomplish those goals in a real way. I commended the gentleman from Philadelphia, Senator Salvatore, for the introduction of Senate Bill No. 992 to get that process under way, and I was looking forward to the Senate Committee on Education holding hearings. I asked the staff if I could have copies of the audio tapes so I could listen to them in my car, because I am not a member of that committee and I really wanted to

become up to speed on all of the issues related to schools of choice. There are concerns. There are problems, impediments to getting to schools of choice. There is the matter of the \$300 million to \$400 million, where that comes from. There is a legitimate question about the constitutional issues. There is the issue of whether the state should be funding schools that have different standards for our children. There is the question about admissions and are the private schools going to be open to children of all races, creeds and colors and specialties and handicaps. There are legitimate questions about the logistics. How do we get the kids? How do we manage transportation? How do we plan in advance? How do we move the money around from one district to another district so that it is fair to everyone? I had hoped the Senate Committee on Education, which is staffed by some of our better Members, I think, could have wrestled with those issues, could have applied their expertise and the expertise of the members of the citizenry around the state and the country who are interested in this issue to try to hammer out something that would really work, whether it was on a pilot basis or an across-the-board basis or an incremental basis, so that we could move in the direction, finally, of schools of choice. I am disappointed because that committee process was circumvented, because in fact we are not and have not been involved in a thoughtful discussion and debate of these issues so that we can give the people what it is that they are yearning for. I think what we went through last night was a political exercise. We winged it. We did not know what we were doing on those amendments. None of us had given much time to those amendments, at least not most of us. I had not had the opportunity to thoughtfully analyze those amendments. I had to kind of listen to the debate and then flip a coin in some cases and make a choice. I am most disappointed by the fact that what we are doing here is passing something that raises the expectations of an awful lot of people in my district and your districts that, in fact, they are going to get something from what we have done in the last two days, that, in fact, they are going to get \$900 a year to help them with those tuition bills, that, in fact, they are going to see schools in Pennsylvania become more competitive and excellent as a result of this and I do not think that is going to happen. This amendment, as I understand it, has \$300,000 in it. That is not \$900 per year, per student. That is 90 cents per year, per student, and that is no help. It costs more than that for a family to mail the forms back and forth. So I think to pass this bill as amended today is a dereliction of our duty. It is more of the same. It is more of the politicians telling the people they can expect something to happen and raise their expectations and then pull the rug out from under their feet when this bill dies in the House. I am disappointed by that. This is a hard vote, and I think for most of us this is as hard a vote as we have had to cast, at least since the budget, but it may be harder for some of us than that. I have 1,500 or 2,000 letters and calls in favor of this bill. I know people are hoping that I will vote for this, and I have been told that this is a political vote. This is a stone political vote. Do not worry about the merits. Do not worry about



what is going to happen to the bill. Count your mail. Count the phone calls. Make the political vote. If you are pro-choice, throw one to the other side. If you are not, do something different. Figure out the politics of that. I am not going to do that. I am going to try to keep the faith of the people who elected me. I am going to try to be honest. I will vote for a schools of choice bill if we get one before us, if the Committee on Education reports out Senate Bill No. 992 and, in fact, deals with the issues that we have mentioned here in a way that I think fulfills the promise that this bill purports to make. My mind is open. I am an advocate of schools of choice. Let us get a bill out here some day that really does something and I will vote for it. But with great reluctance, since that is not what we have experienced in the last 24 hours, I will be casting my vote in the negative.

Senator BRIGHTBILL. Mr. President, sometime ago, about a year ago, I had the opportunity to be the speaker in South Heidelberg Township, Berks County, for their Christmas dinner, and it was a very nice event. The township supervisors were there. They are very concerned individuals who really care about their township. During the course of the evening a question came up, even though it was not a business meeting as such, about a project that was needed in the township and how important it was to the township, and the supervisors looked at their constituents and said something very simple. They said we agree we would like to have that, but we cannot afford it. Those words I have learned in nine years of serving in the Pennsylvania Senate are absolutely foreign to state government—we cannot afford it. It is interesting, Mr. President, because we are looking at a bill that has a fiscal note that says \$300,000 as a fiscal impact, but when we look at the bill we see that that \$300,000 is not to implement the bill, it is \$300,000 to establish the office to implement the bill. When I asked in the Committee on Appropriations what this was going to cost once it was implemented, I was kind of given a flippant answer that you take the number of parochial and nonparochial school students, you multiply it times \$900 and you come to a little over \$300 million. Of course, there is a transportation cost that goes from \$124 per student to \$159 per student, and there are other costs. We are not looking at \$300 million. We are looking at, maybe, \$400 million or \$500 million, and we are looking at it on the days after we passed the largest tax increase in the history of this Commonwealth. I hope the Members realize that they should make no mistake. This is a vote for higher taxes. Just in case I did not make myself clear, maybe I ought to repeat it. This is a vote for higher taxes. The gentleman from Lackawanna, Senator Mellow, commended the gentleman from Philadelphia, Senator Fumo, for being man enough to get up and say, I am voting for this and I am voting for the taxes to pay for it. Well, that is his constituency, Philadelphia, and maybe he is representing his constituency well, but I am going to be curious. How many of those outside of Philadelphia are going to get credit for raising taxes another three-tenths of one percent to pay for these schools? I wonder how many of our constituents, when they see the take-home pay on their checks

go down again in a couple of years are going to say, I feel good because of schools of choice. Mr. President, we have left our principles behind us. You know why I am up here. We are upset. We are scared. There is an anti-incumbent movement. We do not know what to do. So what do we do? We resort to what worked before. We spend money on a special interest group. It worked in past years and maybe it will work again. You know, I voted for the taxes and I stood here and explained why and I really thought I did the right thing at the time, and my colleagues who voted against those taxes went home and said those of us who voted for the taxes were big spenders and that we should have been cutting spending. That is fine. You made those speeches at home and now you are back again to raise taxes by raising spending by \$500 million or \$400 million—do you want to argue?—\$300 million. Those numbers are just as real as your numbers because nobody knows. We do not even have a fiscal note that attempts to deal with the future cost of this. We are not even honest enough to put on paper what it is going to cost. You know, I have been here for eight years and I was sitting here trying to think, did we have a larger spending program in the eight years that I have been here? I do not remember it. Maybe someone will refresh my recollection. Maybe someone who has been here for 20 years or 30 years will tell me whether or not there has been a larger spending program in the history of this Commonwealth. You know, Mr. President, I have sat in meetings here and we know we do not even have the tax bill that we passed settled yet. The administration and others are talking about the need to run a trailer bill to improve on what we have done, to correct our mistakes. So, we are going to cut the revenue that we generated in the last tax bill. We are cutting revenue and we are told by the people who know how to figure these things out using the econometric models that we are not going to have a surplus in this fiscal year. So, how the hell are we going to pay for this one? Maybe we ought to get those South Heidelberg Township supervisors up here and ask them to run this government because we are not capable of it. You know the lobbying in this has really been incredible. I talked to a Member this morning and he told me he cast a vote on one of the amendments and the people who are lobbying for the amendment called on this phone in this Chamber to tell him that he cast a bad vote. Now, is that not incredible? They do not even wait until you get off the floor.

#### CONSTITUTIONAL POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a constitutional point of order.

The PRESIDENT pro tempore. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I rise to make a constitutional point of order that Senate Bill No. 953 in its present form must be passed by a two-thirds vote of this Body, as expressed in Article III, Section 30 of the Constitution of Pennsylvania that states that "No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional train-

ing of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.”

Mr. President, I understand the motion is debatable and I would like to debate the motion.

The PRESIDENT pro tempore. The question before the Senate is the constitutional point of order raised by the gentleman from Lebanon County, Senator Brightbill, that in accordance with Article III, Section 30, of the Constitution of Pennsylvania, that Senate Bill No. 953, Printer's No. 1751 must be finally passed by a two-thirds vote of the Senate. The gentleman has already read the Constitution and, therefore, the issue will be put before the Body and it will be the Body who determines whether, indeed, there is a constitutional issue which would require a two-thirds vote. Those who vote “aye” will vote to sustain the point of order and vote with Senator Brightbill, thereby declaring that Senate Bill No. 953 must be passed by a two-thirds vote of the Senate rather than just a constitutional majority. Those voting “no” will vote that the point of order is not well taken and thereby declare that the bill may be passed by a constitutional majority of the Senate and as Senator Brightbill correctly indicates, the question is debatable. The Chair will put before the Body the voting procedure when the Body is ready to vote.

On the question,

Will the Senate agree to the constitutional point of order?

Senator BRIGHTBILL. Mr. President, I ask the Members to turn to page 6, line 2 of the bill where it says that “Grants shall be made only for use for the payment of tuition at a public or nonprofit nonpublic school within this Commonwealth.” Then, Mr. President, I ask the Members to turn to line 22 on the same page where it says, “Grants shall be made in the form of checks paid to the parents and shall be used solely for the purpose of paying tuition at the educational institution or school district offering the program designated in the grant application.” You know, Mr. President, someone who was not aware of the contents of the Pennsylvania Constitution might look at this and say, why such a cumbersome method? Why are we sending out checks to thousands and thousands of families to pay school tuition when we could handle this in a very efficient manner by having people who go to another public school or go to a private school sign a voucher and have the check made payable directly to the institution. Well, the answer is, very simply, number one, if they did it that way it would fly in the face of this provision of the Constitution and it would require a two-thirds vote. So, what the drafters very cleverly attempted to do was to circumvent Section 30 of the Pennsylvania Constitution. You know, Mr. President, thinking about this, it made me think of one thing that, perhaps, we are doing wrong here of many in this General Assembly. Maybe we ought to handle all school subsidies this way and send checks to the parents for the ESBE formula and for everything else that we pay for school, and maybe then, when somebody is sending two or three kids to the public school and they get a check for \$7,000 or \$8,000, they are going to say, hey, I am getting something for my money here. The State of Pennsylvania is paying tuition. You

know, if the drafters of that bill had that as a philosophy, I might be pretty excited because, perhaps, that is our problem. We are not doing that. But, no, Mr. President, that was not the intent, to enlighten the public. The intent was to avoid Section 30 of the Pennsylvania Constitution. Number one, the legislation requires that this be used solely for tuition. It is against the law to use that check for \$900 for anything other than tuition, but just in case that is not enough, the drafters of this legislation knew if they went to Section 3927 of the Pennsylvania Crimes Code, it would be a crime to use this money for anything other than the payment of tuition. I am not sure if it is a misdemeanor or a felony. I did not check. Maybe someone could check. But I know that someone could go to jail because the offense is defined as follows: “A person who obtains property upon agreement, or subject to a known legal obligation, to make specified payments or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, is guilty of theft if he intentionally deals with the property obtained as his own and fails to make the required payment or disposition.” So our Attorney General now will have something else to do. I guess he is not busy enough fighting drugs. We are going to have him checking out all these checks to make sure that these people who receive their \$900 tuition checks pay them over directly to the institution. Is this a drafting error? Did someone mistakenly want that to occur? No, they are trying to circumvent the Constitution. Well, I have learned in the practice of law that the courts are not quite so blind, but, more importantly, as one of my elder colleagues instructed me yesterday, it is our duty as a Legislature to determine at first instance the constitutionality of what we do. We had taken an oath when we took this job that we are going to adhere to the provisions of our Constitution, and now is the time and today is the day we are going to find out what that oath means, because, believe me, this is going to be one of the biggest votes of your life. When somebody writes profiles of courage of the Pennsylvania Senate, they are going to look at this day, at this vote, and they are going to look at what we did here today to decide what we are really made of, and tonight when we go home and look in that mirror, we are going to have to say to ourselves, am I the person that I thought I was when I got elected to this place? The ideals that I had when I ran, are they real?

Mr. President, I believe that for this provision to pass it requires a two-thirds vote. I would ask for an “aye” vote.

Senator TILGHMAN. Mr. President, I am wandering a little from the motion before us. Earlier in the remarks of the gentleman from Lebanon, Senator Brightbill, he called me dishonest and he called my staff dishonest. I do not particularly like those remarks. He may have gotten unduly excited. He was talking about the \$300,000 fiscal note. I am not dishonest about it. My staff is not dishonest about that, and I would hope the gentleman would lean forward and maybe say to me quietly that he would apologize.

The PRESIDENT pro tempore. He did not lean forward, he jumped up.



Senator BRIGHTBILL. Mr. President, I did not mean to imply that anyone was dishonest. I think the Committee on Appropriations and the gentleman from Montgomery, Senator Tilghman, did their job as it is defined in the law. My concern was that we do not require our Committee on Appropriations to go beyond this year in doing a fiscal note. My concern is that those numbers are just as real, and I do apologize to the gentleman.

Senator TILGHMAN. Mr. President, I will accept that as a rather weak apology. Thank you, sir.

Senator SALVATORE. Mr. President, I oppose the motion. The appropriation of \$300,000 is going to the Department of Education. There are no other monies in this bill except the \$300,000 that is going to the Department of Education. We do this every year, fund monies to the Department of Education. It is no different than anything else. So I would hope that everybody would cast a "no" vote.

Senator FATTAH. Mr. President, I rose yesterday in interrogating the gentleman from Allegheny, Senator Fisher, on a similar matter of constitutional questions about this bill relative to our oath of office, and I agree with the comments of the gentleman from Lebanon, Senator Brightbill, and I agree with his motion. I also think that the prime sponsor of this effort, to suggest to us that the only appropriations that would occur, given the passage of this bill, would be the \$300,000 to the Department of Education is inaccurate. I guess that is the best way I could frame that, given the fact that this bill would require, if it were to become law, payments of at least \$300 million, as identified by the Minority Chairman of the Senate Committee on Appropriations, for those students already enrolled in private and parochial schools in our state. This is without any other student transferring, changing schools or doing anything else, just for payment of \$900 per family. It would be at least, I think the figure was \$305 million that would be caused to be spent by the passage of this bill. So I do want to rise to support the constitutional question. I still think there are constitutional questions beyond the issue of whether this is a nonpreferred appropriation or whether they should have a two-thirds vote, but I do at least at a minimum support Senator Brightbill's motion.

Senator FUMO. Mr. President, I will deal with the constitutional issue and we will talk about numbers, I guess, when we get into the substance of the debate, or, rather, get back to that, but I do have some figures on that.

Mr. President, as to the constitutional argument posed by the gentleman from Lebanon, Senator Brightbill, I do not purport to be a legal scholar, and if I were the brightest lawyer in America who ever lived, I could not predict what the Pennsylvania Supreme Court would do on any issue and I think we are all aware of that. We have all been surprised by some of their holdings and some of their dicta. However, I have been in this Chamber long enough to know that many, many times Members have held their noses and voted for things that were not constitutional, but we said they were and they moved through the process. Mr. President, what has been done in

this piece of legislation is, yes, there is a methodology involved which, hopefully, complies with Article III, Section 30 of the Constitution negating the need for a two-thirds vote and that is that here payments go directly to the parent and that parent can use that money to send that child either to a nonpublic institution or to a school district. That option is there. A child can transfer from one district to the other. We are already aware of that. Who are we in here to say that people are not going to do that? Certainly I would think the gentleman would agree with me that there would be no question as to constitutionality if the program were just limited to transfers to different school districts. It is up to us to decide the constitutionality of this, Mr. President. That will be done by a 26-vote majority in this Chamber. I submit to the Members herein that this legislation and this amendment does comply with the constitutional provisions set forth. Does that mean that a year, or two, three, four years from now, that this Supreme Court will agree with my position? Who knows. Does it mean it will agree with the gentleman from Lebanon, Senator Brightbill's, position? Who knows. Mr. President, if we had the ability to legislate constitutionality by 26 votes, we would not have a need for the Supreme Court on issues such as this. But, we do not have that ability. All we can do is make our best judgment. In all honesty, Mr. President, I submit to you that his particular amendment in this bill is far more constitutional than some of the cockamamie stuff we have run out of this Chamber over the years since I have been here. If that is the test, Mr. President, we should win this overwhelmingly. I submit there is enough here to comply with the Constitution, and I ask for a negative vote.

Senator LINCOLN. Mr. President, I believe that it is very important that we put into the proper perspective what we are dealing with here today. When I hear the gentleman from Philadelphia, Senator Fumo, talk about the number of issues that go before this Body that he termed cockamamie and may be less or more unconstitutional than what we are dealing with here today, I do not think that has any bearing on what we are talking about, and I do not think it has any bearing on the issue as framed by the gentleman from Lebanon, Senator Brightbill. We have before us the most unconstitutional and controversial issue that I have had to deal with in 19 years in the General Assembly. In none of the debate last night did I hear anybody say, yes, this is constitutional, nobody. The lady from Allegheny, Senator Hart, did but she had not read the Constitution, unfortunately. I believe we should say very clearly—

#### POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, the remarks of the gentleman are out of order and should be stricken from the record. It is the exact same point of order he raised last evening and that was a blatant disregard of a Member's intent.

The PRESIDENT pro tempore. The Chair agrees with the gentleman.

Senator LINCOLN. Mr. President, I did nothing but respond to her waving in her chair that she did read the Constitution, and if she did she ought to learn to read.

The PRESIDENT pro tempore. The Chair admonishes the speaker that the personal attack on a Member of this Senate is a violation of the Rules and would ask that you confine it to the issue of the debate on whether this is constitutional. The lady from Allegheny, Senator Hart, was not speaking on the record, you were.

Senator LINCOLN. Mr. President, would you define for me what I said that was a personal attack?

The PRESIDENT pro tempore. The personal attack, I believe, would be in the sense that she did not read the Constitution. I do not believe that is an appropriate—

Senator LINCOLN. Mr. President, it was very apparent in last night's debate that she had not read the Constitution.

The PRESIDENT pro tempore. Senator Lincoln, we cannot get far afield here. Senator Hart, whatever she said was off the record over there, was not at the microphone and therefore should not have been responded to as a personal response. I think if you keep your remarks and address them to the Chair and on the issue, we will try to confine the debate to that. Other than that, it is going to get far afield from everybody. We know we are dealing with an emotional issue and the Chair is trying to grant latitude in that, but let us remember that there are deep feelings here on both sides of this issue and respect each Member of the Senate's right to have those feelings and confine it to the issue at hand, and that is Senator Brightbill's question on the constitutional point of order. You may continue.

Senator LINCOLN. Mr. President, I have no problem with that as long as I can accept that as an admonishment of not keeping in the decorum on her part of what took place here in this Session.

The PRESIDENT pro tempore. That is fine. Let us leave it at that. You may continue.

Senator LINCOLN. Mr. President, if she wants to stand up and wave her arms, let her do that, but she has to think back on what was taken into consideration here.

The PRESIDENT pro tempore. Senator Lincoln, the Chair has made the ruling. It is over. It is past. Let us continue on the debate.

Senator LINCOLN. Mr. President, what is the ruling? Are my remarks expunged from the record?

The PRESIDENT pro tempore. No, your remarks are not expunged from the record. The Chair admonishes you to keep the remarks to the issue of constitutionality. Let us move on.

Senator LINCOLN. Mr. President, I find that to be a very strange ruling in the sense that one of the Senators on that side tore the lady from Northampton, Senator Reibman, to pieces last night on her intent of what she was doing, and I do not remember anybody getting admonished for doing that.

The PRESIDENT pro tempore. Senator Lincoln, Senator Hart has not even approached the microphone and has not

spoken on the record today at all. That is the point. There is just no reason. Confine your remarks to the issue and we will move on.

Senator LINCOLN. Mr. President, I thank the President for his very fair assessment of what took place. The issue before us is not as described by the gentleman from Philadelphia, Senator Fumo. This is a very serious—just to take his remarks from two seconds ago—a very emotional issue and one that has a great deal more consequence than most issues that we might deal with in a willy-nilly—

#### POINT OF ORDER

Senator FUMO. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, perhaps the speaker has failed to hear what I said. I said that we have passed other things that were cockamamie, not this. I did not say that. We have held our nose on some other things and this is far more constitutional than them. That was my remark.

The PRESIDENT pro tempore. I do not know that that is a point of order, Senator Fumo. You may respond to him at the appropriate time.

Senator FUMO. Mr. President, he is misstating what I said. It is unfair. He is characterizing me in a negative sense.

The PRESIDENT pro tempore. Senator Fumo, I am sure that that can be responded to and that happens in this Body, unfortunately, too many times and you will have your opportunity to respond, but I do not know if it is a point of order. If we take points of order on everybody who misstates what everybody else says, this whole record will be a point of order. Can we get on with the debate. I am sure, Senator Fumo, I would be happy to recognize you again. If there is some misstatement by Senator Lincoln in the record, you will have the opportunity to clarify that record. The Chair assures you of that.

Senator FUMO. Mr. President, normally I would not be concerned about a misstatement, but in this sense it becomes a characterization and it reflects on my integrity and that is why I object to it.

The PRESIDENT pro tempore. The Chair notes the remarks of the gentleman and—

Senator LINCOLN. Mr. President, I would be happy to suspend operations and we could have the Chair reread what Senator Fumo stated in his debate.

The PRESIDENT pro tempore. Senator Lincoln, you may proceed. The Chair has already stated its position. Move on.

Senator LINCOLN. Mr. President, what did I do this time?

The PRESIDENT pro tempore. The Chair has supported you.

And the question recurring,

Will the Senate agree to the constitutional point of order?

Senator LINCOLN. Mr. President, the issue at hand is that we are not dealing with a cockamamie issue, that we are dealing with an issue of great importance. It is not something we should hold our noses and vote on. I believe we ought to

determine in a clear and a proper fashion whether the motion of the gentleman from Lebanon, Senator Brightbill, is a proper one, and that motion would be, very clearly, that this is something that should take a two-thirds vote, and that is the only issue before us right now. I believe we have the ability, we have the knowledge and we have the experience in this Body to do that in a clear manner. I would urge a "yes" vote on the Brightbill motion.

Senator O'PAKE. Mr. President, I think the reason this does not need a two-thirds vote is that the only appropriation in this bill is the sum of \$300,000 on page 9, which is appropriated from the General Fund to the Department of Education. There is nothing in this bill that appropriates any of the money if this voucher system is finally implemented. That will have to be done somehow in the general operating budget or through some funding bill at that time. Therefore, as we have done many, many times and as I think the rule in here is, that if there is a general appropriation to a department, that requires a constitutional majority and not a two-thirds majority. When the time comes, however, when money is to be made available to pay for this, then we should face the question of what kind of a vote that takes. I am reminded, Mr. President, that we are supposed to fund the public educational system at the 50 percent level, and I do not think we have done that for years. Therefore, when the time comes, I do not think that if the money is not there that the full \$900 needs to be appropriated. We will face that question when we come to it, when we know what the financial situation is like. All this bill does is appropriate, and it is clearly delineated, \$300,000 to the Department of Education, and I think the history of this institution is such that that requires a constitutional majority and not two-thirds.

Senator BELL. Mr. President, I will be very brief. I think everybody in this room has a right to their opinion as to whether this is constitutional or not. I am reminded, if I may take a little bit of time, of when we had a bill called no-fault divorce. I was then, I think, Chairman of the Committee on Judiciary. I made a long speech on why this was not constitutional. Do you know what? Three Supreme Court justices agreed with me and four did not.

Senator CORMAN. Mr. President, I desire to interrogate the gentleman from Berks, Senator O'Pake.

The PRESIDENT pro tempore. Will the gentleman from Berks, Senator O'Pake, permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator CORMAN. Mr. President, I wonder if the gentleman would answer a question for me. If this were fully funded at \$300 million, would it then be a constitutional question?

Senator O'PAKE. Mr. President, if this bill attempted to appropriate in this bill \$300 million, then is your question would that require a two-thirds vote? I am advised by someone more knowledgeable from our Senate Committee on Appropriations that it would not because the direct appropriation is to the Department of Education which would then be allocating the money. That is not necessarily my opinion, but it is the opinion of the Democratic leader of the Senate Com-

mittee on Appropriations. I am told, for further clarification, the same process is used in allocating a lot of money to the Department of Community Affairs for individual grants and awards in communities throughout Pennsylvania, and that does not require a two-thirds vote.

Senator CORMAN. Mr. President, I thank the gentleman.

Mr. President, it appeared to me that he was making the argument that it is not a constitutional question because we are only funding it to the extent of \$300,000 which would obviously be not enough money to fully fund this program. I submit that the gentleman is in error, that the only reason this program would not be fully funded is the fact that we only put \$300,000 in it. If we had put the \$300 million in it, you know, the monies would be going out to the various students who would request that voucher to allow them to attend whatever school they would choose to attend. The only reason it is not going to be fully activated is we have not fully funded it. But I do not think that changes the constitutional question. I think the constitutional question remains, is this particular piece of legislation constitutional the way we have structured it? I do not believe it is and would encourage a "no" vote.

Senator REIBMAN. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Brightbill.

The PRESIDENT pro tempore. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator REIBMAN. Mr. President, would the gentleman please restate his motion and the reason for it again, very briefly?

Senator BRIGHTBILL. Mr. President, my motion is that Senate Bill No. 953 in its present form must be passed by a two-thirds vote of the Body, as expressed in Article III, Section 30 of the Constitution, so the issue, as I understand it, is whether or not a two-thirds vote is required to pass this legislation. It is not as to whether or not this legislation is constitutional under some other provision but merely whether we are obliged to pass it by a two-thirds vote.

Senator REIBMAN. Mr. President, I appreciate that clarification.

#### PREVIOUS QUESTION MOVED

Senator REIBMAN. Mr. President, I would like to move the previous question.

The PRESIDENT pro tempore. Senator Reibman has moved the previous question. Are there four seconds to her motion to cut off debate?

Senator RHOADES. Mr. President, I second the motion.

Senator BELL. Mr. President, I second the motion.

Senator BRIGHTBILL. Mr. President, I second the motion.

The PRESIDENT pro tempore. The Chair sees Senator Rhoades, Senator Bell and Senator Brightbill.

The Senate will be at ease.

(The Senate was at ease.)

Senator REIBMAN. Mr. President, in order to clarify the parliamentary procedure that I just used, what I wanted to do

was to vote now on the Brightbill motion. It is not my intention to cut off any debate with respect to Senate Bill No. 953, but there is a motion on the floor and I just think we should get to that motion.

The PRESIDENT pro tempore. There is a constitutional point of order on the floor. That is what is on the floor and that is what this debate is about and that is fully debatable under the Rules of the Senate.

Senator REIBMAN. Mr. President, if you say so.

The PRESIDENT pro tempore. That is not I, Senator Reibman, it is the Rules of the Senate, long before I came here.

And the question recurring,

Will the Senate agree to the constitutional point of order?

Senator SALVATORE. Mr. President, at present we do not require a two-thirds vote to appropriate funds for the IAG programs, higher educational grants, equipment grants. We do not have to refer to a two-thirds vote when we pass these acts or create these programs, and we are not required to do it here either. Again, I ask for a "no" vote.

The PRESIDENT pro tempore. We are certainly going to permit wide latitude in the debate, but I would remind the Members that both sides now have indicated to me that they want the two-time rule enforced. So I am going to enforce it. We are keeping a record up here. I am taking that as a mandate from both sides of the aisle to strictly enforce the two-time rule and I just want to remind the Members as they go to the microphone that if it is their second time, not to indulge the Chair any further.

Senator FUMO. Mr. President, first of all, in response to my Democratic Whip and Democratic State Chairman, I never, ever intended anyone to get the impression that this particular issue was a cockamamie issue. Perhaps he listened to my words differently than I said them. I am willing to have the record read back, but in the interest of time I will just repudiate what he thinks I said. In case he is misled, I do not think this is a cockamamie issue. I think this is a very important issue, probably one of the most important issues in our state and America today, and that is education for our children so that we can compete in the next decade and in the next century in a world economy, something which is not occurring in a proper fashion today, I submit.

Mr. President, as to the constitutionality issue, we have already set a precedent in our own budget. We give monies by a standard 26-vote majority in the Senate to approved private schools. We give them to YDCs, Glen Mills being a private institution that takes in juvenile delinquents and it is an educational institution. Mr. President, we do this in a lot of different ways, and this is no different than that, and the appropriation here would go to the department which would make the grants. As was said earlier by the gentleman from Berks, Senator O'Pake, that is very similar to the Department of Community Affairs with their process. But exactly on point is Glen Mills School which we fund. Mr. President, also it was said by the gentleman from Centre, Senator Corman, I believe, that this bill does not implement anything, it just sets

up the department. That may be true, but I think there is another misconception floating around here, and I was going to save this until later, but because the debate on the constitutionality has gone so far afield, I feel compelled to answer it. I wish people would read the bill, and I will refer now to Senate Bill No. 953, Printer's No. 1751, on page 8, subsection (j), and it says clearly here "In the event that, in fiscal year beginning July 1, 1992, or in any fiscal year thereafter, the funds appropriated for purposes of the program authorized by this section shall be insufficient to award grants in the total amount for which applications are made, the office shall award such grants in amounts which shall reflect the relative proportions of eligible students and available funds." Mr. President, that clearly means that if this General Assembly, in its infinite wisdom, decided to fund this with \$300,000, then it would be as I believe the gentleman from Bucks, Senator Greenwood, said, 90 cents instead of \$900. Or if it gave it a dollar, who would know what the infinitesimal small amount would be? Mr. President, this is clearly a constitutional bill under our past precedent and, I believe, under the current laws of the Commonwealth and the decisions of the Supreme Court. Let us get on with it. Let us get the vote on this thing so we can get on with the bill.

Senator FATTAH. Mr. President, for my second time on this motion, let me just be concise. I think it is obvious to everyone who has paid any attention to this debate that there are serious constitutional questions. The letter of the Constitution seems to be quite clear in Section 30, and I would ask again for favorable consideration of the motion of the gentleman from Lebanon, Senator Brightbill.

Senator LINCOLN. Mr. President, I find the reading of the gentleman from Philadelphia, Senator Fumo, of subsection (j) on page 8 rather interesting in that we are assuming that this is going to be tested constitutionally. As stranger things have happened in my lifetime, what happens if we pass this bill and no one challenges the constitutionality? Then what happens? Then you have a bill that says that you give \$900 to people who fit into the slots. My reading of subsection (j) is that if there is more than the \$900 times whatever we have in place right now, that then there would be some question about whether people get into the program or not, not that there would be any lessening of the amount of money paid per student going into a nonpublic. I also find that it is interesting, if you read the bill on page 9, that for some reason the Committee on Appropriations was hell bent and determined to only put in a \$300,000 fiscal note although I have not even been able to get one of those. I do not even know whether there is a fiscal note printed or not because I have not seen one that officially says it costs \$300,000 for this bill. But I also see in here that in the fiscal year beginning 1992-93, we are raising the per pupil nonpublic transportation student fee from \$124 to \$159, which is an additional \$35 per student, and I know that has to cost more than \$300,000 on its face, and that is not a prospective constitutional question, that is in the bill that it says for 1992-93. It is a very huge amount of money and we have, I guess, in the haste to get this in and out of committee

that day after the amendment was offered, there really was not anybody maybe on the Committee on Appropriations who either cared to look at this in any depth or did not really care to show us what the cost may be. So I do not believe there is any question about right now, when we pass this, it is going to cost almost \$400 million. It is not going to cost \$300,000, and until somebody challenges it in court and stops the process of this bill, it is a \$400 million problem.

Senator LOEPER. Mr. President, I would just like to state for the record that the previous speaker was in error when he quoted the increase in numbers for nonpublic transportation money, that the figure that he quoted is current law and not proposed. That is what the current law is for that subsidy for nonpublic transportation.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Bell has been called from the floor and I would request a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper has requested a temporary Capitol leave for Senator Bell. Without objection, that leave will be granted.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Jones and Senator Lewis.

The PRESIDENT pro tempore. Senator Mellow has requested temporary Capitol leaves for Senator Jones and Senator Lewis. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the constitutional point of order?

The PRESIDENT pro tempore. Let me put the constitutional point of order before the Body again. The point of order raised by the gentleman from Lebanon, Senator Brightbill, is that in accordance with Article III, Section 30, of the Pennsylvania Constitution, Senate Bill No. 953, Printer's No. 1751, must be finally passed by a two-thirds vote of the Senate. Those voting "aye" will vote to sustain the point of order, thereby declaring that Senate Bill No. 953 must be passed by a two-thirds vote of the Senate rather than a constitutional majority. Those voting "no" will vote that the point of order is not well taken and thereby declare that the bill may be passed by a constitutional majority of the Senate.

And the question recurring,

Will the Senate agree to the constitutional point of order?

The yeas and nays were required by Senator BRIGHTBILL and were as follows, viz:

#### YEAS—21

Afflerbach	Greenwood	Lincoln	Rhoades
Bortner	Jones	Madigan	Schwartz
Brightbill	LaValle	Mellow	Stewart
Corman	Lemmond	Porterfield	Stout
Fattah	Lewis	Reibman	Williams
Greenleaf			

#### NAYS—29

Andrezeski	Fumo	Lynch	Salvatore
Armstrong	Hart	Musto	Scanlon
Baker	Helfrick	O'Pake	Shaffer
Belan	Holl	Pecora	Shumaker
Bell	Hopper	Peterson	Stapleton
Bodack	Jubelirer	Punt	Tilghman
Dawida	Loeper	Robbins	Wenger
Fisher			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT pro tempore. The constitutional point of order fails, and the Body has determined that a constitutional majority is the correct number to vote on Senate Bill No. 953.

And the question recurring,

Shall the bill pass finally?

#### SPECIAL ORDER OF BUSINESS

##### GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO SENATE

Senator SCHWARTZ. Mr. President, just as a brief interlude here, we have a group of students, appropriately or inappropriately today, from a parochial school in my district. We have discussed this issue a bit, and they happened to choose today to be here. They are from the Holy Cross Elementary School in East Mount Airy, and with them are the principal and the seventh and eighth grade teachers and two chaperones from the district. I would ask all of the Members on the pro and con side of this discussion to warmly welcome the Holy Cross Elementary School students.

The PRESIDENT pro tempore. We are delighted that Senator Schwartz' guests made a choice today to be here, and I think that they picked a good day. We would like to welcome you.

(Applause.)

##### GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO SENATE

Senator GREENLEAF. Mr. President, I take this opportunity to bring to the attention of the Senate my visitors, Barbara VanPatter and other members of the homeschoolers from Montgomery County.

The PRESIDENT pro tempore. Certainly we are again delighted to welcome Senator Greenleaf's guests to watch democracy in action. Would those guests of Senator Greenleaf please rise so we may give you our usual warm welcome.

(Applause.)

##### GUEST OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE

Senator BORTNER. Mr. President, here earlier today was Audrey Osborne, a junior at Spring Grove High School. She is actually here visiting with Helen Caffrey, the Executive Director of the Senate Committee on Education, as part of the Future Leaders of York Program. She was visiting with me also in my office. She was in the gallery listening to debate. She may be out to lunch with Helen right now, I am



not sure, but I am sure she would appreciate that usual warm Senate response.

The PRESIDENT pro tempore. Would the guest of Senator Bortner please rise so we may give you a warm welcome.

(Applause.)

And the question recurring,  
Shall the bill pass finally?

Senator FATTAH. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT pro tempore. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator FATTAH. Mr. President, I want to return briefly to an issue that was raised yesterday. If the gentleman could, I want to focus now on public schools separately. On the issue, which is spelled out in his bill, which allows parents to choose which public school their children would attend, and I would want to remind, for purposes of my question, Members of the Senate here that, for instance, in our school district in Philadelphia we have a number of magnet schools and specialized schools for engineering and science, for international affairs, for music programs, which have certain requirements for students to be able to attend. For instance, if it is a music magnet program, it may require that students have had a previous number of years in terms of instrument training, and I am trying to reconcile the admissions requirements in these public schools. For instance, that Central or Girls High or other schools—

#### POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, I think the gentleman from Philadelphia, Senator Fattah, is making a very appropriate point that he would like answered and, first of all, there is no order in this Body, Mr. President, and there is no way that people can even hear. I cannot over here hear the question. I do not know how the gentleman he wants to interrogate would have any chance, whatsoever, with the discussion that is in here, of hearing the question. I would hope we could have some kind of order and cut out some of the sidebar conversations on this important issue.

The PRESIDENT pro tempore. The Chair would ask that all Members please take sidebar conversations off the floor so that Members can hear. Sometimes it is difficult to hear the debate.

And the question recurring,  
Shall the bill pass finally?

Senator FATTAH. Mr. President, on page 4, subsection (c), the provision says, "Any other provision of this act to the contrary notwithstanding, every public school student in this Commonwealth shall be permitted to attend the public school

selected by his or her parents or guardians,...." There are a number of public schools and I refer now to the ones in Philadelphia, but I would assume that it may be the case in other school districts around the state, that have a specialized admissions criteria. Be it Central High or Girls High of Philadelphia which have high academic requirements for admission or the Music Magnet Program at Overbrook High School or other schools such as the school for engineering and science or international affairs or the school for performing arts which are institutions, public institutions, and my question really is that understanding the language in your bill, all that would be required in order to create an admission of a child to one of those schools would be the decision of their parent, that they would be admitted. The question I am asking is, how would that reconcile itself to the rules for admission to those schools as they presently stand?

Senator SALVATORE. Mr. President, I do not think it changes at all. I think it has the same conditions. What will be going on then will be going on in the future. There will be no change.

Senator FATTAH. Mr. President, so his point is that—

Senator SALVATORE. Mr. President, we are not here to change any specialized programs. This bill does not intend to do that. If they are going to a magnet school and they want to continue to go to it, fine. If a child wants to apply to go to a magnet school, he applies. If he is qualified to go, then they will accept him.

Senator FATTAH. Mr. President, I am having difficulty reconciling the wording in the act, which says that the only criteria would be the choice of the parent, to the reality that presently, for instance to enter a music magnet program you would need to have performed in certain previous years, in terms of instruments and so on, or to get into the school for performing arts or international affairs or science and engineering, there are certain criteria that would be required. Under your amendment it would seem to wipe away all of those criteria in favor of a parent making a choice and again I am just relating to public schools and I am not talking about a child who is presently in one of those schools deciding to stay. I am saying if a parent, after the enactment of this law, walked over to Girls High or Central High and said, I want my child to be admitted and there is space, that child would have to be admitted under your amendment, as I would understand it. Is that correct, or am I misinterpreting the language?

Senator SALVATORE. Mr. President, I think he is misinterpreting the language.

Senator FATTAH. Mr. President, let me ask one final question on the interrogation here. I really appreciate him standing for interrogation on this matter. What is his impression of what this bill will cost the Commonwealth of Pennsylvania given the \$900 stipend that would be returned to each family in succeeding fiscal years?

Senator SALVATORE. Mr. President, I have no idea what the General Assembly is going to appropriate. Whatever the General Assembly appropriates in money, that is the money



they will get. There is no way of saying they are going to get \$900 a person.

Senator FATTAH. Mr. President, so in no way do you intend at this moment that each family would get \$900 per child.

Senator SALVATORE. Mr. President, there is a ceiling of \$900, there is a cap of \$900 or 90 percent, but there is no way in this legislation and I have not placed any dollar figures in here. All I have is \$300,000 to create the educational office. It would be up to the Legislature in subsequent years. I think the gentleman from Philadelphia, Senator Fumo, clearly stated that earlier in his remarks.

Senator FATTAH. Mr. President, I think that is very helpful because I think many members of the public at least perceive at this moment what this bill would create for them, and I think we might be able to understand why it is that they would perceive it to be so, that they would receive \$900. So that is not the intent at this moment. Thank you and I want to make my comments on final passage now.

Mr. President, on the front page of this morning's Washington Post is a story about another legislative body, the United States Congress, which is the lead story above the fold. The essence of the story is that the leadership of the Congress, in commenting on the end of its session, suggested that symbolism had triumphed over substance in that legislative session that they just had completed. I think in many respects that comment about our national lawmaking body holds true here again on this issue, that this is a symbolic gesture that talks about choice. It talks about creating choices for parents in terms of determining which schools their children will attend. Firstly, in terms of private schools, parents do not choose schools. Schools choose the students that they will admit, and there is nothing in this bill that would create a burden on private schools to accept students who are now presently in public schools in our state.

Secondly, Mr. President, it just has been brought out in interrogation over what financial remuneration parents will or will not receive who are now choosing to have their children educated in private and parochial schools. You cannot find any constituent, I think, who has paid any attention to this bill who is not under the impression that upon passage of this bill that they would be eligible for a \$900 stipend in order to support the private choice they have made. However, it has been made clear by the prime sponsor of this amendment that there are no appropriations in this bill beyond the \$300,000, and there is no burden upon the Legislature to appropriate \$900 per student. We have also heard from the gentleman from Philadelphia, Senator Fumo, that it would require additional tax votes, which we know how difficult they are to come by in this Chamber, in order for any funding to be forthcoming because of the passage of this bill. There is a lot of conventional wisdom that has been talked about in terms of education and educational progress in our state, and there is a belief, and it has been articulated a number of times on this floor, that private and parochial schools somehow do a much better job in educating children than public schools.

Well, the Senate Committee on Education held a hearing, and from the testimony that was elicited at that hearing it became clear that there is only one national body that conducts studies. It is an instrument of our federal government under our very capable President and his administration, his Education Department, that looks at the question of performance of school children across public, private and parochial schools in our nation, and the reality of all of the studies that have been done is that there is no significant difference between the performance of children in public or private or parochial schools in our country, except for a very small percentage of students in very elite, very expensive private schools, but that in the main, after 12 years, there is very little difference between the performance of those students. Here we are again, symbolism over substance. There is much that we could do if we wanted to spend \$300 million to improve the life and lot of young people in our Commonwealth in children. We could provide health insurance for the tens of thousands of young people in our state who do not presently have health insurance. That would be in keeping with President Bush's and the National Governors Association's agenda on making young people better prepared when they start school. We could increase the opportunities for early childhood education, which, again, is one of the national goals promoted by President Bush and the Governors Association, and which is agreed upon by everyone who has been involved in the field of education that it would make a substantial difference in the performance of young people in school. We could provide, as they have in New York, through the Liberty Scholarship Program a guaranteed access last dollar scholarship to every student in this Commonwealth to go into higher education. There is a lot that we could do if we wanted to spend \$300 million to improve education. Today we are offering up a bill, and once it is passed, if it does pass on this floor, will spend at minimum \$300 million. If no child anywhere in our 67 counties changes any school, it will still cost us \$300 million. I do not know how we reconcile that with being responsible Members of the General Assembly. I can tell you that as a former House Member and a Member of the Senate, someone who served almost a decade on the House and Senate Committees on Education, I have always had a great admiration for the leadership of the Legislature that has allowed the Committees on Education to be, perhaps, one of the most substantive committees in our Body, void of much of the partisan bickering, and really focused on trying to produce effective results in the area of education. We have a national reputation in supporting a wide variety of educational opportunities for young people, including independent religious affiliated colleges and universities and a very substantial investment in public higher education, 501 school districts, and our support for nonpublic schools, over \$165 million a year in transportation, is the envy, I think, of many similarly situated schools in other states in our nation. But I believe today is a moment after almost a decade now in working on education issues in Harrisburg that really does refer me to that headline in which today we have sunk very, very low as we consider what is more a symbolic gesture pur-

porting to be some response to the needs to reform education rather than a substantive response to provide, again, as we have done so many times in our past in this state, an effective response, a responsible act in terms of promoting quality education for students in the Commonwealth. So I would ask that on final passage that my colleagues who share my concerns vote "no" on this bill and hope that the Senate Committee on Education can go back to its work of hearing testimony and attempting to find some way to reconcile the desires of many parents to have more choices and our public responsibility to provide a quality, equitable public education as it is called for in our Constitution.

Senator ARMSTRONG. Mr. President, Senate Bill No. 953 is not perfect—we all know that—but I do not think we have passed a perfect bill up here yet. It has problems with it, but I think we can work them out over time. You know people are fed up with business as usual concerning education. Just go out and meet with your people and discuss this problem. I will tell you, they are really fed up with the way things are going. Here in Pennsylvania we are paying \$58,500 per teacher for salary and benefits, number one in the nation. Second highest, I believe, is Connecticut with about \$51,000 and I believe in Alaska it is \$49,500. So we are talking about two other states that have a much higher income, a much higher standard of living, perhaps, and here we are at \$58,500, but overall in Pennsylvania we are not getting the results. They say you cannot use SAT scores as a barometer, but you know other states are using it. Why can we not? Well, if you take the SAT scores and use that as a barometer, we are 45 out of 50 in this nation but yet we are paying \$58,500 per teacher. Something is wrong. This is a bold initiative and it takes courage. I do not think this is an easy vote. The gentleman from Lebanon, Senator Brightbill, was saying it takes courage. No one is going to win on this vote at all politically. You know you are going to take heat no matter which side you are on, and I believe every Member here is voting what they think is right in their heart. I know all of you and I know how strongly you feel on this, and I think you are voting what you feel is best for your constituents. It is too hot an issue to say, I am doing this because my cards and my letters are running two to one, three to one on behalf of this side. I do not think that is the case. I think we must step outside our comfort zones. It is very comfortable. Business as usual and keep the system the way it is, but that is not what made this nation great. Senator Brightbill was talking about his supervisors. Well, if they cannot afford it they just do not buy it. Well, I do not think we can afford not to have a good or a great educational system.

Our private schools are turning out a good product at half the cost. They must be doing something right. I do not think we can afford not to look at this as an alternative. The gentleman from Philadelphia, Senator Fumo, was saying about worldwide we have to compete and we do. The Europeans and the Japanese are beating us, it seems, at almost everything and if we do not do something soon, this nation will be second-rate. I do not think anybody wants this country to be a

second-rate nation. So there is an affordability that goes with this bill as far as education goes. Can we afford it? Can we not afford it? As far as what hard dollars it is going to cost, we are talking right now \$300,000, but we are talking \$300 million, \$400 million, but we must make that appropriation. We go through the budget process every year. We must make that appropriation.

The gentleman from Lackawanna, Senator Mellow, was talking about we are in a recession or, perhaps, a depression equal to the 1920s. Yet, this year we have increased the state budget by 13 percent in recessionary times and put in a billion dollars worth of new taxes. Well, I must say the people who voted for that, it took courage to vote for that, there is no doubt about that. That was not an easy vote. I respect the people who voted for that, but I just feel we set our priorities in that budget, and the majority of Members felt that those were their priorities. Education, I think, is a priority in Pennsylvania in the House and in the Senate, and I think we do fund education, but I do not think we are getting our money's worth. We are also placing too many burdens on our educational systems. We are telling them how much to pay for starting teachers' salaries, whether it is in Philadelphia or whether it is in Potter County or whether it is in Lancaster County. We are allowing the teachers tenure. We are allowing selective strikes. We are telling them how to build their schools and how much to pay the construction workers who are building that school. We are not allowing privatization or lease-back programs. We are just not allowing these things that can save substantial amounts of money. The teachers' unions had better start concentrating on education and not disrupting our students through selective strikes.

The private school system is working. During testimony in the Committee on Education there was a lady who came in and really made a lot of sense to me, a lady of lower income in Philadelphia. She was a high school dropout. She had four children. She was not Catholic, but she had two in the Catholic schools. She had two in the public schools. She was discussing the difference between the two. She said you go into one school and they are disciplined. You go into the other school and it is chaos. Her one son had to have \$150 pump sneakers to be in with his peer group in the public school, so he would be in this group that would say, he is one of us now. The Catholic schools, as you know, have uniforms. It cost her a good bit of money just to outfit her students so they had the right things to wear to school so they would be part of the school.

The only way out of poverty, I believe, in this state and this nation is through education. Like I said, this is not an easy vote. None of us are going to win politically. You are going to get hammered on this, no matter what you do, next election. They can take parts of this vote either way and use it against us. We all know that and we will probably be doing this and beat each other up on it, but I think you have to vote your conscience. We need to change our public education system. It is not working the way it should. To varying degrees, some areas are working very well, some areas are not. In my own

school district I have complete faith in my school district. I think it is doing a good job, but there are other parts of the county, other parts of the state that are not doing as well. However, overall the private system is working better. It is time to step out of mediocrity and give parents a choice, and I urge support of Senate Bill No. 953.

Senator SCHWARTZ. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT pro tempore. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator SCHWARTZ. Mr. President, following up on some of the previous questions, I was wondering if there has been some examination of the amount. I understand the \$900 now has been stated as possible because we have not appropriated the \$300 million, \$400 million or \$500 million to fund this across the state. I would ask the question of what amount does the gentleman think would be the amount approximately around \$900 and just about how many children would be able to take advantage of this? I am leading to the point that it is possible, given the appropriation that we may or may not make in this Body. The question is, are there parents then who would seek the voucher to go to a private or public school who would not then be able to get it, so the question is about how many people, how many children would be able to take advantage of this and, secondly, does the gentleman think that there would be parents then who would not be able to get a \$900 check when their neighbor is able to and how would that determination be made?

Senator SALVATORE. Mr. President, I do not believe I understand the lady's questions, but I think if what she is saying is that X amount of children apply, they have a deadline to apply. Now, how much money we are going to appropriate, I do not know. That would be for the Legislature to decide at some future date. So I cannot answer that question. All I know is that we expend over \$10 billion a year now in Pennsylvania, and that is not including higher education, federal, state dollars and local monies—\$10 billion a year—and if she is talking about a few hypothetical cases she wants to use, that \$300 million she is talking about, she is talking about three percent of the \$10 billion.

Senator SCHWARTZ. Mr. President, my question is, if the estimate is approximately \$300 million and we should choose, for example, to appropriate \$150 million, there are then parents who are already in need of this voucher, who already have their children in parochial school who will not be able to get a voucher potentially. Is that correct?

Senator SALVATORE. Mr. President, no, that is not true. I do not know how many children are going to be left in a nonpublic school system. Because of the tuitions, because of the economy, because of the disposable incomes, because of the higher taxes that were imposed upon them, a lot of them were forced to send their children to public schools. We are losing about 4,000 to 5,000 children a year in Philadelphia who cannot afford the tuitions. Now, across the state there

are approximately 300,000 people, or a little better than 300,000, as I understand, who are now attending nonpublic or private schools.

Senator SCHWARTZ. Mr. President, the question that I have, is the gentleman saying that he would prioritize those who are new to wanting to come into the system rather than those who already now have children in parochial schools, so that what he would do then if we did not appropriate enough money for all those currently in parochial school and private school and for new people to come into the parochial school, he would prioritize those newly coming in out of the public school into parochial school and not those who currently have children in the parochial school?

The PRESIDENT pro tempore. In order to have correct procedure, I would appreciate it if both the person who is interrogating and the person responding would address their questions and answers through the Chair as required by the Rules of the Senate.

Senator SALVATORE. Mr. President, you are absolutely correct. I apologize, but I am trying to do it for the sake of expediency because I know a lot of people have been here all last night and today a lot of people want to go home because of the holiday, so I am trying to be as brief as possible. I think on page 6, Section 4, it says: "The office shall establish reasonable deadline dates for submission of applications for grants and shall make such grants no later than fifteen (15) days prior to the beginning of the school year for which the grant will be utilized." So I think that answers the lady's question.

Senator SCHWARTZ. Mr. President, leaving that question, let me ask then, I believe the public perception is that the checks are almost in the mail, or at least that is the way constituents of mine have approached me. I am wondering particularly whether we could get some estimation of how long it will take for actual checks to get in the mail once we not only vote on this, but obviously once it is passed generally. I mean, is there an estimation of the sponsor of this legislation as to how long it will take for those who will get these checks to actually have them? Are we talking two, three, four years, really some estimation given the major constitutional questions, the obviously elaborate structure that needs to be set up in every school district in this state? The complicating fact is that we have tried to address some through amendment and some not. Is there any estimation of how many years this would take for actually some of the citizens of Pennsylvania to see this money in their hands?

Senator SALVATORE. Mr. President, I guess I could clarify an answer with Section 4 again, but maybe I ought to say that it depends on how many lawsuits you are going to file. If you intend to file a lot of lawsuits, it is going to take longer, so it depends on how many lawsuits are filed.

Senator SCHWARTZ. Mr. President, as a point of information, I send both of my children to public school in Philadelphia and am quite pleased with their education and do not plan to attempt to send them either to a parochial school or to a private school. So it will not be something that I will be

seeking under this bill if it should go through. Let me ask just one final question, if I may, and that is, given that we rejected the motion last night of any kind of financial means test, I am curious as to whether there is an estimation of the number of people who would, as the gentleman from Philadelphia, Senator Fumo, suggested yesterday, voluntarily choose to not take funds from this because they personally feel they do not need to. Is there some estimation of that? Are there any other kinds of concerns, given the rejection of the notion of financial means, of how many people might voluntarily choose not to take this \$900 check for a parochial or private school?

Senator SALVATORE. Mr. President, as Senator Fumo stated quite correctly, a lot of people who make a lot of money probably will not take it. But when you say a means test, we have property rent and rebate checks that we already give out to people and we raise the limits and then we always have people who say, I do not qualify. So, they say, if you would just raise it another \$2000 I would qualify, and when you get up to \$20,000, then another group would say, well, I do not qualify because I am up above that means figure. So it is always whatever economic position you are in, I would say to you if there was a reason. A police sergeant and a regular patrolman in Philadelphia making approximately \$75,000 or \$70,000 a year, do you think that they are rich? I do not think they are rich, and I think if they have two or three children going to schools, they have problems, whether it be public schools or nonpublic schools, they have problems. So, for me to tell you what an accurate means test is, I cannot give you the answer.

Senator SCHWARTZ. Mr. President, I would like to add my comments on this so-called school choice legislation which, as we already know, has raised very high hopes for many people across the state and I believe is really a sham. The amendment proposed by the gentleman from Philadelphia, Senator Salvatore, is an example of, at best, good intentions gone astray and, at worst, intentionally misleading abuse of the public trust. The legislation has been mislabeled intentionally to mislead the public. Let us be clear, this legislation will not improve families' options and education and will not improve the quality of education in the state. What it is, Mr. President, is bad public policy. What it does is offer a quick fix by giving a cash grant to private and parochial schools for students already there and will wreak havoc on the public educational system. I sympathize with the rising costs of private school education and with the serious financial burden the payment of private and parochial school tuition puts on working families. I am also keenly aware of the concerns about the failure of too many of our public schools to provide the quality we, as parents, have every right to expect from the public school system. In Philadelphia parents are concerned not only about the quality of education in the public schools, but too often also concerned about the public safety of their children in a public school environment. As a parent of children who are going to the public school system in Philadelphia, I have faced some of these concerns and questions myself. Poor education in our public schools,

whether in Philadelphia, the surrounding counties or rural communities, is unacceptable. We, as state Legislators, have the obligation to work with local school districts to assure that the funding, the standards and the structure exist to assure quality education for all of our Commonwealth children. Education must be a priority. Improvements are critically needed. It may be that dramatic change is needed to improve the quality of education in Pennsylvania. In fact, I support the enhancement of school choice within public school systems, within districts as an important element in improving quality. Incentives such as smaller classes, specialized learning situations, creativity and flexibility are all important. I support greater local autonomy and active parent and community involvement in education. Public private ventures, schools within schools and magnet schools add tremendously to the success of our school systems. Senator Salvatore's amendment will not improve education in this state. It will instead, Mr. President, create chaos in the urban, suburban and rural school districts in the state. There are so many questions and clearly so many problems with the legislation that even those who propose the legislation plan for years of court battles. Mr. President, I will refer to just a few of the most significant issues and problems. Will this bill really increase options for parents not now able to send their children to private schools? Private school tuition and public school costs are between \$5,000 and \$11,000. Parochial school tuition costs are often more than \$1,000. Nine hundred dollars is not enough to send the poorest child to private schools or public schools in another district. If we are not aiding families in financial need, who now do not have the options, why are we using public dollars to subsidize families who do not have financial needs? How will this legislation improve the public school system? How will this legislation help public schools compete when there are no additional incentives for assistance in the public system? How will public school systems accommodate children from other districts? Given the wide disparity and the local property taxes which fund education, how will residents react to educating children from other districts? If parents are to actually pay the difference, which was determined yesterday, how have we enhanced their options? Are the citizens of Pennsylvania prepared to pay substantially higher taxes to pay for the estimated \$350 million state allocation? Who will pay for the additional transportation costs and the additional local administrative costs? If we are truly trying to reach out to those who are not now able to send their children to private and parochial schools, how does this legislation assist those families least able to seek out the best options for their children within the new maze, and a very complicated maze at that, of all public and private schools in the state? Given that this Body just yesterday rejected assurances that public dollars under this voucher program would be used for education, which is not discriminatory and which meets certain standards of quality, what have we done to improve education for our children who are sent to private and religious schools which are totally outside the system of public accountability? Mr. President, where in this legislation is



there any educational reform? Are there smaller classes? Are there special programs to enhance math or science learning? Are there incentives for creative teaching? Are there early education programs to assure school readiness? Are there means to assure safety in a sense of community where there is now only fear and isolation? Mr. President, how does this do more than subsidize the parochial school system which we know is heavily in debt and struggling? In the 1991 budget this Legislature made an additional and significantly increased commitment to public education and at the same time increased the public subsidy for private education. The state now pays \$92 million in subsidies for transportation, books and supplies in private schools and parochial schools. This is no small commitment to the families who choose to send their children outside the public system. I believe that the commitment we must make to the families and children of this Commonwealth is to assure that no one makes the choice to use private and parochial schools because the quality of public education is so poor that we cannot in good conscience send our children to those public schools. There will always be parents who choose to opt out of the public system for religious reasons or because of family traditions or because the style of education in a particular private school is preferable, in their opinion, or because they prefer a more controlled or selective student population for their child. This we accept. What we should not be willing to accept is overturning the basic American right to education which meets certain standards and public assurances and is accessible to all. One of the few assurances we have as Americans is the guarantee of public education for our children. Education should not be a free market enterprise. Public education cannot discriminate. It must serve all of our children regardless of religion, ethnic group, race, handicap or special educational problems. Public education is a right for all of our children. Is that system universally educating our children as well as it should be? No. Is this legislation the answer? No.

Mr. President, I will vote against this legislation. I will continue to seek the right answers to improve education, and I will ask my colleagues to join me in determining the meaningful, long-term answers to assure quality education for all of our children. This legislation, Mr. President, is not the answer.

#### REQUEST TO DIVIDE QUESTION

Senator BRIGHTBILL. Mr. President, I would ask that we divide the question. I would note that the bill has two separate subjects: Section 112, which deals with the regulation of selective strikes, and Section 1310.1, which deals with educational choice. I would like to vote for Section 112, but do not choose to vote for Section 1310.1. Therefore, I would ask to divide the question, referring the Chair to the Senate Journals of November 14, 1977 and also of April 18, 1977, which indicate that to be divisible a question must have more than one subject and include points so distinct and separate that one of them being taken away, the other will stand as a complete proposition. It is my position that is exactly what we have here in Senate Bill No. 953.

The PRESIDENT pro tempore. The Chair would rule that the question is not divisible on final passage, as has been the precedent of the Senate, which has been sustained as recently as April 18, 1977, for the reasons that it would certainly change the way things are done around here. However, recognizing Senator Brightbill's motion, the Chair must make a ruling and the Chair rules, indeed, that the motion to divide on final passage is not in order.

#### RULING OF CHAIR APPEALED

Senator BRIGHTBILL. Mr. President, I would like to appeal the ruling of the Chair.

The PRESIDENT pro tempore. Senator Brightbill has appealed the ruling of the Chair.

On the question,

Shall the ruling of the Chair be sustained?

Senator LOEPER. Mr. President, I would just ask for a negative vote in order to sustain the ruling of the Chair.

#### LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, before we go any further, I would like to have the opportunity to put Senator Scanlon on temporary Capitol leave.

The PRESIDENT pro tempore. Senator Lincoln has requested a temporary Capitol leave for Senator Scanlon. The Chair hears no objection. That leave will be granted.

And the question recurring,

Shall the ruling of the Chair be sustained?

Senator BRIGHTBILL. Mr. President, I would just like to state to the Members that this does not in any way affect the passage of the choice portion of this, so that this does not have any effect of killing the bill. It merely permits Members to deal with these two very important subjects separately as the bill goes through on final passage, and I would ask for an "aye" vote which I understand sustains my position.

Senator AFFLERBACH. Mr. President, I would merely observe that this Body had the opportunity to deal with both of these issues separately last evening when we, in fact, decided to place into Senate Bill No. 953 the language regarding school strikes, 48-hour notification, and so forth. We chose at that time that we wished to deal with both issues in the same bill, and I think it should remain that way, and I ask that we sustain the Chair's ruling in this matter.

And the question recurring,

Shall the ruling of the Chair be sustained?

The yeas and nays were required by Senator BRIGHTBILL and were as follows, viz:

#### YEAS—8

Bortner	Fattah	Porterfield	Reibman
Brightbill	Greenleaf	Punt	Rhoades

#### NAYS—42

Afflerbach	Greenwood	Loeper	Scanlon
Andrezski	Hart	Lynch	Schwartz
Armstrong	Helfrick	Madigan	Shaffer
Baker	Holl	Mellow	Shumaker
Belan	Hopper	Musto	Stapleton

Bell	Jones	O'Pake	Stewart
Bodack	Jubelirer	Pecora	Stout
Corman	LaValle	Peterson	Tilghman
Dawida	Lemmond	Robbins	Wenger
Fisher	Lewis	Salvatore	Williams
Fumo	Lincoln		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT pro tempore. The ruling of the Chair is sustained.

And the question recurring,  
Shall the bill pass finally?

Senator CORMAN. Mr. President, I have two grandchildren who are attending a local private Catholic school. I have one grandchild who is attending the public schools in Centre County, and I think the quality of education they are each receiving from their respective schools is good. However, the idea of schools of choice and competing for students, I think, is a real good idea, and it would help our children, I suspect, become better educated, at least provide the opportunity for them to become better educated. I think the idea of providing competition so that the kids have a better opportunity to compete in this world society is certainly a good one. How could any of us in this room object to that kind of thinking? I hoped that when this issue reached the floor of the Senate that schools of choice would be something that I could accept, a concept that is here and would be in place and we would all be embracing it, or at least the majority of us. When I look at the proposal that is in front of us today, I do not really believe it is a schools of choice. It is really a funding of the private sector over the public sector. When I look at Centre County and what would take place there, I look at maybe the State College School System that some may say is the best public school system in Centre County. Some may challenge that, but let us say, for example, that it happens to be the best. Let us take me back to when I was a young parent. At one time I was a young parent with five children, and I decided that I wanted to have my children have the very best so that they would be able to compete, and that the schools of choice is a very good idea and I want to see how it works so I can send my children to State College where the education quality is the best. I examine the issue and find that tuition in State College, as established by the Commonwealth of Pennsylvania, is \$5,700 a year. I find that the equalized subsidy from Bellefonte School where my family lives gets \$1,845. I add that to the \$900 voucher, and I find that I have \$2,745 to apply to that \$5,700 tuition, or it is going to cost me nearly \$3,000 a child to send my children to State College. My goodness, now, I have five children. How could I have afforded that when they were of school age? How could I afford it today? This is truly not a program that is for the middle class or for the poor people. It is a program that is for the well-off, and it is funded to the detriment of the public school system. To the detriment, Mr. President, because we are putting \$300 million plus into a program to fund the private schools while we continue to underfund the monies that are going to the

public schools. Someone mentioned in this Chamber that many years ago we decided that 50 percent was what we were going to try to achieve as funding for the basic instructional subsidy, and, Mr. President, I believe we are currently at about 39 percent. So what we are saying is rather than trying to get closer to our commitment to the public schools, we are going to take away over \$300 million to fund, in fact, the private schools. Think about it, Mr. President. You know, just three months ago back in August we passed the largest tax increase, as it has been said by many in here today, that we have ever passed in the Commonwealth of Pennsylvania. That is only three months ago, and now here in November we want to add on top of it another \$300 million plus for the taxpayers of Pennsylvania. I am glad I am not running next year, Mr. President. I am glad it is not my year, because I think the Members who will be out there campaigning and asking for votes are going to find a very angry society, one that is not going to be appreciative of another \$300 million tax bill on top of what we have already asked them to pay.

Just a week ago, I believe it was, Mr. President, we passed a piece of legislation in the Senate that said we will not pass any more mandates that are unfunded to local governments and local schools. If we are going to pass any more mandates, we must fund them, and if we do not fund them, it is not a mandate. Here, about one week later, we are passing a mandate on to us under the Commonwealth of Pennsylvania and we are not going to fund it. You know, we are not saying the same thing. We are saying this time we are only going to put \$300,000 in it. We will fund it tomorrow, that today we can go to the public and say to them we have given you a choice in education. We are not going to charge you yet for it, that will be on tomorrow's tax bill. Well, I do not think the people are going to be faked out by that, Mr. President, and I think they are not going to be happy.

This is called schools of choice, but really I do not see anything in it that helps the public schools compete. Let us assume that school A—and I will not identify any school for this example—is determined by everyone who is involved in making that kind of determination as being the worst school in the Commonwealth of Pennsylvania. They are really bad news. Let us assume that 50 percent of the students or the parents who have students in that school decide that they are going to send their children to some other school, and they do. Now the superintendent of schools is faced with a dilemma. He has too many teachers. What is he going to do? Well, you would think, well, fine, you have too many teachers. You are the worst school system in the state. You can eliminate all those bad teachers and you will be able to compete. That cannot happen, Mr. President. The rules and regulations that we mandate on the public schools say that, you know, you have a union, you have Act 195 and the last in is going to be the first out. So after this superintendent reduces his teacher level, he or she finds they still have the same cross section of teachers that they had before. There is nothing in this legislation, Mr. President, that helps the public schools become competitive. There is nothing that changes



any of the rules for them. The only place there is an advantage is in the private schools. Mr. President, I would like to share some comments that I had read in a newspaper article recently of November 10th, and these were by Mr. Russell Dennis who is an Assistant Professor of Education at Bucknell University in Lewisburg. I do not happen to know Mr. Russell Dennis, but I know Bucknell University is a quality place and I suspect that he is a quality educator at that institution. He says this issue needs more study, and he is speaking of the issue of schools of choice. He says, "There are real reasons for dissatisfaction (with public education), but we must be careful that we don't rush to do something without considering all of the consequences. I don't believe in quick fixes for anything. We need to be careful we are not seduced by an idea. It is not a panacea at all."

Mr. President, I echo his comments. I think we ought not to rush to pass what is called schools of choice when it is really just funding private education. I think we need to send this issue back to the Committee on Education for further study so it can come up with something that we can all accept as truly a schools of choice principle.

**The PRESIDING OFFICER (D. Michael Fisher) in the Chair.**

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair notes the presence of Senator Bell on the floor and his temporary Capitol leave will be cancelled.

And the question recurring,  
Shall the bill pass finally?

Senator PORTERFIELD. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator PORTERFIELD. Mr. President, I would ask if the purpose of this amendment is to fund private schools or to provide better education?

Senator SALVATORE. Mr. President, yes.

Senator PORTERFIELD. Mr. President, on both parts?

Senator SALVATORE. Mr. President, it is not to fund private schools.

Senator PORTERFIELD. Mr. President, then I would conclude from that statement that the purpose of the amendment, the whole purpose of our being here today is to come up with a way to provide better education. Would the maker of the amendment wish to discuss what part of the bill determines how we are going to provide better education in the private school system and/or the public school system?

Senator SALVATORE. Mr. President, what we are trying to do here is let the parents make a choice in where they are going to send their children.

Senator PORTERFIELD. Mr. President, is the method in which we are going to do that, the methodology, spelled out in the bill?

Senator SALVATORE. Mr. President, yes.

Senator PORTERFIELD. Mr. President, with the funding that is proposed here to the private school systems of \$900 to the individual parent of a student of a private school, we are going to assure that the level of education achieved by both the public and the private school system is going to be elevated?

Senator SALVATORE. Mr. President, there is no funding for the private schools.

Senator PORTERFIELD. Mr. President, would the gentleman please repeat that?

Senator SALVATORE. Mr. President, I said there is no funding for the private schools.

Senator PORTERFIELD. Mr. President, I thank the gentleman.

What we are doing here is we are subsidizing the private schools, which is either constitutional or unconstitutional, depending how one interprets the Constitution which we took an oath to abide by. Mr. President, I find it very difficult to support an issue where I am going to, with a vote of "yes" today, hand \$900 to any particular individual throughout this state to send their children to a private school without considering other needs, the needs of which we are elected to support, the needs of all residents of Pennsylvania. I can see where individuals who send their children to private schools definitely could utilize that \$900, because that is \$900 they will not have to take from their pocket in the mainstream of their livelihood for their family, and I could see that is very important to them. With that \$900 they are going to keep, virtually, what are they going to do with that? Let us say they use it to the optimum. They purchase clothing for their children or they give them monies for lunches or they buy them additional textbooks or they buy them encyclopedias to help their education process along. Let us hope that they do that with those funds. But if we as elected officials are to do our job in treating all individuals equally in the State of Pennsylvania, and I have heard many people here say today inadvertently that they are not concerned about the \$300 million, \$400 million or \$500 million price tag that goes with this particular piece of legislation coming down the road, then, indeed, if we are not concerned with that, there are a lot of middle-class and low-income families out there today who could sure use another \$900 as well. They are not going to have the luxury of sending their children to a school of their choice. They are going to keep them in the public school that they are in now. Let us give each and every student across this state of the Commonwealth \$900, because I can assure you right now there are people out there struggling, families who have children in school, families who have mine workers who have been laid off and steelworkers and individuals in the foundries who have lost their jobs who could well use that \$900 for school clothes, winter coats for their kids to go to school and lunch monies for their children to eat properly. Mr. President, I state to you that I will stand here on the floor of this Senate and support legislation in which I treat everybody in this state equally and this bill does not, and I would propose a negative vote on the amendment.

Senator AFFLERBACH. Mr. President, earlier today I received a copy of a document, an article entitled "A superintendent's case for choice," and stapled to that article is a card indicating that it was forwarded to me by the gentleman from Philadelphia, Senator Salvatore, for my information. The article was written by William J. Moloney who is Superintendent of the School District in Easton. Although that district is properly in the territory of the lady from Northampton, Senator Reibman, I presume that Senator Salvatore forwarded that information to me because Superintendent Moloney writes in favor of consideration of a choice system, but he also says as follows in this article, and I quote: "So, what is to be done to break the impasse on choice? I would suggest two things.

"First, now is the time for moderates to fashion a centrist compromise that will allow choice a fair chance without inflicting needless collateral damage on public schools.

"The original Pennsylvania legislation has serious flaws that need to be corrected before it becomes law. It gives too much money to those who don't need it, and too little to those who do. A means test would be a just solution.

"Second, give public schools a fair chance for choice programs of their own. Many superintendents have said they would be happy to compete if only they had a 'level playing field'. This could be done through an amendment giving public schools the same freedom from regulation that we routinely grant the private schools."

I agree with Superintendent Moloney. The legislation before us, indeed, has serious flaws that need to be corrected, and I thank the gentleman from Philadelphia for providing me with information which of itself would be sufficient reason for me to vote against his proposal.

Yesterday when we considered various amendments, Senator Salvatore also referred to a statement made by a President whom he termed a great President, John F. Kennedy. I am reminded also of another statement made by that President as he looked out upon the audience and, through the magic of television, in his Inaugural Address in 1961 and said—and we all have heard this many times and read it many times—"Ask not what your country can do for you, but, rather, ask what you can do for your country." I ask you to consider that today and to contrast it with a statement made 19 years later by a then aspiring candidate for President who would go on to become President, when he too looked out through the magic of television into the households of Americans and said, "Ask yourself if you are better off today than you were four years ago." I suggest to the Members of this Chamber that there is a significant difference which occurred in public philosophy during that period of 19 years from 1961 to 1980, and I further suggest to you that probably not one of us, including myself, thought that simple statement, "Ask yourself if you are better off today than you were four years ago," would usher us into a decade of personal greed over and above any that we have seen in modern history. I suggest to you that this so-called school choice bill is but one more manifestation of the continuation of that personal greed. It is

one more manifestation of the now reversed question which says, what can the government do for me and how can I get my hands on the public treasury? I suggest to you that the idea of school choice as proposed in Senate Bill No. 953 is nothing more than an extension of the give me, give me, give me attitude of the decade of the 1980s.

We are being asked to promote with our tax dollars an essentially deregulated scheme of education and place that scheme into competition with our highly regulated and strictly regulated system of public education. The same free marketeers who are telling us that we should do this are promising us that we will improve education if we do it. And I ask you to look at what else the free marketeers have given us over the past 15 years. They deregulated the airline industry. Have you tried to get a flight from western Pennsylvania to eastern Pennsylvania lately? Have you tried to arrange a flight from the Lehigh Valley to Erie or vice versa? Even on international flights we have seen what deregulation of the airline industry has given us, or the trucking industry or the telecommunications industry. Can we truly say today that we have replaced the monopolistic system of AT&T with a better system of choice and free enterprise in the free market? Europe has looked at us and could not believe that we would dismantle the most efficient telecommunications industry in the world, but we did, and now we are being asked to place that same mantle of free marketeering upon our educational system. We can look at the health care industry where the free marketeers have taken over control of the hospitals and the institutions and the clinics, and we have seen what has happened there. The price of health care is beyond the reach of most Americans, and particularly those who do not have a third party paying their particular health care needs.

I would suggest, ladies and gentlemen, that if we tip over the melting pot of our public education system, permitting it to flow in all directions, encouraging the formation of a widely fragmented socially and economically segregated educational system, we will be destroying one of the quintessential elements of our democracy. We will be destroying one of the mechanisms of community strength, Commonwealth strength and national strength. I do not believe and I do not think you believe that we can build strong communities or a strong Commonwealth or an enduring nation if we are willing to destroy, under the banner of individual choice, one of our greatest assimilating forces, and I do not believe that any government in a society that does that can long endure either. I do not believe that society or the government can flourish if we are going to entrust the education of our young primarily to the disruptive nature of market forces. Continuity in the educational process is as important as any other element of that process. All we need do is to observe the performance of children from transient families to understand how important continuity is, and yet we are being asked to put at risk the continuity of the greatest educational system in the world. The most egalitarian system that we have been able to devise throughout history exists in this nation and in this Commonwealth, and we are being asked to place something into position to systematically fragment and dismantle it.

Ladies and gentlemen, we do not even entrust people to make a decision as to what health care they shall receive for a sprained ankle unless they go through a very regulated process of one of only five part of entry health care providers. If they do not do that, they cannot choose to receive treatment for a sprained ankle from any of the ancillary health care providers. And yet, we now somehow magically believe that these same people, whom we cannot trust to seek medical care for a sprained ankle, can somehow magically make the appropriate choice to shape the minds of their children by sending them to schools that we have said do not need to have certified teachers, do not need to have any sort of regulations similar to the public school system. It boggles the mind. It boggles my mind when we insist that we are going to place this kind of a system into being.

This Commonwealth is known throughout the country as not leading the way in social progress. Indeed, if we look at just the living will example, we will be the 49th or 50th state, among all 50, to enact a living will bill, and yet we are willing to take the lead as the first state and the only state to initiate a system of education that will place at risk our public school system, a system that has been untried anywhere else, a system which has no track record, and we are doing it under the banner of choice and individual responsibility.

Ladies and gentlemen, it has been stated, and I will repeat it one more time, this bill is not choice. This bill portends to promote an educational system that will somehow improve in quality, but the bottom line is that it is nothing more than a bailout for financially troubled private schools, the great number of which are in the southeastern part of Pennsylvania. Now, if that is what we want to do, then let us find a way to assist these private schools that is constitutional and, most importantly, does not place the public education system and the children of this Commonwealth at risk and, even more importantly, does not fragment the greatest assimilating mechanism we have as a society to bring together, to learn about one another all segments of our society, the economic segments, the racial segments, the ethnic segments, the theological segments. That is what the public school system does. That is what makes us a strong nation and, in my opinion, this bill places at risk our ability to continue as a strong nation. I ask for a negative vote on the bill.

Senator O'PAKE. Mr. President, the debate today has been very emotional. Basically, those parents who, in many cases, are making a substantial sacrifice to send their children to nonpublic schools are for this bill. Those who have a vested interest in the educational establishment as it now exists are opposed to it. I had the benefit of being educated in both the public and the nonpublic school systems. I am grateful for the good teachers I had in my first six years at the public Glenside School near the housing project where I grew up. I am also grateful for the dedication and sacrifice made by the teachers who taught me, at much less salary, in the nonpublic schools, from seventh to twelfth grades. By the way, the cost then was \$40 a year for books, and it was a bargain then as it is a bargain for the money it costs today, many times \$40 a year.

By almost any objective testing criteria you can use today, nonpublic school students do quite well. My reason for supporting this bill is my desire to stimulate change and improvement in the quality of education. Some people are content with the status quo, but all of us have received complaints from parents, employers and business leaders who are frustrated by the inability of too many of today's high school graduates to read, write and function in the real world. I am told that approximately 1,500,000 young people who graduate from high school today are functionally illiterate. They are the ones who do not drop out. In 20 years, that is 30 million people who will never reach their potential unless we do something differently. While some would argue that the way to improve the quality of education is to continue pouring more money into the public system, I think we must do more if we really want reform. Reform did not come from within after the report *A Nation at Risk* was published in 1983. I am told that a recent Carnegie Foundation survey revealed that only 18 percent of public school teachers today now think that reform will happen in their schools compared with 31 percent who thought it would in 1987. In fairness to those parents who make substantial sacrifices because they see something more and better in nonpublic education, this bill is a tax break. Is it not time that we provide some tax relief for thousands of forgotten middle-income working class parents?

On the subject of cost, I think we are missing a very important point. According to the public education coalition to oppose tuition vouchers, there are about 6,500 students in Berks County who now attend nonpublic schools. If all of these students were to attend a public school, it would cost about \$2,900 per student, or almost \$20 million. That is more than three times the cost of the \$900 voucher system, and that is Berks County alone. Statewide, if the 341,000 nonpublic school students were to attend public school at an average cost of \$2,900 per student, which is conservative, that would total over one billion dollars in additional public school costs. Who is prepared to vote for the taxes needed to pay that cost? On the issues of fairness, long-term costs and the possibility of improving the quality of education in Pennsylvania, I think this concept of choice, much like the old G.I. bill, deserves a chance. If there are flaws in this bill, they can be corrected in the House of Representatives.

Senator BAKER. Mr. President, I wish to discuss the issues involved, as my colleagues have done, in the schools of choice question and, in particular, Senate Bill No. 953. However, I believe that because issues of utmost importance are raised, unfortunately, a number of issues have been injected into the discussion that are not as significant and yet they are the ones that have come to the fore. I would like to discuss what I think the significant issues are and those that may have become issues but should not be. In the first place, this issue does not revolve around public schools versus private schools or, specifically, parochial or sectarian schools. Much of our debate today has revolved around this. Unfortunately, those on both sides of the issue, whether it be the Roman Catholic hierarchy on the one side and the Protestant denominations on the other

side who engage in overt active lobbying, I think make the public rightfully uneasy about the injection of religious issues into our public discourse, nor has the lobbying of public school groups who are raising issues in the more recent past, contributing to the discussion by trying to make this an issue of public versus private. There are certainly considerations to be made involving the differences between public and private schools, between the differences in their constituencies, the differences in their costs, the difference in their basis and their fundamental difference in their educational philosophy, but those are not the subject of this bill, and if they have become that, they should not be.

What does schools of choice mean? All too often this debate has quickly resolved itself into an argument over finances, an argument over public versus private, and yet we need to go back and think about what schools of choice means. What is the concept of schools of choice? It is a philosophy. It is a concept. It is an approach, and there is no one specific way to carry it out. In fact, this bill does not go very far down the path toward those things that constitute schools of choice. What are its components? In my opinion, Mr. President, they are deregulation, localization, a focus on diversity and specialization within schools, accountability, competitiveness, freedom of choice and efficiency. Mr. President, those are American values and if, in this debate, we are looking at a concept that may move us in the direction of those desirable goals, then, in my opinion, we are making the proper choice. What about another argument that this is not a raid on the Treasury? People have come to my office within the past week who normally are only in my office to ask for more money for education. They are institutional groups, and they have their constituents who either make their living from education or who have interest in the state's money available for education, and their attitude is traditionally, how much more money can you give us? Suddenly, they have discovered that there might be some money spent down the road, more than now, for education that does not go through them and they are suddenly cost conscious. Well, I am glad to find that some of these groups, Mr. President, have discovered the taxpayers' money. I welcome their interest in saving it. But when we think of the billions upon billions that we spend right now for education, do we conclude that all of those dollars, every last one is being spent most efficiently? It does not take much investigation on our part to know that is not the case. Yes, I think we should be concerned about costs. We should be concerned about the costs we already have and what is being delivered to us for it. I also think that this is an argument about school reform and school quality. There is a better way, and whether you would look at reforms such as lengthening the school day, having a year-round school system, and one could go on and on with the educational reform ideas, they must be looked at, they must be studied and we must be willing to innovate and try something new. The issue is also change. Mr. President, I believe that people want change in our educational system. They do not want our educational system insulated from parent involvement, from student

involvement, from legislative involvement, from community involvement, and, yet, that is what the educational establishment has been able to do for the past two generations, to more and more insulate itself from accountability. It is time to change that. The gentleman from Philadelphia, Senator Fattah, told us that this was only a symbol, as if symbols are not important. There is a time, Mr. President, to symbolize the fact that we are ready to look at a new way of doing things. Senator Fattah himself has a concept of privatizing insurance in the City of Philadelphia. I quote back his critics to him and remind him how much he sounds like them. The gentleman from Centre, Senator Corman, wants privatization in transportation. I just quoted back to him the arguments of his opponents who quoted the same arguments that he quoted today by saying he did not want to apply the same kind of concept of a more market oriented approach in education. The gentleman from Lehigh, Senator Afflerbach, his attacks on the free markets remind me that around the world in Russia and China people want to emulate our free market system. They want capitalism. They want democracy, and, yet, he is opposing the market here in Pennsylvania. Mr. President, I find that anomalous. This bill does not threaten public schools. My district has excellent public schools. It has excellent private schools. In fact, I have schools in my district that have received the Presidential Award of Excellence, both public and private, twice, not just once, and I am very proud of that, but let us look around the state and ask about our public school system. Mr. President, I was told by Senator Rocks that in Philadelphia of those who start out in the ninth grade and those who eventually make it through to graduation, along the way 59 percent do not make it. Only 41 percent of those who start public school in Philadelphia make it to graduation through a four-year high school curriculum. That, to me, ladies and gentlemen, is a statistic that is worth noting and asking, is there a way to change that? Perhaps this bill is not the total answer to that. I am sure it is not, but obviously something needs to be corrected. Now my mail and phone calls have overwhelmingly favored schools of choice, about 72 percent, but I do not consider that to be by itself decisive. I think it does indicate that there are ways of support and ways of opposition, most recently opposition, but the total still was three to one in favor of schools of choice, but that to me is not the reason to make up my mind. I want to introduce something new into this discussion by talking about something that most of us have overlooked in our dialogue on this issue and that is the question of not further regulating private schools such as was tried at great length by many colleagues yesterday who wanted to add edict after edict and mandate after mandate to the private schools. Let us turn that on its head and let us deregulate the public schools. That would help bring about a more efficient system, and to me schools of choice is aimed at exactly that concept of deregulating public schools, giving them the ability to compete, whether it be on cost or on specialization, with private schools. I am not saying to make the two systems totally analogous, and, yet, if there is one thing that is wrong with our system today, it is the over-

burden of educational administrative requirements that are part of this insulation I talked about previously, and we as Senators and General Assembly Members have added to it, unfortunately, by continuously trying to substitute our judgment for that of parents and of teachers and of the local administration in the school districts themselves.

Teachers should have the ability to teach in the classroom. Local school boards should have more decision-making power, and if the statistics I am quoting are incorrect, I hope somebody will correct me. I have heard these figures. I do not guarantee their authenticity. I can only say that they have been quoted to me, and I invite anybody to give me the exact specifics. I have been told in the school district of Philadelphia that it takes 3,000 administrators—these are nonteachers—to administer the public school system, and it takes the archdiocesan schools in Philadelphia 30 administrators to administer their school system. Now I am willing to grant that there is a difference in size and there is a difference in requirements and for all the reasons and the mandates that I just talked about. Nonetheless, to me, that is a striking symbol of what the problem is that we face in education, and I am not saying this bill is important because it is a bailout for Catholic schools. In fact, if I thought that were the only reason for it, I would be opposed to it, but I think to make the argument about schools of choice and to a narrow one about sectarian schools and bailouts of Philadelphia Catholic school systems, et cetera, is to mistake a movement that is sweeping across this nation for a particular part of that particular issue. I thought it was very interesting today to find in the Philadelphia Inquirer a long, strong editorial in favor of schools of choice. To me this is a major signal that the conventional wisdom is being questioned, even by those who are the normal perpetrators of conventional wisdom. I do take issue with one part of that editorial. A means test always means that someone is going to be right above the means test line, and normally that means the middle class. To me that is a criticism of this bill that needs to be made and it needs to be discussed. But it seems to me, if there is any message that the current prevailing winds in politics are telling us, it is that the middle class is tired of being told that it does not count and that somehow it does not quite make it into the category of those who are going to be helped by government action. It would be meaningless to cast a “yes” vote for this bill and not to do it because of a commitment to the schools of choice philosophy. If it is being done by those who wish to make a financial assistance to certain types of schools, then I think it is totally missing the point, but that is not a reason to vote against the bill. To me we are in a new paradigm, Mr. President. We have entered a new period of politics where people are more willing to ask if their dollars are being spent wisely or they can demand that they have more choice in the way that those dollars are spent. Are there constitutional problems? Perhaps. Do we need more study? Of course. Do we need more answers to specific questions about how this will work? Yes, we do. Are there going to be rough spots? Yes, there are. Are there going to be narrow-minded people who try to take advantage

of this for their own ends? Yes. Are those reasons for voting against this bill? In my opinion, they are not. We should start down the course of reform in education, and I think that this bill offers at least a small step in that direction.

**The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.**

Senator PUNT. Mr. President, it is rare that I stand on the floor and speak, as it is normally not my way. Normally, I will speak with Members, one on one, to discuss the issue or the details, and so forth. But there are some things that have been said and some things that have not been said on this issue that I think must be said. The issue of choice, this is not to me choice, but it is voucher. Every parent has the opportunity to place their child in a school, whatever they want within their financial means. You can place your child in any school. There is no law that says you cannot. We already have the choice. At issue is the funding and how to pay for it. Specifically, in this legislation, it is a voucher, whether it be a \$900 grant, \$200 grant or \$5,000 grant. Throughout the debate last night and today a number of speakers have said that what if the private schools would close and the public school system would have to bear that increased cost. Indeed, we would, some of it to some degree but not in total. But not last night nor today have I heard what the Commonwealth is doing for our nonpublic schools. In the fiscal year 1991-92 budget that was approved we are giving \$53,996,000 to nonpublic schools for services. We are giving \$10,397,000 to nonpublic schools for textbooks. We are giving \$6,128,000 for student supplies for our nonpublic schools, and we are giving \$22,458,000 for transportation for the children in our nonpublic schools—\$92,979,000 that we have put of public tax dollars into one form or another of private schools, of nonpublic schools. Pennsylvania has made a commitment and we have indeed, I believe, satisfied much of that commitment. Now, when we look at the fiscal impact of a \$900 grant, you know, the cost I have heard anywhere from \$307 million to as high as \$550 million, where are we going to come up with additional monies should that come about? Do we take it off the ESBE? Do we, as the gentleman from Philadelphia, Senator Fumo, said, increase state taxes to pay for it? Somebody has got to pay for it at some point in time, whether those funds come from the state level or whether those funds come from the local level. Somebody has to pay for it. I contacted several of my school districts just using the \$900 grant, and if that comes off the ESBE monies and those ESBE monies are reduced, Chambersburg School District would realize a 7.2 mill increase. My own hometown school district would realize a 10 mill increase. We have to look at this. Someone is going to have to pay for it. We are not talking today about let us do the program and sometime later how we are going to pay for it. So when we cast our vote, keep that in mind. We have to come up with the dollars to pay for this program. You know, much has been said about, again, choice, and in particular, about lack of quality education in our public school system. Many of us in this room, in this Chamber, are products of the public school system. Many of our parents completed in a



public school system their basic education. Was that so bad? Are our parents so ignorant, dumb? They came through. They graduated. They feel they received a good education. We feel we received a good education. Our public school system today is the same basic system that was proposed and begun over 200 years ago, and that system overall, on the whole, I believe has worked quite well up until the past 15 years or 20 years. Unfortunately, as time passed and changes were made, changes were not made in our public school systems to deal with those changes that resulted through the passage of time. We can correct those needs and satisfy those needs within our public school system and not by condemning our public school system. We have quality teachers out there. We have quality administrators. We have quality children in both public and private educational institutions, and we are, indeed, fortunate in having both public and private, and for those who have the financial means indeed are fortunate they have the choice of attending a private versus public. Many times, I am sure I am not unlike many of you, I have had parents complain about our school system. I heard someone say just a moment ago, how can we see someone graduate and not be able to read or write? You know, I saw something last year that I was appalled to see, and it was difficult to believe, but the teacher recommended to fail a child, to hold a child back for another year. Who passed that child? Not the teacher, the parent. The parent went in and raised holy commotion. Do not dare to flunk my child, because they did not want the stigma attached that the child flunked. We cannot legislate parental involvement. The parents must be involved with the basic education of their children, whether they be public or nonpublic schools. The problems that we face today in a public school system are much unlike the problems we were confronted with when I was in high school 28 years ago. Back then we did not have drugs. We did not have a lot of these things that children today have. Try and talk about sex education or teaching about AIDS in our public school system and see the outcry from the parents. Do not dare talk about those things to my children. That belongs in the home. How many times will those children receive those discussions from the parent at home? Rarely.

I would like to close my remarks by simply saying that in the next 48 hours we are going to be celebrating, once again, Thanksgiving. And ladies and gentlemen of the Senate, we do have much to be thankful for, and in this specific issue we can indeed be thankful that we have nonpublic schools as well as a solid public school system. But in the process of giving thanks, let us not be too overzealous that we will destroy and take away from that very, very basic choice. Mr. President, I thank you and the Members of the Senate for the indulgence, and I would ask for a "no" vote.

Senator FUMO. Mr. President, this is not an easy vote, as has been said already, and also, as with all change and growth, there is transition, and that is always difficult and painful. But without that, there is no gain. The status quo clearly is not working in America, and I am not here to blame the teachers for that. I am not here to blame the administra-

tors. I am not here to blame anyone for that. The fact of the matter just continues to exist that in this country we are not doing the best that we can in educating our children. We are seeing that day in and day out. We find employers complaining about the fact that they must teach employees remedial skills—reading—just to get them to do the small jobs that they have. What do we do for the next century? What do we do when computer technology will be ruling the field of manufacturing? Where will we find the people to run the systems? Mr. President, we are charting new waters here today, and it is not going to be a perfect bill, as was said. It will not be. We are incapable of doing anything perfect, and I think our experience indicates that many, many times we make mistakes, but that does not mean that you do not go forward and try. Mr. President, we made mistakes when we originally did special education, and it took us years and years and years until finally just this year we think we solved the problem, and I say think because we have not even experienced our cure yet. We enacted sales taxes last year on services and now find that in some areas we made mistakes there too, and, hopefully, we will straighten those out.

Mr. President, I have heard the gentleman from Philadelphia, Senator Fattah, say that statistics on education indicate there is really no difference between private and public education. That is like the President telling us that there is no recession. There are, in fact, differences, and we have an obligation to try and create the most intelligent and brightest next generation that we can. I, too, differ with the process here today. I wish we could have had a rational discussion on this through the Committee on Education because the Members of that committee have far more experience in this area than I. But that is not what happened, and that is not unique. This is not the first time that we have seen an issue addressed in this fashion. Mr. President, regrettably, I differ deeply with the lady from Philadelphia, Senator Schwartz, who says we are misleading the public and that this is bad public policy and a quick fix, because in the same breath she says that she sympathizes with the problems of the middle class and also that the average public schools are not doing the job and that there are problems with not only education but safety. Mr. President, this is not a quick fix. This is a beginning of a journey down a long road which, hopefully, will continue in this direction, but may at times take different directions as we have more experience with the concept. I do not know if this will create chaos or not in the schools. On the one hand I am told that it is not going to do anything to change education. Therefore, we should not do it. But on the other hand, in the same breath, from the same speaker, I hear it will create chaos. Well, either it will or it will not. I suspect that it might cause some consternation, that it might cause some alarm and some concern among the educational establishment, and I also submit to you that that is not necessarily a bad thing. Mr. President, I listened to the gentleman from Centre, Senator Corman, when he talked about the problems with this legislation. But I was also here in the summer, as was said before, when Senator Corman was a big advocate of privatization in



transportation issues, but now in educational issues he is not, and I listened to Senator Corman say that we are supposed to be funding education to 50 percent and that we underfunded it this year, but I also remember this summer when Senator Corman did not say that on this floor when we passed the education bill and the General Appropriations Act. I also remember that he was not here for us when we had to raise the taxes to fund that bill. So I did not hear him say in that debate that he was willing to vote for more taxes then if we put it into education. I did not hear that. Today I find, though, that we have this obligation. Well, perhaps we will remember that next year when we do the budget again, and perhaps he will remember his words. Mr. President, I heard him address the issue of mandates. Yes, we did finally pass a bill that prohibits us from mandating local governments to do programs that we do not pay for, but we never said we were going to exempt ourselves from our own mandates. That is what this is about. That leads me, Mr. President, into probably the most important area of all, at least from my expertise, and that is the cost of this bill. As has already been said in debate and as I have said yesterday, I am fully prepared to vote for a tax increase to fund this program when it is needed, and I will today keep the roll call of everyone who votes in favor of this bill, and I will be the first to remind them when this triggers that there was a bill that they incurred a while ago that they must now pay for. I do not see any problem with that, Mr. President. I do not see any inconsistency with that. In fact, I see a lack of hypocrisy with that, but let me tell you, Mr. President, why I am so easily swayed to vote for new taxes to pay for this, and this was alluded to by the gentleman from Berks, Senator O'Pake. Mr. President, sometimes in life you are stuck with reality and that reality is bad news, and what you attempt to do is minimize that bad news. Mr. President, as was stated before, if all of the nonpublic schools in Pennsylvania closed, it would cost us in excess of a billion dollars to take in those students into the public school system. Mr. President, although we talked a lot about a means test, we do not have a means test when it comes time to send kids to public schools. Affluent and wealthy parents get the same free education that the destitute get. I do not know why we have to have a means test for this, but I would be willing to listen to one, Mr. President, if it were reasonable, but I did not hear one. The only one I heard was that we should buy into the PHEAA guidelines, which no one understood what they were, except the gentleman from Fayette, Senator Lincoln. I will accept the fact that he knows what they are, because I do not know enough to ask him questions to find out if he knows enough about it. Mr. President, last year we spent \$5.2 billion on basic education in this Commonwealth, \$5.2 billion, fully 27 percent of our operating budget, went into basic education, and you have to ask yourself, as I think the gentleman from Lehigh, Senator Afflerbach, asked, are we better off now with the students we are getting out of public education than we were years ago when maybe we were only spending \$4 billion? I think not. Mr. President, there is a time for change, and, perhaps, this is it. In Philadelphia alone, and I admit I

will be parochial about this because they are the facts and figures which I have closest at hand in Philadelphia, I was advised recently by a very high official in the school district that almost 15,000 new children enrolled in the public school system this year because they could no longer afford the Catholic education they were receiving, 15,000 new students. In Philadelphia that translates out to \$64.5 million in new monies that are going to be necessary to educate those children just in that county and just that small number. Of that number, \$26.25 million will be necessary to be gotten from the citizens of Philadelphia in increased taxes there, and \$37.5 million will come from the Commonwealth just for those 15,000 new children. Mr. President, if we were to add in—and someone, I believe it is the coalition who is against this bill and I will use their statistics—the 81,000 plus students that they estimate are currently in nonpublic elementary and secondary schools, it would cost us in Philadelphia County alone \$350 million in new money, \$142 million of which would have to come from the citizens and taxpayers of Philadelphia and \$208 million which would have to come from the Commonwealth. Mr. President, they are real numbers, and they go across the Commonwealth in almost the same proportions, although in some areas there are fewer students. I would submit to you when you factor that into their populations you will find out that in many cases they are close to the same percentages. Mr. President, what is wrong with taking \$300 million, not taking it away from basic education, but taking it in new money in an attempt to stave off that mass exodus from nonpublic schools to public schools? As was said earlier, I believe—and the statistic was thrown about by the gentleman from Chester, Senator Baker, and it could in fact be true because I once taught in the Catholic system—there are 3,000 administrators in the Philadelphia District and 30 at the Archdiocesan district, and they handle the same number of students, Mr. President, because although there are not as many in Philadelphia per se, vis-a-vis the Philadelphia school system, the Archdiocese in Philadelphia encompasses a five-county area. There is something to be said for that. Either we did it here through some mandates and programs that we told them we had to do or they did it on their own, but something is out of control. In America today we have to learn what business is learning and that is that the key to our survival is productivity. We can no longer afford to be the bureaucracy that we were in the last decade, and that is going to come very painfully true to so many special interests that they are not going to like it over the next decade. The challenge and the courage will be for us at the state level and more so for our elected officials at the federal level to be able to respond to those special interests. America needs a re-education of the way in which we do business, both in government and in business. We can no longer rely on trade barriers, on tariffs for import, and we can no longer accept inefficiency in government. We can no longer accept the national debt that eats up roughly 30 percent of our revenue every year just to pay the interest on it. As was said, and I just watched this the other day, by H. Ross Perot, we are already a second-class nation,

but no one wants to tell the public that because it would be political suicide. Mr. President, we are rapidly approaching a third-class nation, and the more we attempt to protect the bureaucracies both in the public and the private sectors, we will destroy our future. We will not have to worry about educating our children unless we do something right now because there will be no reason to educate them. Mr. President, we watch in amazement as we are about to come up to the 50th anniversary of the bombing of Pearl Harbor, that now the Japanese have bought the island with the money we sent them for the cars and the TVs. They have not had to drop a single bomb, and now they own the real estate. That is not an accident, Mr. President. That is what is happening and it is happening all over us. We have to open up our eyes and change our ways. I remember, and I think I said this here before, that I watched as Russia fell apart, and they got together and started this new concept in which the republics would get together in some kind of loose federation and give to the central government only some limited powers and then keep the rest. My wife said to me, gee, how do you think that will work? I had to remind her that is what we did in Philadelphia in 1776, but in the last two years we have switched paths. America is going the route of bureaucracy of the protection of the special interests and, believe me, those special interests are now becoming the majority of the country, while those countries that have dealt with that for the last 50 years have found out it does not work and they are willing to come back to where we started in 1776. Hopefully, Mr. President, at some point in time, in the next decade, America will wake up and we will realize the mistakes of the past and take the radical new approaches that are needed, and, believe me, Mr. President, they have to be nonpartisan approaches because as long as one side gets up and castigates the other for its courage, we will go nowhere in our society. Hopefully, we will wake up soon and realize our status in the world and go forth and try and become the first-class nation that we once were. Mr. President, this is a step in that direction. Albeit, it is irregular and it is new and it is scary, but we can no longer accept the status quo. We do not need debate here to see that. Walk among your constituents. Walk among the people who are unemployed. Look at the economy. Look at some of the kids we are turning out of public schools, and, again, I do not mean to castigate them, but the system is not working. I do not say tear it apart, but what is wrong with trying, on a limited basis, another one that might work. If it does not, we will correct it, and if it does, maybe we will do more, and I think that is the fear of the special interests.

Mr. President, as to the cost of this bill. A lot of numbers have been thrown around, and I am perfectly comfortable with the fact that it will cost us \$300 million. I will tell you that is based upon the fact that no student from a public school decides to take advantage of this, but only those students currently enrolled in nonpublic schools do decide to take advantage of it, and we, in fact, agree that we want to fund to the maximum—and I repeat maximum—of \$900 or 90 percent, as Senator Salvatore said, which appears on page 6 of

the bill, written in plain English. If we do all of that, given today's numbers it will be \$300 million. It starts July 1, 1992, as I read the bill.

Mr. President, on July 1, 1992, we also roll back the income tax from 3.1 percent to 2.8 percent, something that the House wanted because it made them feel better when they voted for the tax bill, something which I predict, having gone through this before during the Thornburgh years, we will be besieged with phone calls from constituents and say, where is the money I was supposed to get? I thought I got a tax rebate, because nobody will see it. Mr. President, if that is the route that has to be taken at that point in time, I say again, I will be the first to say, do not roll it back because there could be no greater agenda in our state today than the education of our children. If people want to put more money into it, let us do even more, and not just into this. If we want more programs in the public schools, let us vote for that too, but fully being aware of the fact that it costs money. As I said before, I will save the roll call from today. I hope I do not have to read that roll call as a sort of roll call of disgrace at some point in time in the future, when, perhaps, some of the people who vote today do not want to vote for the funding to pay for it. That is an obligation that we assume today. I say I will vote for those taxes, and I tell each and every one of you today who is prepared to join with me in voting "yes" on this bill that you automatically incur the liability. I cannot remember a previous time in my 14 years here when the issue has been so crystal clear. Yes, today you can either vote or not vote to spend approximately \$300 million, and let us stop the silliness of it is only \$300,000, and everything else. Let us get real for a change. Let us get away from our ceremonial procedures and all the ifs, ands and buts in Mason's Manual. It is \$300 million. It could be more or it could be less. Today when you vote to spend that money in fiscal '92, remember that you also have the moral, legal and constitutional obligation to vote to get the money in so it can be spent. I do not think there is anything wrong with that and I would hope we would not hear hypocrisy here, that people are going to say, no problem, we will find the money somewhere in the budget, because I assure you it is not there. We all know that whether we want to take this floor and say it or not. I will say it. Revenues this year are tight. We are all concerned about the Christmas season. We are worried that the taxes we put in place last year may or may not generate enough money. Optimistically, I can predict that this time, I think, we will end up with a zero balance and not a deficit. But, if it is a deficit, what will we do about this \$300 million. That is when we will really separate the men from the boys, as they say. You have to put your money where your mouth is. You want to play you have to pay. I think there could be no finer tax vote than that one, because I think it helps all the children of Pennsylvania in getting them an education so that this state can compete. I heard a lot about business complaining about business taxes, taking away their unfair competition, taking away their advantage. Other states have lower taxes, therefore, they can produce products cheaper. I heard all about that. But the one thing that business

needs more than low taxes is an educated work force, and this is the way to get it. I urge an affirmative vote, Mr. President.

Senator RHOADES. Mr. President, as Chairman of the Committee on Education, whose committee was circumvented to consider choice, we were holding hearings on Tuesday and Wednesday, and Wednesday this was amended into the bill. I think we tried philosophically to resolve this issue very quickly and, therefore, I will give you some non-intelligent, nonarticulate, nonlogical and nonreasonable reasons why you should vote for this. Educational choice has a purpose and it has merit. There are no ifs, ands or buts about that. I think we should address it. President Bush has it as part of his America 2000. There are some other states that have adopted it, although their results have not proven beyond any level of confidence that it is working or not working. As a matter of fact, Milwaukee put it in for their academically disadvantaged kids and the first year shows that there are not any gains in it. East Harlem has a very successful program. Other states have adopted it. Minnesota put it in and they said why did they do this? They figured parents would be involved. They ended up locating in schools that were close to where their parents worked, where there was a day care, where there was a child care center, because they had a good athletic program, because they had good cocurricular programs. It came down that about 20 percent of the decisions were made based on academics. That is not the way it is supposed to work. Educational choice has a purpose and has merit. Unfortunately, that will not be addressed here in the Senate. Since the Senate does not want the committee to address it, I only hope the House will correct the errors that exist in the bill. The minority will have its say, the majority will have its way and numbers will dictate. My numbers are very simply three to one, that my constituents are asking for it. It does not necessarily make it right or the best thing to do but it does tell me something. I would also like to get it out of here for one very other important reason, then we could get on with educational reform. Everybody has been sitting and standing here harping about educational reform, let us do, let us do. Folks, put your working clothes on, because in January when you come back you will have your opportunity. You better be able to match up what you did yesterday and today in January and February, because it will be here. The bill simply allocates \$300,000 to an office of economic grants and authorizes \$900 in a voucher, that is the appropriation. Put it this way, and I have this on the record, I will not support a tax nor will I take it out of school subsidy money and you can say I am a hypocrite. Choke on it, that is how much it bothers me. Lastly, I have heard a lot of rhetoric and demagoguery about the public education system. Take a look at the Phi Delta Kappan, October 1991 issue. You know, they say about business spending \$210 billion because they have to retrain people. Thirty-four percent of our work force is unskilled, yet all we spent is 15 percent of \$210 billion. Thirty-six percent are in skilled positions, yet all we spent is 20 percent of the \$210 billion. Thirty percent of our work force are college graduates, yet business spends 60 percent of their \$210 billion on

college graduates. So if there is a great need for retraining, why do they not put their money where their mouth is? We will give them that opportunity with the business education partnerships. SAT scores, based on a 1941 established media, and at that time those going to prestigious colleges and the Ivy Leagues had the scores. Today we have more people taking college boards than we have at any other particular time. End result is, yeah, while results are saying we are holding about even, but minorities are on the rise and they have now come into our school systems, they are being educated, they are advancing. We have more graduates than we have had at any other particular time. Maybe not with their class, but they are coming back and getting GEDs, because they know it is significant and important. We do have more engineers, more physicists and more math graduates than we had ten years ago. Something has to be working in the system. I guess this is my last recommendation, and I have said it before and I will say it again. We do not come back here until December the 9th and the 10th. We come back January 7th, then we come back January 21st. That will give each and every one of you plenty of time to get a brown bag, a schedule and go into a school not as a Senator, drop your title, but as a Mr., a Miss or Ms. Get a schedule. Get a homeroom. Get five or six classes to teach a day. Get study halls. Get cafeteria duty. Get bus duty. Mark the papers. Grade the papers. Do the rest, and deal with the kids who are abused, who have drug problems, alcohol problems, who have been out all night long, who have been goofing off doing a lot of other things, then come back and tell me what it is all about. But until you can do that, until you have walked in someone else's shoes, I do not think you have entree to say anything.

Senator GREENLEAF. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT pro tempore. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator GREENLEAF. Mr. President, is it the gentleman's intention, according to the way that I read this bill under the Office of Educational Opportunity under this proposal, that the \$900 or any portion thereof would be the sole financial responsibility of the Commonwealth of Pennsylvania and not the local school district?

Senator SALVATORE. Mr. President, that is correct.

Senator GREENLEAF. Mr. President, in addition, there are a number of clauses, one which indicates that there will be up to \$900 and/or 90 percent of the tuition paid—I think that is Section 2, subsection (f)—for the 1992-93 school year, but then in subsection (j) it indicates that if there are insufficient funds to award the grants in the total amount for which applications are made, then they will be proportional to the funds available. How do you interpret those two clauses? Do you feel there is a legal obligation for this Legislature to ultimately fund enough money for a \$900 voucher? Is that your interpretation or is it when monies are available? If someone brought a lawsuit—

The PRESIDENT pro tempore. Gentlemen, if I may interrupt, this is an interrogation and I am going to admonish you again. Please let the questioner finish the question, the responder finish his response, and address all responses through the Chair.

Senator GREENLEAF. Mr. President, to follow up on that, if, let us say a parent of a school-aged child brought a lawsuit, let us say, into Commonwealth Court indicating that this bill entitles them to \$900 from the Commonwealth, would you feel that lawsuit would be successful and that we would be required to fund that full amount?

Senator SALVATORE. Mr. President, you did not give me a chance to respond to any of the questions.

The PRESIDENT pro tempore. That is the idea, Senator.

Senator SALVATORE. Mr. President, okay, the first question the gentleman asked, I think, was about the \$900 or 90 percent of it. That is what the bill says, if it is available. That is the cap. Then if you go to subsection (j), it is whatever funds are appropriated by this General Assembly. If this General Assembly only appropriates \$100 million, then it is \$100 million that is divided up by how many children apply for the grant. So it could be any figure. I do not have any magic ball to say what appropriation is going to be forthcoming. So there is no way that anyone can file a lawsuit and say, well, I am entitled to \$900, because it says in subsection (j) "In the event that, in fiscal year beginning July 1, 1992, or in any fiscal year thereafter, the funds appropriated for purposes of the program authorized by this section shall be insufficient to award grants in the total amount for which applications are made, the office shall award such grants in amounts which shall reflect the relative proportions of eligible students and available funds."

Senator GREENLEAF. Mr. President, so it is the gentleman's intent as the sponsor of this amendment to this bill that the Legislature in the future would have the discretion to determine what amounts it would appropriate for the funding of this legislation from \$300,000, as we are doing now, or any figure in between this figure and \$300 million?

Senator SALVATORE. Mr. President, yes.

Senator LINCOLN. Mr. President, I have listened very intently to this debate. In fact, I have not left the floor for any great period of time, which is unusual for me, as fidgety as I am, but I really had a great deal of interest in what was being said. I think if we listened to the gentleman from Chester, Senator Baker, and the gentleman from Lancaster, Senator Armstrong, the gentleman from Centre, Senator Corman and the gentleman from Franklin, Senator Punt, I think if you listened to those four individuals and their remarks in debate, you would have really gotten a clear picture of what this is all about today. I say that, and I do not want to offend anybody, and I hope that I do not misinterpret what they have said, but as I understand their debate, Senator Corman and particularly Senator Punt I thought put forth the case almost perfectly for not voting for this bill. Senator Baker and Senator Armstrong, in their uncertainty about why they were voting for this particular piece of legislation, I think more firmly

reenforced Senator Punt's very good opposition and the very strong arguments against not only this legislation philosophically but factually and I think pointed out very clearly how very weak this particular bill is written. Senator Armstrong started his remarks with, not perfect. Senator Baker started his remarks with not perfect, and both of them went through a litany of reasons that I thought both of them were going to be against the bill until they got into a few more paragraphs of their comments, and both of them came to the conclusion that those things that were wrong with this legislation did not make it sufficiently deficient to vote against it. I think, probably to take that to the amendment of the gentleman from Montgomery, Senator Greenleaf, that was offered yesterday, very clearly puts this bill out of reach for most families in Pennsylvania. It does not now, in my estimation, deserve the right to be called a choice bill because you cannot afford to do that if you have your children in a public school and you want them to go to another public school because of what you may perceive as a better education opportunity than the other public school. You cannot do that, particularly if the school that you have chosen to send your children to has a very high tuition, which is basically where the good schools are—the high tuition schools, in a sense. That is not my judgment. That would be in the judgment prospectively of people who would make that choice. So we have taken away from the people of Pennsylvania who do not live in Philadelphia particularly, or the southeastern part of the state, the opportunity to choose to go to another school because, as you see, in the public education coalition's numbers, 55 percent of all the funds that are going to be prospectively appropriated to this legislation come from Philadelphia, Montgomery, Delaware, Bucks, Lancaster and Chester Counties, and 11 percent more come from Allegheny County, so in eight counties you have 67 percent of the funding out of this money. What is even more frightening is how far we have taken that choice away from most Pennsylvanians. We have 67 counties in the state and 57 counties added together just equal what Philadelphia is going to get out of this bill. If you add all the percentages up for 57 counties, starting from the bottom and coming towards the top on the chart provided to us, it takes 57 counties to equal Philadelphia's \$73 million or 23.8 percent of the population of the nonpublics that are affected by this bill. Now, I stand before you as someone who has a very long record of supporting education and education funding for Philadelphia and Pittsburgh. Even though I come from a rural area, I had the opportunity early in my career in the House to visit the Philadelphia schools, and I found out that they have particular problems that do not exist anywhere else in this state. I have always been a supporter of helping the public school system in Philadelphia. We talk about the gentleman from Philadelphia, Senator Fumo, being the only person here today who has committed himself to a tax vote for whatever this may cost us, whether we camouflage it in just \$300,000, or whatever it ends up being, because I do not think it makes any difference right now. But I put my vote up back in August for a tax increase for public education, but I also put my vote up

for a 24 percent increase in nonpublics, and I have been part of increasing over the last ten years the appropriations to nonpublic schools in Pennsylvania by 80 percent. I can say that I participated in that because I did, and I think they were worthy efforts on my part and other Members of the General Assembly. What have we done when we talk about those 57 counties that equal one county and what this bill means to them? Well, according to a research unit at the University of Pittsburgh, we are, in effect, doing this by taking \$73 million and placing it in the nonpublic schools in Philadelphia. We are, in effect, saying to the public schools there, so what. So what if you are having problems. So what if out of 24 elementary schools in Pennsylvania that have been identified to have 80 percent of their fifth graders who cannot read, guess where all 24 of those schools are? Eighty percent of fifth graders in 24 elementary schools in Pennsylvania have been identified as not being able to read. All 24 of those schools are in the Philadelphia public school system. Why do we not take that \$73 million and put it into the public school system with special reading classes, because I guarantee you that none of the students in those 24 elementary schools in Philadelphia's public school system are going to be able to go to the nonpublics. The \$900 is not going to make the difference there. The \$900 is going to perpetuate the current population and the current category of income that has the ability to make that choice now. So what does that mean when I hear the arguments here today of everyone lamenting about how bad we are in our public school system, and that this bill, at least, will give some opportunity to bring about some change? Well, in the one place where the marketplace has shown to be is competition because 30 percent of the kids in Philadelphia go to nonpublics, it is not working. It is not working in helping the public school system, and that is what part of this argument is about here today. By doing this and giving people a choice we are going to bring some improvement in the school system? That just is not so. That is not so because we have already determined by the Greenleaf amendment that people who want to stay in the public school system are going to be excluded from this ability to make a choice on economic basis only. They cannot afford to spend \$3,000 or \$4,000, and I thought Senator Corman pointed that out extremely well.

I also have heard in the effort to make our public school system look bad, not just here but throughout this country, the references to Japan. I want to tell you over the last 50 years, particularly maybe the last 45 years because the war did not end until 1945, Japan has not had to spend one cent on defending their own butts. We spent billions and billions and billions and billions of dollars to defend both Germany and Japan who are both used as examples as to what you can do with education. Tell me what we could do with all those billions of dollars that we would have spent on infrastructure, education, highways, clean water. This country could have been as close to being a perfect society as you could possibly get, but, no, we spent our money making ships and planes and bullets and sending people all over this world protecting Japan and Germany when they did not have to

spend a cent. It makes a big difference. It makes a very big difference, and it has taken its toll on this country and it has destroyed a lot of our cities. It has caused us to be fighting among ourselves for a buck, and that is unfortunate and it is unfair, but that is part of what we are talking about. If you bring in the example of the Japanese education system, I think I can bring that into this debate and show you why they have been able to develop where we have not.

I have heard different Members stand up and say, well, my mail came in 72 to 28 and 13 to 10 and 16 to 14, or whatever the case may be. I believe it is important to note that there are other people, besides that narrow constituency that has been lobbied and lobbied and lobbied to get in touch with us, who are opposed to this piece of legislation. It is interesting to note that there is one coalition that ranges from the AFL/CIO to the League of Women Voters, the American Jewish Congress, Pennsylvania Association of School Administrators, Pennsylvania Congress of Parents and Teachers, Pennsylvania School Boards Association and the Pennsylvania Education Association. A very diverse group of people have put into writing their opposition to this particular effort to change very radically how we do our education process here in Pennsylvania. I think the reason why is that the American Association of University Women, in their letter to every Member of the General Assembly, says there is no evidence to prove that tuition vouchers will improve failing schools. The superintendent of the Northern Cambria School District gives an example of what it will mean in his district if he loses 40 students, because not only does this piece of legislation take money and give it to the nonpublics, if, in fact, there are a very large number of public school students who choose, on a very limited basis because in most counties the choice is not going to be there, but if they do choose to do that, the school district that they leave will lose its subsidy for that student, and it will impact on their aid ratio by making that district look richer and drop their aid ratio and they will get less money in the long run, which will reflect itself in local property taxes throughout most of rural Pennsylvania. The most difficult areas of trying to educate students in Pennsylvania today are the inner cities and the rural school districts, and they are nothing alike. They have the same basic problems in trying to educate the young people in those areas. I think it is interesting that the Pennsylvania Council of Churches has taken a very, very strong position against this particular legislation, and I would like to read just some of what they are saying. They say that nonpublic schools are legitimate in a democratic and pluralistic society as are the claims of parents of nonpublic school children to services provided for health and welfare of those students. We do that, and I agree with that. Nevertheless, we continue to oppose outright public subsidization of nonpublic schools. We insist that all nonpublic schools—private, religious and home schools—be held for the same educational standards as public schools. In this bill, that does not happen. Last night the supporters of this particular bill voted over and over and over again to exclude such frivolous things such as certification of teachers, health and safety, I mean little things like



asbestos. There was an acceptance of an amendment that would say that schools receiving this \$900 from the parents would have to comply with federal and state regulations and laws pertaining to handicapped children. To me, it is impossible for these schools to do that. That one amendment to me makes this bill absolutely impossible and cannot work. For the nonpublic schools in this country, or in this state, to develop a special education system, it would destroy them. It would cause their costs to go out of line so high, and it also would make their education process much different. I am amazed at how easily that amendment became part of this particular effort, and today I am still amazed at how easily that became part of this effort. The political clout of the individuals lobbying for this bill evidently does not reach the political clout of the Retarded Citizens Association and all the groups of people who have specially gifted children and handicapped children. That is the only conclusion I can come to other than I do not know how you could explain that you could possibly have a system of education that was going to accept public dollars and you would say to the handicapped children in this society that we live in, you do not have a chance to come here. We do not want you. So I am not sure yet why that took place, but that amendment makes this almost an impossible situation for it to work, and if it does not, then I guarantee you that the costs that have been quoted here today for nonpublic schools will dramatically increase the next time we have a debate of this type, after we have had some experience with nonpublic schools providing special education courses, classes, special treatment for hearing impairment and all the gamut of things that we provide in the nonpublic sector.

Going further into the letter from the Pennsylvania Council of Churches, "The subsidization of nonpublic schools with public funds would increase the disparity in resources among school districts, a current pressing problem in Pennsylvania, and we also see vouchers working against the vast majority of rural school districts in Pennsylvania." On that point, I want to make sure that everybody who has been standing up saying, oh, this is not going to affect anything, and even though we have \$900 in this bill, it really does not mean \$900. Well, let me tell you something. If Senate Bill No. 953 passes with \$900 per student in it, that is what the law is, and if you do not think the people are taking those types of things seriously, take a look at the court case that has been filed against the State of Pennsylvania on not funding adequately and to the law in rural school districts. That particular court case, if it is decided in favor of the school districts that have filed it, we have a big problem here in the General Assembly because we are going to have to appropriate that money to the level that the courts would say that we have made a commitment to in law. One of the things that prompted us in this past budget to make such dramatic increases in funding to basic education was that court case, and we went a long way in this past budget to satisfy the legal questions that have been brought up in that court case. But I guarantee you, that as sure as I am that somebody will go to court to question the constitution-

ality of Senate Bill No. 953, I am positive that if the courts rule it is constitutional and we are then directed to pay whatever the law says, that the very first payment we make less than \$900 per student, there will be a challenge in court because the law says \$900. It is not going to be any less, and, in fact, if I were able to stand here with some assurances that ten years from now that \$900 will still be \$900, I would feel a lot better, and I think the public sector of education in this Commonwealth would also feel a lot better, but I can tell you that is not going to happen. Once this dramatic change is made, and this very clear and definite change in the course of funding for public education and nonpublic education is made, there is nothing and nowhere to go but in the direction of increasing that funding, because if you think the stampede through these halls has been difficult to deal with to get a "yes" vote on this particular issue, that stampede will grow and grow and grow because, according to people who have supported this effort, the number of students in that better nonpublic system will grow and grow and grow. We cannot afford to fund one public school system to an adequate level, and I guarantee you that we cannot afford to fund two school systems, nonpublic and public, and all we are going to end up with is two very bad school systems. I do not care whether you dodge the bullet by saying, no, I do not want to put certified teachers in, I do not want health care, I do not want any of the regulations. Absent those factors, you are still going to see a dramatic increase in the cost of educating individual students in these private and nonpublic schools. There is no other direction for them to go but up. Unfortunately, that will not be reflected in a decrease in the cost of education in the publics because those costs are fixed, and if you lose 50 students out of 500 in a school district, that does not alter how many classrooms you need, how many school buses you need. It just does not happen. If they all moved in a block, if you had 250 of those 500 leave, you might be able to make some changes in your system in your own public school system. All this is going to do is cause poor school districts to become even poorer. Education that is not adequate now because of funding levels will get worse. Teachers who are hard-pressed now in school districts with 35 students and 38 students in a class are going to find that to become a more unbearable circumstance. There is just nothing you can do to change that. I have not heard one word here today that says anything different. All I hear is, it is going to be better, but the better part is going to be the nonpublic, and people who have stood up and spoke in favor of this and have decried and have criticized our education system are leading the charge in making it worse, not better. There has not been one effort made to do anything in this legislation that would improve the public school system. The basic premise for which this vote is going to be taken, and I would say this is in most cases, if not all, is an effort to make public dollars available to nonpublic schools. I personally believe that the courts, when asked to do this, are going to say that it is not constitutional. I think it is unfortunate that I am going to have to go home and explain to those people on both sides of this issue that until such time as the



courts do decide that issue, no one gets anything. Those of you who are content with the \$300,000 fiscal note, you know, I could probably argue many different ways on that, but I think the easiest way to argue at how silly that \$300,000 fiscal note is, which I have never seen, it is a phantom fiscal note, but if you read what that \$300,000 is supposedly going to be spent for and you would look at the responsibility that is being heaped upon that new, whatever it is going to be in the Department of Education, and I cannot seem to find it to let you know what it really is—"There is hereby established within the Department of Education the Office of Educational Opportunity, which shall administer the program of annual educational opportunity grants authorized under subsection (f)." With \$300,000 probably you could hire eight people, nine people. Nine people, and guess who those people are going to be directed by? "Two members shall be appointed by the Governor, three shall be appointed by the President pro tempore of the Senate, two shall be appointed by the Minority Leader of the Senate, three shall be appointed by the Speaker of the House of Representatives and two shall be appointed by the Minority Leader of the House of Representatives. Each board member shall serve for a term of four years from the date of appointment and shall continue to serve thereafter until a successor is duly appointed." I shudder to think about some of the other boards and commissions that we have seen appointed under this same direction. I shudder to think how many people are going to be appointed to this because they are a partisan Republican or a partisan Democrat. There are no qualifications in here for anybody serving on that board or commission, and that board or commission has the responsibility of operating on a \$300,000 budget with eight employees determining when those grants will be paid, determining how they are going to be sent out. They also have the ability to say to every public school in this state, you do not have any spots available. That is absolutely hard to believe. We are talking about one of the major changes in all of government in my 20 years in the General Assembly, and we are going to allow a \$300,000 department that will be directed by appointees of the General Assembly leadership to operate a nonpublic school system, and that is basically what that is, because I do not see anything in here which says that they cannot go and make rules and regulations. There is nothing in here that says that, and maybe by the time the courts have decided this issue that board will have plenty of rules and regulations into effect and they will know how to keep people from going here, how to keep people from going there, and I just absolutely cannot believe that of all the things we talked about today, nobody mentioned that. We talked about the \$300,000, but if you read what we are putting into law by this vote and who is going to operate that, and it does not say with the Secretary of Education, and it does not say with the Board of Education. It does not say with local school boards. It does not say with the Diocese of Philadelphia. It does not say with the Council of Churches. It does not say anything. It says eight people hired with \$300,000. I do not even know whether they will be housed in the Department

of Education or not, and there will be appointees, political appointees, made to operate that particular eight-person department—eight people. I will tell you one thing, if we can do this successfully, if we can run this whole program with eight people, I think then it ought to be interesting that we could come back and we could talk about changing everything in government to that point. I do not believe that is possible. I do not believe it will work. I do not believe this will do anything but destroy what we have worked for many, many years in trying to put together, and that is a good public education system, and I believe that Senator Punt put that in the proper perspective when he talked about the number of people who have come through that public education system in this country, in this state, who have done a pretty good job of going on and on in life and accomplishing an awful lot. I do not know that I want to tamper with that system by doing nothing for it and directing an awful lot of money in a very dangerous manner in supporting a nonpublic private system in which we will have no voter input whatsoever, and I say that with a great deal of regret. I really wish that I could support something of this manner. I cannot. I never will, and I have no qualms about the political fallout. I really do not care, to be honest with you. I think it is important that we put those things behind us when we are dealing with these kinds of issues. I do not believe you should do this for political gain, which I believe is part of what this issue is all about, and I do not think you should vote any way on this issue in fear of what that consequence may be. That is what we see here today. I have heard it repeated over and over again, and the only thing I ask you is I appeal to you at the last moment. Use your own best judgment on this. Look at what we are doing and make a good determination and vote "no" on this piece of legislation.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Scanlon and his temporary Capitol leave is cancelled.

And the question recurring,

Shall the bill pass finally?

Senator BELL. Mr. President, I know now why the House has rules restricting the time for speeches. I do not think there has been any vote changed today by these lengthy speeches. I am sitting back here wondering what the speeches are made for, and I suddenly realized these are preliminary skirmishes to the court battles, the Supreme Court of Pennsylvania and the United States Supreme Court. I think we should close some of the gaps. I heard the remarks by several Senators that one can only get quality education if the teachers are certified. I am amazed at this because public schools after 12 years of certified instruction dare turn their best products over to colleges and universities where the teachers are not certified. I know of no teachers who were certified in the colleges and graduate schools I attended. I do not think they are required in any colleges or universities in the Commonwealth.

Number two. I think it is Article III, two-thirds vote. I wonder how the lambs are—Oh, I am told to keep quiet on that—but I do not know that they dare go through with a two-thirds vote. I cannot even find what departments or agencies most of them are located in. I know that the \$150,000 I get for drug control in Chester did not get any two-thirds vote. Oh, yeah, I put in for drug control. There are some real weirdos, from what I have read in the paper. As to what a lamb is, for those who do not know what a lamb is, that is a legislative initiative.

Next, I learned that 50 percent of the money under this bill goes to five or six counties, and I did a rough estimate and that is about where 45 percent of the people live. Next,—I am sorry the gentleman from Philadelphia, Senator Fumo, is not here—you know I have been around a long time. When my party has the Governor, I get blackjacked to vote for taxes. It is going to take about four years, I hear, for this \$300 million, \$400 million, \$200 million appropriation to come up because it is going to take that long for court cases. Who is going to be the Governor four years from now? Oh, you point to me? I suspect I am going to have to vote for taxes four years from now.

Senator LOEPER. Mr. President, my remarks today on this issue were intended to be rather brief. However, during the course of last evening sitting here and listening to several hours of debate, I could not help but stand here today because I think there are several misconceptions as far as the issue that stands before us and the decision that we are going to have to make today.

One is, Mr. President, unlike some others in this Chamber, I come from a family of teachers and education. My father was a teacher in the public schools of Pennsylvania for 38 years. I am a fully certified, permanently certified teacher in the Commonwealth of Pennsylvania, along with my wife who currently is an elementary school teacher and teaches first grade, and I could not help last evening but hear someone make a reference that we cannot even teach one and one is two. Well, I can assure you that in her classroom in the Hillcrest Elementary School the youngsters know how much one and one is at the end of an academic year. I also, Mr. President, was a teacher and an administrator in the public schools in Delaware County prior to my coming to the Senate, for over 12 years, and can tell you that we do have a quality education system in this Commonwealth, particularly the public schools of Delaware County. We have many dedicated teachers, public school teachers, in those schools that put in innumerable hours to provide a tremendous program for our youngsters. But, Mr. President, that is not all that education is all about. I think we also have to recognize that we have a great deal of people in this Commonwealth who attend our nonpublic schools, and, Mr. President, I also had the opportunity of representing my district to talk to a number of the parents, a number of the schools, a number of the teachers, a number of the children who attend those schools in my district. I think, Mr. President, that what this issue is all about is really an issue of choice, one that we do have a good basic public

education system in Pennsylvania, but I think a system that also can stand the concept of choice and to integrate both those systems. I see where essentially we find that whether we talk about our nonpublic schools or our public schools we find a partnership in those schools. A partnership between the educators, whether they be in the nonpublic or public schools, the administrators caring for the children and students in those schools, most of all the support of the parents of those youngsters who attend those schools. And really, I think when we look at education across this Commonwealth and talk about quality education, I think we have to realize that quality education in this Commonwealth is a partnership of those teachers and administrators and of those parents, but there is one common denominator and that is our school children and youngsters and that is what we are all interested in, in providing the best opportunity for each and every one of them. My view, Mr. President, is that I am going to support this legislation today because I believe that the choice proposition before us enhances that opportunity.

Senator BORTNER. Mr. President, one of the difficulties of speaking at this time of the day, after last evening and all day today, is that it is very difficult to say something that has not already been said, but I will do my best to be concise and to not be overly redundant. There are a number of points I want to address and I feel that I would be remiss if I did not address because I honestly believe—and I have thought about this—that this will be probably the most important vote on the single most important issue that I have probably cast in the seven years that I served even in the House and just in this last year here in the Senate. I am disturbed somewhat by the course this whole debate and discussion on this issue has taken. It has been terribly divisive. It has sometimes been personal, which I think is too bad, but it is a very emotional issue. I am disappointed in the process because as a Member of the Committee on Education we were having hearings last week, I believe, much to the credit of other Members of the committee and particularly the Chairman, the gentleman from Schuylkill, Senator Rhoades, taking up this issue in a very serious fashion, trying to learn what we can about the issues of choice, things that private schools may be doing that we can learn some things from and maybe use to make our public schools better. I have heard a lot of debate that this bill is not perfect and it can be corrected and, yes, it needs more study. I would just hope that we would in the future allow that committee process to work. It is sort of a departure I saw in the House. When I got to the Senate, I thought there would be less of that. We seem to be following that same pattern. But I am also disturbed about the very substance of the issue, and I am surprised, I guess, as I was sitting here listening that we are actually discussing vouchers. We have spent a whole evening on amendments and a whole afternoon debating a bill that provides for vouchers, and we should not kid ourselves and try and call it anything else. I asked myself, how did we get to this point? I think one of the reasons is that this issue has all the right buzz words—choice, freedom of choice, competition. I think the gentleman from Centre, Senator Corman,

said it. Who wants to be against these ideas or these concepts? I think it is appealing if you are looking for a quick fix and if you are looking to get credit for doing something. I think it is appealing in that you have a chance to be counted on something that may be put out as a reform issue. But, unfortunately, we do not get to just vote on concepts. We have to vote on bills. We have to vote on legislation and there are many, many problems with this particular legislation. As I said, the buzz words are appealing, at least it is appealing if you do not stop to consider what we really are doing today, and what we are doing is making a dramatic change in public policy. This is a very serious departure from the tradition that we have established in this country and, actually, in this Commonwealth. It is a tradition that says we have a responsibility to provide a quality education for all children. The gentleman from Philadelphia, Senator Fumo, at one point raised the question why he never heard anybody raise the issue of a means test for public education. Well, of course not. That is what public education is all about. The tradition for public education is that every child is provided with an equal opportunity to an education, regardless of his station in life, regardless of his income, and, in fact, I think that tradition is so strong that we have actually ingrained it in our Constitution, and the language has been alluded to here before, that the General Assembly shall—and it is very specific—provide for a thorough and efficient system of public education. We are embarking on a course here today that nobody else has tried. People like to use examples or make comparisons to other systems of choice. Nobody else has done anything like this, and I think there is a good reason for that. I think one reason is that people have recognized that there are constitutional problems, whether we want to support the constitutional amendment or not. There are constitutional issues out there that the courts will resolve, as they should, but also because it is bad public policy. This is disastrous for public education. It will be devastating to public education, in my opinion, and we should make no mistake about it, it will hurt public education. Since most of the children who I represent are in public schools, I have to believe that it is not going to help most of the children who not only live in my district but live in this state.

A lot has been made about this whole question of taxes and funding, and I am not going to speak anymore on that, only to say that—and I think this has been somewhat glossed over—when the figure of \$340 million is thrown out there, we are not talking about making one change. We are talking about spending \$340 million and not one student would exercise a change or would get to make any kind of a choice. And to put that into perspective, this past budget we spent 200 million new dollars, a seven percent increase, sort of a historic increase, and we are talking about \$340 million that will not do anything more than is already taking place in our educational system today. There is no reason to believe that under this bill, I do not think there is any evidence to believe that one child, one family, is going to make another choice. I believe that all this legislation will do is help to preserve the

status quo, and I think the last thing that we need in education today is the status quo.

One of the issues that I have heard addressed today and also came up at our hearing—I think the gentleman from Lancaster, Senator Armstrong, alluded to this—was there was a woman who testified who has children in Philadelphia in public school and also in private school, and she testified as to what she thought was good about the private schools. He mentioned one of the them, this idea of dress, that in the public schools her children who go there get caught up in this dress and she has to buy these very expensive shoes. I believe she was very sincere when she said that, but I really wonder if it ever occurred to her that she had some choice in that. I mean, we are going to blame the public schools because we as parents do not do enough to impose discipline on our children as to what they wear. We cannot blame the public schools because their children watch too much TV and play too much Nintendo. I hear the issue raised that public schools do not teach values. Well, I thought it was my job to teach my children values. We want to blame the public for what is wrong in society, and I do not think the public schools can be or should be any more than a reflection of society. If we want to know what is wrong with some of the public schools, I think maybe we just need to look in the mirror. I am not here to defend the status quo. All is not well in public education, but I do not think everything is wrong. If I believed everything was wrong, I would not have my own children in public schools.

One of the bad side effects, I believe, of this debate is there has been a lot of trashing of public schools, and I guess the corollary to that, that the public schools and the superintendents and the school boards need to be jacked up. Maybe they do, but I think we have to be honest about it and we should not be hypocritical when we criticize the public schools for the bureaucracy and for the red tape that they have to go through. We deal with amendments that would impose those same things in private schools, and people say, well, that is what is wrong with the public schools. Those things only got into the School Code because those of us here imposed them on the public schools and made them part of the School Code. My biggest concern, I guess, about this debate is that I hope it does not deter the real efforts that we should be making to reform schools. I wish we were spending this time over the last two days and this effort and all of this attention on what we can do to make public schools better. I hope we do not close the book on reform in public schools. I hope we do not think we have solved the problem because we have not, and I hope that we will maybe renew our efforts after the dust is cleared from the debate in this issue, to work very hard at some real reform in public schools, to talk about smaller classes and smaller schools and more accountability for principals and for teachers, giving teachers more control over their classrooms and more autonomy and getting parents involved in education, which is the one thing that I think the private schools definitely have. They are parents who are very interested in education and very interested in their children's education. I hope after the vote is taken here—and we all know how we are

going to vote, I doubt that one vote has been changed today—I hope we will renew our efforts to work to improve the quality of education for all children in Pennsylvania.

Senator MELLOW. Mr. President, the lady from Philadelphia, Senator Jones, has been on Capitol leave for the good part of the afternoon and she had remarks that she wanted to present. What I would like to do on her behalf is to submit the remarks for the record.

The PRESIDENT pro tempore. Without objection, Senator Mellow will proceed to introduce the remarks of Senator Jones onto the record.

(The following prepared statement was made a part of the record at the request of the lady from Philadelphia, Senator JONES:)

Mr. President, I rise to speak against Senate Bill No. 953. The families of the Third Senatorial District need true educational reform more than the families of any other district in this Commonwealth. But the bill before us has nothing to do with educational reform. This bill does not allow parents to choose a school. This bill does not require any private school to change its admissions policies. The private schools in this Commonwealth will still be able to reject special education students. Private schools will still be allowed to discriminate against students with disabilities. This bill does not even require any private school to accept the \$900 as payment in full of the school's tuition. Where are the families in my district going to find the money to make up the difference between the actual tuition at a private school, or even at many out-of-district public schools, and the \$900 from this bill? We all know the answer. Most will not be able to. Instead, they will see their local public schools lose money as we give a \$300 million bailout to another special interest group.

Where will the \$300 million come from, Mr. President? We sit idly by while nearly one million Pennsylvanians are homeless or live in inadequate homes. Many of us have tried for the last several years to get a vote on a bill to authorize a \$100 million bond for affordable housing. We have never even taken a vote because we are told that we have no money. If we have no money, where will the \$300 million come from?

Over one million Pennsylvanians have no health insurance. We know that many will never have access to adequate health care but we do nothing because we do not have the money. But, like a miracle from the heavens, we are going to find \$300 million. Do we really believe that the people of Pennsylvania are so stupid that they think there is no price to pay for this bill. They know that their taxes will go up again and again and again.

Mr. President, how many people with AIDS will go untreated because we give \$900 to families without any limit placed on their income? Do families making \$100,000 really need this money more than babies born with AIDS?

Mr. President, my community is being attacked by nuisance bars. Our children are faced with these community blights every day. How much money will the supporters of this bill send to my community to help us fight these nuisance bars?

Mr. President, do we really believe that we adequately fund our job training programs? We spend a total of \$70 million in state and federal funds on job training. It is not enough. We all know that. But we are told we have no more money. How many of our poor children in our rural counties will continue to be denied Head Start programs because we will bail out private schools? How many senior citizens will not find a nursing home bed? How many public schools will be unable to offer computer training? How many pregnant women will not find prenatal care? Mr. President, there are areas in our state where infant mortality nears third world levels. Are we really going to drain \$300 million from the state's budget to give \$900 to a Main Line doctor and her lawyer husband?

Mr. President, those who vote yes will do nothing more today than guarantee that private school tuition will rise and even more low and moderate income families will be denied admission to private school. Public schools in this country were established to further the principle of universal access to quality education. It is appropriate for us to fund schools that support that principle. We should never support any school that rejects the concept of quality education for all. This bill is for the few who can already afford private school. It will not help the many who cannot.

Mr. President, for over 20 years I have been with and for those who do not have enough. Today is not a battle between the haves and the have nots. I cannot and do not support this bill.

Finally, Mr. President, I must protest the manner in which we are voting on this bill. This bill should have had more time in the Committee on Education. The amendments to this bill should have been reviewed there and not on the floor. Maybe then, we would have a sensible bill.

Mr. President, my office, like every other office in the Senate, has received hundreds of letters and phone calls about this bill. I have no quarrel with those families that want this money. If someone told me that I was going to get a \$900 gift, I would want it too. Unfortunately, no one has bothered to admit to the people of Pennsylvania that this \$300 million has to come from somewhere. I received a call from a parent, and when I raised the \$300 million question, I was told, "Don't worry, you can always find it somewhere." We are responsible for the budget of Pennsylvania. We know better and we should vote like we know better.

Mr. President, this is the wrong bill, and this is the wrong day if we really care about educating our children.

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I would request temporary Capitol leaves for Senator Fattah and Senator Stewart.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Fattah and Senator Stewart. The Chair hears no objection. The leaves will be granted.

Senator LOEPER. Mr. President, I understand Senator Madigan has been called to his office and I would ask a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Madigan. The Chair hears no objection. That leave will be granted.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—28

Andrezeski	Fisher	Loeper	Salvatore
Armstrong	Fumo	Lynch	Scanlon
Baker	Greenleaf	Musto	Shaffer
Belan	Hart	O'Pake	Shumaker
Bell	Helfrick	Pecora	Stewart
Bodack	Holl	Peterson	Tilghman
Dawida	Jubelirer	Rhoades	Wenger

#### NAYS—22

Afflerbach	Hopper	Madigan	Robbins
Bortner	Jones	Mellow	Schwartz
Brightbill	LaValle	Porterfield	Stapleton
Corman	Lemmond	Punt	Stout
Fattah	Lewis	Reibman	Williams
Greenwood	Lincoln		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILL OVER IN ORDER

**SB 273** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 344 (Pr. No. 2796)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### BILL OVER IN ORDER

**SB 517** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILL ON THIRD CONSIDERATION AND OVER IN ORDER ON FINAL PASSAGE

**HB 520 (Pr. No. 2765)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the time for holding organizational meetings and for compensation of township commissioners.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator MELLOW. Mr. President, I would just like to point out to the Members about House Bill No. 520, and if I am in error, I would like to be corrected. I believe what that bill would do, it would freeze first-class township supervisors at their current rate of compensation even though the population, as certified by the Census Bureau, in those particular townships may have dropped and, therefore, dropping the salary. If that is the case, I would like to request a "no" vote on House Bill No. 520, and if I am not correct in what House Bill No. 520 actually does, and if that is incorrect, then I would hope someone might be able to explain what House Bill No. 520 does. But, if my understanding is that House Bill No. 520 would perpetuate the same salary, even though the law would read that the salary should drop based on a loss of population, then I think it would be important that we would not support this type of legislation.

Senator LOEPER. Mr. President, essentially, House Bill No. 520 is a bill dealing solely with first-class township commissioners. I believe there is another bill on the Calendar dealing with supervisors. There has been in some municipalities throughout Pennsylvania, according to census figures, a slight decline, in many cases, in the population of some of those first-class municipalities, and the gentleman is correct. This bill would maintain their salary compensation at the level it previously had been.

Senator MELLOW. Mr. President, I think that only goes ahead and perpetuates the things that the people who do not



reside in this Body are opposed to, and that is to protect the turf that has already been established by public officials, and, in this particular case, if the population of the area in which the individuals represent has declined and by law the salary should decline, then we should not be part and parcel to maintaining the salary at an artificial level, based on a reduction in population, and I ask for a negative vote. If the Majority Leader would like, I would entertain a motion to put the bill over so that we might have some further clarification on both House Bill No. 520 and the next bill, Senate Bill No. 537.

Senator LOEPER. Mr. President, if the gentleman has some questions on the bill, I would be pleased to answer them at this time.

Senator MELLOW. Mr. President, my only question would be that it is inappropriate. We just spent \$300 million of taxpayer money that we do not have, and I do not believe we should further complicate it by maintaining a salary for public officials when, in fact, the law would dictate a lower salary based on a drop in population.

Senator LOEPER. Mr. President, as I had mentioned earlier, I think if the gentleman would look at the decline in the population figures of the first-class townships that are affected and then look at Section 703 on page 3 of the bill, he could determine the change in salary compensation is not as great as he would possibly portray it. I would also point out to the gentleman that, essentially, the bill also says "...that no township shall be required to reduce the salary of a commissioner as the result of a decrease in population." However, that would still make it a local option if they wish to do so.

Senator MELLOW. Mr. President, we are going to have to go at ease, because, very honestly, with all the noise in here, I cannot hear what the gentleman from Delaware, Senator Loeper, is saying.

The PRESIDENT pro tempore. Senator Loeper, would you care to recommet. Senator Mellow did not hear you. I will try to turn up the volume here.

Senator LOEPER. Mr. President, I simply indicated that the last lines 24 and 25 of the bill indicate "...that no township shall be required to reduce the salary of a commissioner as a result of a decrease in population." However, that would leave the local option available to the commission.

Senator MELLOW. Mr. President, still, with that language in there, I am opposed to the bill, and I would ask for a roll call vote and a negative vote on the bill.

And the question recurring,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, I request that House Bill No. 520 go over in its order.

The PRESIDENT pro tempore. Without objection, House Bill No. 520 will go over in its order on final passage.

#### BILLS OVER IN ORDER

**SB 537, 773 and 865** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 960 (Pr. No. 1754)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

**HB 1058 and SB 1209** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1271 (Pr. No. 1755)** — The Senate proceeded to consideration of the bill, entitled:

An Act creating an incentive for small business employers to offer health insurance to employees.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator SHAFFER. Mr. President, speaking on this issue, after the previous five, or thereabout, hours of debate on what is admittedly an otherwise very important issue, it makes me feel what it must have been like to be the act that followed the Beatles on The Ed Sullivan Show. Nevertheless, Mr. President, I do think it is important that other matters be addressed



by this Chamber, and, indeed, today we have the opportunity not only to address the schools of choice issue, and I think everyone was enlivened by the debate of the last number of hours, but we can also talk about health insurance for Pennsylvanians, another issue which, in the last election, there is no question but that it was raised and is on the high interest level of all Pennsylvanians.

In Pennsylvania, Mr. President, there are almost one million of our citizens who lack any kind of basic health care. That is to say, approximately ten million plus Pennsylvanians do have some form of health care, some of it very good, some of it paid for privately, most of it paid for by employers. Those people at the lower end of the economic scale have the various public assistance programs, and senior citizens have various Medicare and Medicaid programs devoted to their needs. But there are, through all this, about one million Pennsylvanians. Over 700,000 of those one million are working poor. That is to say those are individuals who either have their own jobs, the so-called mom and pop stores, where they frequently just eke out a living or they are individuals who work for the so-called mom and pop stores, those traditionally who have 25 or fewer employees. That is the great gap, Mr. President, in the health care providing in the Commonwealth of Pennsylvania. I have three bills, two of which are on the Calendar today, that address that need, and while they do not have the high profile of many of the other interests from Legislators here today, I do hope and I do believe that they deserve our attention. They will go a long way, if enacted, to help a very important segment of our Pennsylvania economy, almost 400,000 working poor, to have health care. I am going to speak about both of these bills, Mr. President, in tandem, even though technically before us today is Senate Bill No. 1271 and Senate Bill No. 1272 will follow thereafter. Mr. President, I recently read an article in a Time magazine that said that we can expect to pay 30 percent more for medical care next year in the United States. That means higher insurance rates and most likely fewer employers than ever will be offering health care insurance plans. We must, if we can, provide employers with the means to lower their costs and provide basic health care insurance for employees. The legislation as before us today, Mr. President, would make that possible. It would reduce health care insurance costs for business owners by giving them the option of purchasing a no-frills group health insurance plan, and make it easier for small business owners to purchase insurance as part of a pool. The option of purchasing a no-frills health insurance plan would enable small businesses to purchase coverage that is less expensive than the more comprehensive plans and it would still provide people with access to basic health care.

By removing barriers that currently restrict different businesses from banding together in health insurance pools, my second bill, Senate Bill No. 1272, would enable small firms to take advantage of lower administrative costs and spread their risks out over a larger group. Health insurance should not be a luxury, we all agree, but it is becoming evermore a perk enjoyed by fewer and fewer Americans. I urge today favor-

able consideration to this legislation that is before us and bring basic health care coverage to people who are now left out in the cold because their income levels are too high for Medicaid but too low to purchase their own insurance. I would remind my colleagues that both the state Chamber of Business and Industry and the National Federation of Independent Business endorse both these bills which would apply only to those companies who (a), do not now currently offer any health care provisions for their employees and (b), for those employers for the next three years. In essence, Mr. President, what this is is a trial, one that we hope will result in health insurance for about 400,000 working poor Pennsylvanians.

Senator SCHWARTZ. Mr. President, I will be brief. It has been a long day and I recognize that. I just would like to speak to these two bills. I do, also, share the concern about lack of health insurance coverage for the almost one million Pennsylvanians, and I am supportive of the notion of small businesses particularly being able to band together to purchase health insurance. I think that is an excellent idea. I am fully supportive of Senate Bill No. 1272. I do have some questions about Senate Bill No. 1271 and I will vote for it and I am prepared to do so, but I think the experience in other states that have done this already is, in fact, that it has not opened up the option to many other small employers, that the small businesses have not in droves gone and offered this particular no-frills package. There is also some concern I would have that some employers might choose this and they might, in fact, have been able to choose a better benefits package and it leaves those employees vulnerable, nonetheless, for services that are not covered. So, I am not sure the direction we should be going in is in reducing benefits packages rather than, in fact, making sure people are covered as fully and comprehensively as they can be in the health coverage they have. However, I am willing to see it be given a try in Pennsylvania, but I would ask that we take a careful look at this and we make sure that we see how it works, we see if, in fact, it makes some sense even if it does expand options for and is taken advantage of by small businesses. If not, I believe there will have to be other kinds of incentives and assistance provided to businesses to provide a more comprehensive package of health insurance to their employees. So just with those comments, I will be supportive of both of these bills but with those hesitations in mind.

Senator SHAFFER. Mr. President, very briefly, I would like to read into the record, somewhat in response to the remarks of the Senator from Philadelphia and somewhat on my own motion, a paragraph or two from a memo dated November 25, 1991, from the National Federation of Independent Business to the Members of the Pennsylvania State Senate addressing Senate Bill No. 1271 and Senate Bill No. 1272 and the NFIB supporting them. They say, in part, in this memo "As you know the cost of health insurance continues to increase at a rapid pace. An average health insurance plan for employees including dependent coverage can now cost approximately \$400 per employee per month. For a small

business this high cost makes health insurance unattainable. At the same time, employees need health insurance and small businesses want to provide it. A survey conducted by the NFIB Foundation found that most small businesses feel that they cannot attract the best employees unless they offer health insurance. The clear reason many small businesses do not provide health insurance is they cannot afford it." The NFIB memo goes on, Mr. President.

"Senate Bill 1271 takes a significant step in addressing the affordability problem by allowing insurance companies to offer basic coverage health insurance policies at a reduced cost. Pennsylvania law currently mandates that all health insurance policies provide 21 separate coverages. Our state ranks eighth in the country in the number of coverages mandated by law. It should be noted that these coverages must be provided even if the business or individual purchasing the health insurance does not want such coverage."

Mr. President, as usual, we have, in trying to do good, I hope done some good. I have voted for various mandates throughout my ten years, almost 11 years, here in this General Assembly, and I recall specifically voting in favor of and speaking in favor of alcohol and drug treatment as a mandated state benefit. I have come to realize, however, that due to the inordinate costs of some of these exceptional health benefits such as mandibular jaw disorders, certain psychiatric treatment, cosmetic treatment, the use of nurse practitioners and psychoanalysis, those drive up the cost of insurance by 40 percent. Forty percent of the cost of health insurance is due, according to my information, to six of our mandated benefits. What we are keeping in this benefit package, Mr. President, please remember this is entirely optional. No one need take advantage of this plan if they do not want to or if they think they cannot afford it. Basic health care, basic obstetric care, basic inpatient, dental patient, the same kinds of things that are mandated or that are included in basic health coverage throughout this country are included in this legislation. Here again, Mr. President, please remember this is no mandate. We are not demanding. We are not subsidizing. We are only offering to a small portion of Pennsylvania's citizens who have no health care coverage at least the specter that such coverage may be forthcoming.

Senator DAWIDA. Mr. President, for the record, the act that followed The Ed Sullivan Show when the Beatles were there was Topo Gigo, the Italian mouse, and the performance today of the gentleman from Butler, Senator Shaffer, put me in mind of that day many years ago.

To be serious about a very difficult issue, I think we should all support this particular piece of legislation. I would just ask the Members in the Majority to be prepared for the fact that there are only a couple of things we can do in health care that are going to work. We are either going to raise costs by increasing taxes to pay for health care, or we are going to have to come up with other additional ways to deliver health care cheaper and more affordably. As such I think this is an innovation that deserves its time, but it is only one of about 200 or 300 other innovations we are all going to have to work

together to do something about, and I applaud Senator Shaffer for his effort on both these bills.

Senator BELL. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT pro tempore. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator BELL. Mr. President, in view of the fact that you already talked twice, I am going to get the gentleman through the loophole.

I notice a yellow sheet. The Pennsylvania AFL/CIO opposes both these bills. Do you know why they oppose them?

Senator SHAFFER. Mr. President, no, I do not. In fact, to my knowledge, I have received no correspondence from the AFL/CIO or any other organization in opposition. In fact, I have not seen that document.

Senator BELL. Mr. President, I thank the gentleman. That ends my interrogation.

Based on the yellow sheet which is dated 11-25-91, they oppose both these bills, and since I have been voting against labor all day, I think I will vote with them.

Senator SCHWARTZ. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT pro tempore. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator SCHWARTZ. Mr. President, just one question, I just want to be clear. Is it possible for a small employer with under 25 employees to switch from present coverage to this lower benefits package? I do not see something that prohibits that in the language of the bill. I know he referred to it. I just wanted to make sure that was the case.

Senator SHAFFER. Mr. President, if the Senator can wait a few moments I will get a copy of the bill and look through it. I am assured that that, in fact, is the case. I would not be sponsoring this bill otherwise knowing that it would be extremely controversial and could be deleterious to coverage, that if people were allowed to switch from high coverage down to low coverage, that obviously is going to happen and this bill would go nowhere. I can tell the lady now there is no intention on the part of the prime sponsor for that to occur.

Senator SCHWARTZ. Mr. President, I did want to make sure that that was the intent since I could not find language to specify that and to get that on the record. I also would like to just clarify the remarks that were made by the sponsor of this legislation. He used terms that talked about a benefits package. He meant to be, I hope, clear that this is basic, that is, it is more minimal coverage, it is not a more comprehensive package. It does have some of the very basic things that we would need, but it certainly is narrower than it is broader, and I think that is the intention of this legislation.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—47

Afflerbach	Greenwood	Lynch	Salvatore
Andrezeski	Hart	Madigan	Scanlon
Armstrong	Helfrick	Mellow	Schwartz
Baker	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Stewart
Dawida	LaValle	Porterfield	Stout
Fattah	Lemmond	Punt	Tilghman
Fisher	Lewis	Reibman	Wenger
Fumo	Lincoln	Rhoades	Williams
Greenleaf	Loeper	Robbins	

## NAYS—3

Belan                      Bell                      Bodack

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1272 (Pr. No. 1470)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for group accident and sickness insurance.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—47

Afflerbach	Greenwood	Lynch	Salvatore
Andrezeski	Hart	Madigan	Scanlon
Armstrong	Helfrick	Mellow	Schwartz
Baker	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Stewart
Dawida	LaValle	Porterfield	Stout
Fattah	Lemmond	Punt	Tilghman
Fisher	Lewis	Reibman	Wenger
Fumo	Lincoln	Rhoades	Williams
Greenleaf	Loeper	Robbins	

## NAYS—3

Belan                      Bell                      Bodack

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

**SB 1295 and 1296** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

## BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 429 and HB 872** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**HB 26 (Pr. No. 16)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," providing for electrologists and for the practice of electrology; creating a committee; and making an appropriation.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**HB 107** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**SB 331 (Pr. No. 341)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 332 (Pr. No. 1723)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 402** — Without objection, the bill was passed over in its order at the request of Senator WENGER.

## BILL ON SECOND CONSIDERATION

**SB 538 (Pr. No. 567)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the county planning commission to adopt certain regulations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 559** — Without objection, the bill was passed over in its order at the request of Senator WENGER.

## BILL ON SECOND CONSIDERATION

**SB 629 (Pr. No. 1673)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing limitations on contracts for dating services, for cancellation of dating service contracts, and for violations of the act.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 700, HB 719, SB 770 and 959** — Without objection, the bills were passed over in their order at the request of Senator WENGER.

#### BILL ON SECOND CONSIDERATION

**SB 963 (Pr. No. 1579)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the licensure of professional geologists; and appropriating funds collected.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 973** — Without objection, the bill was passed over in its order at the request of Senator WENGER.

#### BILL ON SECOND CONSIDERATION

**SB 1080 (Pr. No. 1197)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for appointments to the board of health.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1086, 1087, 1205, 1214, 1273, 1299, 1332, 1364, 1456 and HB 1807** — Without objection, the bills were passed over in their order at the request of Senator WENGER.

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**HB 1827 (Pr. No. 2722)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for the right to freedom from discrimination in employment, housing and public accommodations; prohibiting discrimination because of familial status; amending and adding certain definitions; further providing for the powers and duties of the Pennsylvania Human Relations Commission; further providing for enforcement, remedies and penalties; making editorial changes; and continuing the Pennsylvania Human Relations Commission pursuant to the Sunset Act.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator WENGER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

**HB 1981 (Pr. No. 2592)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1986 (P. L. 1621, No. 184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," further providing for the membership of the council, and for the termination of the council.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator WENGER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

**HB 2145 (Pr. No. 2669)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the conveyance of Shamokin State General Hospital to the Lower Anthracite Community Hospital Corporation for the purpose of operating a hospital on the site.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator WENGER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### BILL IN PLACE

Senator HART presented to the Chair a bill.

#### PERMISSION TO ADDRESS SENATE

Senator HART asked and obtained unanimous consent to address the Senate.

Senator HART. Mr. President, in the short time that I have served here in the Senate I have been concerned with the difficulty that this Body seems to have in eliminating programs and agencies which have outlived their purpose or the justification. If we are to limit the growth of state government and address the social problems that face us, we must channel our limited state funding toward those initiatives that promise to yield the greatest results for the people of Pennsylvania. Obviously law enforcement must be high on our list. There is a huge and growing demand to increase our commitment to law enforcement because of the growth of illegal drug use in many of our communities and a concurrent rise in drug-related crime. Many Pennsylvanians no longer feel safe in their own homes and communities. To beat this scourge more money must be earmarked to combat crime and drugs at the local level, for comparatively modest investments in law enforcement activities have yielded substantial dividends in community security. Today I am introducing legislation that will ulti-

mately make more funds available for those local drug task forces. These units have proven to be extremely successful at coordinating the drug enforcement activities of state and local prosecutors. I am proposing to add \$700,000 to the coffers of the drug task forces which will result in a stepped-up effort to fight drug related crime in our communities and greater assistance to local law enforcement organizations. Now how would we accomplish this goal? I proposed to abolish the Pennsylvania Crime Commission, a \$2.5 million state agency whose time has come and gone. Eliminating the Crime Commission will not harm existing law enforcement activities. The facts are clear the commission prosecutes no criminals. It prevents no crimes. It serves no major law enforcement function. Our current State Attorney General and his predecessor have publicly called for elimination of the Crime Commission. Why? Because the Pennsylvania Crime Commission is an anachronism. It has outlived its public usefulness. At the time it was created in 1968 this commission served an important role in gathering information about organized crime activities in the Commonwealth. Since then, however, the law enforcement environment in Pennsylvania has substantially changed. With the adoption of a host of solid law enforcement legislation a much broader array of weapons are available to track and combat organized crime. The primary function of the Crime Commission has, therefore, outlived its usefulness. It issues an annual report on organized crime which frequently contains outdated information. It has little utility as a tool for prosecution. The commission's limited subpoena power has been largely gutted, leaving the organization with virtually no investigative, prosecutorial or grand jury powers. In the last ten years the state has spent over \$22 million to underwrite the Crime Commission's activities which arguably have not resulted in one prosecution. My bill is about setting practical priorities for state funding of law enforcement. We in the Legislature need to ask ourselves, do we want to continue channelling our limited resources to a commission without a mission, or will we fire our tax dollars to the front lines in the war on drugs where they can produce tangible benefits for our neighborhoods and our communities? My hope is that this legislation will stimulate a healthy debate in review of our budgetary policies.

The PRESIDENT pro tempore. The remarks of the lady will be spread upon the record.

## SENATE RESOLUTION

### RECOGNIZING DECEMBER 1 THROUGH 7, 1991, AS "NATIONAL HOME CARE WEEK"

Senators BORTNER and O'PAKE offered the following resolution (**Senate Resolution No. 122**), which was read, considered and adopted:

In the Senate, November 26, 1991.

#### A RESOLUTION

Recognizing December 1 through 7, 1991, as "National Home Care Week."

WHEREAS, Health care professionals provide compassionate, cost-effective services with pride and respect; and

WHEREAS, The demand for home health care services continues to increase due to an aging America, increasing accessibility of high technology services in the home setting, changes in health care financing and the needs and preferences of consumers; and

WHEREAS, Home health care allows consumers to be cared for in surroundings that are familiar and comfortable to them and preserves the important American social value of keeping families together; and

WHEREAS, Home care is an effective and economical alternative to institutional health care and maintains the dignity and independence of the recipient; and

WHEREAS, The National Association for Home Care has declared December 1 through 7, 1991, as "National Home Care Week" in celebration of the ways in which health care professionals strive to provide quality health care delivered in homes of Americans; therefore be it

RESOLVED, That the Senate recognize the week of December 1 through 7, 1991, as "National Home Care Week" in appreciation of the contributions and dedication of home health care providers to the residents of this Commonwealth.

## CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Fidel Gonzalez by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Robert B. Noll and to Saint Paul's United Methodist Church of Lancaster by Senator Armstrong.

Congratulations of the Senate were extended to Mildred Washington by Senator Baker.

Congratulations of the Senate were extended to Louise Brennen by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Clair R. Grim, Mr. and Mrs. Harold Gehb, Mr. and Mrs. Leonard Berwager, Mr. and Mrs. James Schintz, Mr. and Mrs. Nevin Wildasin, Mr. and Mrs. William Warner, Mr. and Mrs. Leslie Snyder, Mr. and Mrs. Richard Shorb, Mr. and Mrs. Paul E. Moul, Mr. and Mrs. Donald Denlinger, Mr. and Mrs. Lloyd E. Crook, Mr. and Mrs. Sterling Baum, Mr. and Mrs. Theodore N. Barnhart, Mr. and Mrs. Charles Burns, Mr. and Mrs. L. Paul Pottorff, Joshua T. Naylor and to Kimberly Quality Care of York by Senator Bortner.

Congratulations of the Senate were extended to Ronald Clyde Shearer, Frances G. Lindemuth and to John P. Henry, Jr. by Senator Corman.

Congratulations of the Senate were extended to James Willison by Senator Fisher.

Congratulations of the Senate were extended to Merry Lee Chandler by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. William Frye, Mr. and Mrs. Harold Hosgood, Mr. and Mrs. Fred Shotwell, Mr. and Mrs. Harold Brown, Mr. and Mrs. George C. Parks, Mr. and Mrs. Herley Chamberlin, Mr. and Mrs. William G. Walsh and to the Mount Carmel Area Senior-Junior High School Football Team by Senator Helfrick.



Congratulations of the Senate were extended to Paul Santangelo by Senator Holl.

Congratulations of the Senate were extended to George Burley, John J. Horrell, Charles D. Park, John Forst, William Garrison, Felix DelBaggio, John Kozak, Robert W. Mallory, Robert Mankeville and to Delbert Shilot by Senator Jubelirer.

Congratulations of the Senate were extended to Providence Baptist Church of Ellwood City by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Townend, Shirley Dodge Rosendale, Carole Ann Nasser and to Church of Christ Uniting of Kingston by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Heine by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Coletti by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. John Wilson, Howard G. Stahl and to Chris Reedy by Senator Musto.

Congratulations of the Senate were extended to Walter G. Scheipe, Allen E. Wenrich, William Willis and to the Birdsboro Rotary Club by Senator O'Pake.

Congratulations of the Senate were extended to Robert Allan Baker by Senator Porterfield.

Congratulations of the Senate were extended to Stand Up Proud People Our Ribbons Talk of Mercersburg by Senator Punt.

Congratulations of the Senate were extended to Clyde M. McGeary by Senator Reibman.

Congratulations of the Senate were extended to Charles D. Donahue by Senator Rhoades.

Congratulations of the Senate were extended to William C. Forrey by Senator Rhoades and others.

Congratulations of the Senate were extended to Mary Banas by Senator Robbins.

Congratulations of the Senate were extended to Travis Furman by Senator Shaffer.

Congratulations of the Senate were extended to Dr. Paul W. Hess, Edward C. First, Jr., Elizabeth J. Noon and to Jean Miller by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Franklin Brown and to Mr. and Mrs. Kendrick Walker by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph S. Slote by Senator Wenger.

Congratulations of the Senate were extended to the Honorable Lynn M. Abraham by Senator Williams.

### CONDOLENCE RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to family of the late Hazem Najar by Senator Fattah.

Condolences of the Senate were extended to the family of the late Dr. Clarence W. Hansen, Jr. by Senators Shumaker and Tilghman.

### POSTHUMOUS CITATION

The PRESIDENT pro tempore laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late George A. Wolf, Jr. was extended to the family by Senator Jubelirer.

### RECESS

Senator LOEPER. Mr. President, I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper requests a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room to the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sally W. Souchock, 181 Clymer Road, Indiana, 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Audrey B. Faloon, Indiana, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

October 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven D. Ginter, Esquire, 804 Mohawk Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 02-2-05, to serve until the first Monday of January, 1994, vice Richard A. Sheetz, resigned.

ROBERT P. CASEY.

#### NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

July 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sally W. Souchock, 181 Clymer Road, Indiana, 15701, Indiana County, Forty-first Senatorial District, for appointment as as member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Audrey B. Faloon, Indiana, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

#### DISTRICT JUSTICE

October 16, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven D. Ginter, Esquire, 804 Mohawk Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 02-2-05, to serve until the first Monday of January, 1994, vice Richard A. Sheetz, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

#### NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

**UNFINISHED BUSINESS****REPORTS FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

**SB 1109 (Pr. No. 1760) (Amended) (Rereported)**

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

**SB 303 (Pr. No. 1447)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors; and providing for Commonwealth indemnity to municipal corporations relating to inmate medical treatment.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolution:

**SR 121 (Pr. No. 1746)**

A Resolution proclaiming the week of December 1 through 7, 1991, as "National Geography Awareness Week" in this Commonwealth.

**SENATE RESOLUTION NO. 121, CALLED UP**

Senator LOEPER, by unanimous consent, called up **Senate Resolution No. 121**, entitled:

A Resolution proclaiming the week of December 1 through 7, 1991, as "National Geography Awareness Week" in this Commonwealth.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 121, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 121.

The motion was agreed to and the resolution was adopted.

**BILLS ON FIRST CONSIDERATION**

Senator TILGHMAN. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**HB 722 and 2000.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, December 9, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 5:10 p.m., Eastern Standard Time.



# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, DECEMBER 9, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 74

### SENATE

MONDAY, December 9, 1991.

The Senate met at 2:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Our Heavenly Father, we pause humbly this afternoon to acknowledge Your presence and to seek Your blessing. May Your Spirit move among us, providing divine direction and more than human wisdom, so that we may successfully address the issues that confront us this week. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 26, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

November 27, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John W. Kuhn, 413 Manor Drive, Nazareth 18064, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Louis A. Orlando, New Castle, whose term expired.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF OSTEOPATHIC MEDICINE

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Morris A. Fishman, D.O., 316 Barwynne Lane, Wynnewood 19151, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF OSTEOPATHIC MEDICINE

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis M. Guest, D.O., 1142 Quarry Commons Drive, Yardley 19067, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF OSTEOPATHIC MEDICINE

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John L. Johnston, D.O., 228 Ridgewood Drive, Shippensburg 17254, Clarion County, Twenty-fifth Senatorial District, for reappointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Norman Mawby, Glen Riddle, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James L. Larson, D.D.S., 227 Lancaster Avenue, Devon 19333, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD  
OF PODIATRY

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 9, 1991 for the appointment of Andrew Sislo (Public Member), 2057-C Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene E. Sillaman, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 15, 1991 for the appointment of Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James L. Larson, D.D.S., Devon, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 15, 1991 for the reappointment of Norman Mawby, 7 Constance Drive, Glen Riddle 19037, Delaware County, Ninth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**HOUSE MESSAGES**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 263**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 219** and **1107**.

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

December 4, 1991

**HB 1174** — Committee on State Government.

December 9, 1991

**HB 1241** — Committee on Consumer Protection and Professional Licensure.

**HB 1997** — Committee on Local Government.

**HB 2172** — Committee on Appropriations.

**HB 2197** — Committee on Intergovernmental Affairs.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

December 4, 1991

Senator ANDREZESKI presented to the Chair **SB 1457**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled as reenacted, "Liquor Code," further providing for the quantity of beverages to be sold by distributors.

Which was committed to the Committee on LAW AND JUSTICE, December 4, 1991.

Senators GREENLEAF, AFFLERBACH, HART and PORTERFIELD presented to the Chair **SB 1458**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of hearing impairment devices.

Which was committed to the Committee on TRANSPORTATION, December 4, 1991.

Senator ANDREZESKI presented to the Chair **SB 1459**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," adding certain definitions; providing for a residency requirement; further providing for eligibility for assistance, for work programs and for application for assistance; and making editorial changes.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 4, 1991.

Senators ANDREZESKI, BELAN and BELL presented to the Chair **SB 1460**, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), entitled "Goods and Services Installment Sales Act," further providing for service charges.

Which was committed to the Committee on BANKING AND INSURANCE, December 4, 1991.

Senator ANDREZESKI presented to the Chair **SB 1461**, entitled:

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled, as reenacted and amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," providing for voter registration in precincts and on election day.

Which was committed to the Committee on STATE GOVERNMENT, December 4, 1991.

Senators REIBMAN, RHOADES, BORTNER, MELLOW, AFFLERBACH, JUBELIRER, SCHWARTZ, BAKER, PETERSON, CORMAN, LINCOLN, PORTERFIELD, LAVALLE, LOEPER, JONES and BRIGHTBILL presented to the Chair **SB 1462**, entitled:

An Act providing for the integration of educational resources of schools, colleges and businesses in this Commonwealth; and making an appropriation.

Which was committed to the Committee on EDUCATION, December 4, 1991.

Senators HART, FISHER and SCANLON presented to the Chair **SB 1463**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for hydroelectric generating facilities.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 4, 1991.

Senators TILGHMAN, HART, RHOADES and ROBBINS presented to the Chair **SB 1464**, entitled:

An Act amending the act of November 30, 1967 (P. L. 658, No. 305), entitled, as amended, "Business Improvement District Act of 1967," further providing for administrative services.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, December 4, 1991.

Senators GREENWOOD, FISHER, CORMAN and SALVATORE presented to the Chair **SB 1465**, entitled:

An Act repealing the act of December 8, 1959 (P. L. 1718, No. 632), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of employees of State penal and correctional institutions, State mental hospitals, Youth Development Centers, County Boards of Assistance, and under certain conditions other employees of the Department of Public Welfare, who are injured in the performance of their duties; and providing benefit to their widows and dependents in certain cases."

Which was committed to the Committee on LABOR AND INDUSTRY, December 4, 1991.

Senators GREENWOOD, CORMAN, FISHER, RHOADES, HART, SHUMAKER, PUNT, HELFRICK, SALVATORE, REIBMAN and PORTERFIELD presented to the Chair **SB 1466**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," limiting the time for administrative correction of errors in the computation of the inheritance and estate tax.



Which was committed to the Committee on FINANCE, December 4, 1991.

Senators HART, HOPPER, LAVALLE, STAPLETON, PUNT, TILGHMAN, BELL, BELAN, HELFRICK and CORMAN presented to the Chair **SB 1467**, entitled:

An Act amending the act of December 19, 1990 (P. L. 1200, No. 202), entitled "Solicitation of Funds for Charitable Purposes Act," further providing for exemptions from registration.

Which was committed to the Committee on STATE GOVERNMENT, December 4, 1991.

Senator HART presented to the Chair **SB 1468**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," eliminating straight party voting.

Which was committed to the Committee on STATE GOVERNMENT, December 4, 1991.

Senators HART, ARMSTRONG, HOLL, PETERSON, MADIGAN, DAWIDA, SCANLON and BRIGHTBILL presented to the Chair **SB 1469**, entitled:

An Act amending the act of August 4, 1991 (P. L. , No. 7A), entitled, "General Appropriation Act of 1991," increasing an appropriation to the Attorney General for local drug task forces; and making a repeal.

Which was committed to the Committee on JUDICIARY, December 4, 1991.

Senators CORMAN, STOUT, BORTNER, BRIGHTBILL, STAPLETON, WENGER, SHAFFER, GREENWOOD, FISHER, RHOADES, PUNT, HOPPER, HART, SCHWARTZ, ANDREZESKI, O'PAKE, AFFLERBACH and ROBBINS presented to the Chair **SB 1470**, entitled:

An Act providing for grants for the retrofitting of certain vehicles for alternative fuels; providing for additional duties of the Pennsylvania Energy Office; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 4, 1991.

Senators CORMAN, LOEPER, HOLL and BAKER presented to the Chair **SB 1471**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for membership of the Transportation Board.

Which was committed to the Committee on TRANSPORTATION, December 4, 1991.

Senators TILGHMAN, FISHER, LEMMOND, SALVATORE, LOEPER, WENGER, JUBELIRER, BELL, HOLL, HOPPER, BRIGHTBILL and RHOADES presented to the Chair **SB 1472**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," defining "claimant," "dependent," "household income," "total household income" and "poverty income"; and for special tax provisions for poverty.

Which was committed to the Committee on FINANCE, December 4, 1991.

Senators PORTERFIELD, ROBBINS, MADIGAN, DAWIDA, REIBMAN, BELAN, LAVALLE, LINCOLN, BODACK, STOUT and MUSTO presented to the Chair **SB 1473**, entitled:

An Act establishing concurrent legislative jurisdiction between the Commonwealth of Pennsylvania and the United States Government over certain United States Fish and Wildlife Service lands.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, December 4, 1991.

Senators BRIGHTBILL, O'PAKE, HOPPER, STAPLETON, SHUMAKER, HART, HOLL, HELFRICK and RHOADES presented to the Chair **SB 1474**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs.

Which was committed to the Committee on JUDICIARY, December 4, 1991.

#### December 9, 1991

Senator SHUMAKER presented to the Chair **SB 1475**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for operation of vehicle without official certificate of inspection.

Which was committed to the Committee on TRANSPORTATION, December 9, 1991.

Senator BRIGHTBILL presented to the Chair **SB 1476**, entitled:

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled, "A supplement to the act of October 6, 1980 (No. 145), entitled 'An act providing for the capital budget for the fiscal year 1980-1981,'" further providing for a project of the Department of Military Affairs.

Which was committed to the Committee on APPROPRIATIONS, December 9, 1991.

Senator SALVATORE presented to the Chair **SB 1477**, entitled:

An Act providing for the establishment of a lead poisoning detection program; providing for screening of certain children; providing for powers and duties of the Department of Health; imposing duties on certain property owners; providing for the certification of deleaders; and imposing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 9, 1991.

Senator GREENLEAF presented to the Chair **SB 1478**, entitled:

An Act amending the act of September 30, 1985 (P. L. 240, No. 61), entitled "Turnpike Organization, Extension and Toll Road Conversion Act," further providing for powers and duties of the commission.

Which was committed to the Committee on TRANSPORTATION, December 9, 1991.

Senators LEMMOND, MUSTO, SCANLON, ROBBINS and CORMAN presented to the Chair **SB 1479**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for waterways patrolmen.

Which was committed to the Committee on GAME AND FISHERIES, December 9, 1991.

Senators LEMMOND, MUSTO, SCANLON, ROBBINS, CORMAN and RHOADES presented to the Chair **SB 1480**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for refunds of liquid fuels taxes paid on fuel consumed in the operation of watercraft; and making repeals.

Which was committed to the Committee on GAME AND FISHERIES, December 9, 1991.

Senators LEMMOND, MUSTO, SCANLON, MELLOW, ANDREZESKI and CORMAN presented to the Chair **SB 1481**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for classification of penalties.

Which was committed to the Committee on GAME AND FISHERIES, December 9, 1991.

Senators LEMMOND, MUSTO, SCANLON and CORMAN presented to the Chair **SB 1482**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for fees for registration.

Which was committed to the Committee on GAME AND FISHERIES, December 9, 1991.

Senators LEMMOND, MUSTO, SCANLON, ROBBINS, ANDREZESKI, LAVALLE, CORMAN and BORTNER presented to the Chair **SB 1483**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, requiring certain violators to complete a safe boating course.

Which was committed to the Committee on GAME AND FISHERIES, December 9, 1991.

Senators LEMMOND, MUSTO, SCANLON, ANDREZESKI, LAVALLE, CORMAN, RHOADES and BORTNER presented to the Chair **SB 1484**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for boating education programs.

Which was committed to the Committee on GAME AND FISHERIES, December 9, 1991.

Senators GREENLEAF, RHOADES, ANDREZESKI, BELL, HELFRICK and BELAN presented to the Chair **SB 1485**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of possessing instruments of crime.

Which was committed to the Committee on JUDICIARY, December 9, 1991.

Senator GREENLEAF presented to the Chair **SB 1486**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for construction of sewer or water system extensions.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 9, 1991.

Senators GREENLEAF, STEWART, GREENWOOD, HOPPER and ROBBINS presented to the Chair **SB 1487**, entitled:

An Act amending the act of August 6, 1963 (P. L. 521, No. 277), entitled "An act providing that probation officers shall have the power of peace officers in the performance of their duties," further providing for powers of probation officers.

Which was committed to the Committee on JUDICIARY, December 9, 1991.

Senators PUNT, BELL, ROBBINS, SHUMAKER, GREENWOOD and CORMAN presented to the Chair **SB 1488**, entitled:

An Act repealing provisions of Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the imposition of a periodical tax.

Which was committed to the Committee on TRANSPORTATION, December 9, 1991.

Senators LINCOLN, LAVALLE, SCANLON, ANDREZESKI, MUSTO, SCHWARTZ, BELAN, ROBBINS, SALVATORE, O'PAKE, HELFRICK and RHOADES presented to the Chair **SB 1489**, entitled:

An Act amending the act of August 5, 1991 (P. L. 182, No. 23), entitled "An act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the Public School Employees' Retirement System and the State Employees' Retirement System;....," further providing for the effective date of and the retroactive application of provisions relating to the purchase of mandatory maternity leaves of absence.

Which was committed to the Committee on FINANCE, December 9, 1991.

Senator LEMMOND presented to the Chair **SB 1490**, entitled:

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; and providing for the nomination and election of Congressmen.

Which was committed to the Committee on STATE GOVERNMENT, December 9, 1991.

## RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

December 4, 1991

**MEMORIALIZING THE UNITED STATES  
CONGRESS TO REJECT ANY EFFORT TO  
IMPOSE UNREALISTIC CORPORATE  
AVERAGE FUEL ECONOMY (CAFE)  
STANDARDS ON THE AUTOMOTIVE  
INDUSTRY**

Senators STOUT, BELAN, LaVALLE, STAPLETON and HART offered the following resolution (**Senate Resolution No. 123**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, December 4, 1991.

**A RESOLUTION**

Memorializing the United States Congress to reject any effort to impose unrealistic Corporate Average Fuel Economy (CAFE) standards on the automotive industry.

WHEREAS, The automotive industry continues to make steady improvements in the fuel economy of the fleet it offers for sale to the public; and

WHEREAS, Efforts have been made recently in Congress to impose drastic increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a 40% increase to be achieved by 2001; and

WHEREAS, A major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact and compact cars; and

WHEREAS, Unrealistic standards would seriously reduce the availability of full-size and mid-size vans and pick-up trucks, the workhorse of many small businesses and farms; and

WHEREAS, It has been estimated that significantly higher CAFE standards could cost as many as 300,000 United States jobs in the next decade; and

WHEREAS, Higher CAFE standards would do little to enhance United States energy security - reducing oil imports by only 1% to 2% by the year 2005; and

WHEREAS, Many national safety experts have opined that a drastic increase in the CAFE standards would increase the risk of fatalities and injuries because of smaller and lighter automobiles creating a vast difference in vehicle sizes operating on the roads and highways; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the United States Congress to reject any effort to impose unrealistic Corporate Average Fuel Economy (CAFE) standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

**GENERAL COMMUNICATIONS**

**HEALTH CARE CONCILIATION PROGRAM  
ANNUAL REPORT 1990-1991**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
ARBITRATION PANELS FOR HEALTH CARE  
3 Governor's Plaza North, Suite 304  
2101 North Front Street  
Harrisburg, PA 17110

November 27, 1991

To: The Honorable Robert P. Casey, Governor  
and  
The Honorable Members of the General Assembly

From: ROBERT T. MCINTYRE, Administrator  
Arbitration Panels for Health Care

Subject: ANNUAL REPORT OF THE HEALTH  
CARE CONCILIATION PROGRAM  
Fiscal Year 1990-1991

Submitted by the Administrator as required  
by Section 306 of the Health Care  
Services Malpractice Act

Attached is a summary of this office's activities for fiscal year 1990-91 and a description of initiatives planned for 1991-92. We would be pleased to supply additional copies or further information upon request.

The PRESIDENT. This report will be filed in the Library.

**THE PENNSYLVANIA STATE UNIVERSITY  
AUDITED FINANCIAL STATEMENTS**

The PRESIDENT. The Chair laid before the Senate the 1990-91 Audited Financial Statements of The Pennsylvania State University.

This report will be filed in the Library.

**LISTS OF LOBBYISTS AND ORGANIZATIONS**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

**SENATE OF PENNSYLVANIA**

December 2, 1991

To the Honorable, the Senate of the  
Commonwealth of Pennsylvania  
To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from November 1, 1991 through November 30, 1991 inclusive, for the 175th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN  
Secretary

Senate of Pennsylvania

JOHN J. ZUBECK

Chief Clerk

House of Representatives

(See Appendix for complete list.)

### APPOINTMENT BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator D. Michael Fisher as a Commonwealth Trustee of the University of Pittsburgh.

### BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**HB 219 and 1107.**

### REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

**SB 1067 (Pr. No. 1800) (Amended) (Rereported)**

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," further defining "normal farming operations"; further providing for agricultural security areas, for decisions on proposed areas and for agricultural conservation easements; increasing limitation on debt obligations; and making an appropriation.

**HB 1827 (Pr. No. 2722) (Rereported)**

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for the right to freedom from discrimination in employment, housing and public accommodations; prohibiting discrimination because of familial status; amending and adding certain definitions; further providing for the powers and duties of the Pennsylvania Human Relations Commission; further providing for enforcement, remedies and penalties; making editorial changes; and continuing the Pennsylvania Human Relations Commission pursuant to the Sunset Act.

**HB 1981 (Pr. No. 2827) (Amended) (Rereported)**

An Act amending the act of December 16, 1986 (P. L. 1621, No. 184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," further providing for the membership of the council, and for the termination of the council.

**HB 2145 (Pr. No. 2669) (Rereported)**

An Act authorizing and directing the conveyance of Shamokin State General Hospital to the Lower Anthracite Community Hospital Corporation for the purpose of operating a hospital on the site.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for the day for Senator Pecora.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Jones, Senator Porterfield, Senator Reibman, Senator Schwartz and Senator Stewart and a legislative leave for today's Session for Senator Lynch.

The PRESIDENT. Senator Fisher asks legislative leave for Senator Pecora. Senator Mellow asks temporary Capitol leaves for Senator Jones, Senator Porterfield, Senator Reibman, Senator Schwartz and Senator Stewart and a legislative leave for Senator Lynch. The Chair hears no objection and those leaves will be granted.

### DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, December 9, 1991.

#### A PETITION

To place before the Senate the nomination of Augusta A. Clark, Esq., as a Commonwealth Trustee of Temple University.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Augusta A. Clark, Esq., Philadelphia, Pennsylvania, as a Commonwealth Trustee of Temple University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, December 9, 1991.

#### A PETITION

To place before the Senate the nomination of Florence S. Lewis, Ph.D., as a member of the Council of Trustees of Cheyney University.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Florence S. Lewis, Ph.D., Philadelphia, Pennsylvania, as a member of the Council of Trustees of Cheyney University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Frank A. Salvatore  
F. Joseph Loeper  
Robert C. Jubelirer  
D. Michael Fisher  
Noah W. Wenger

The PRESIDENT. These communications will be laid on the table.

### SENATE CONCURRENT RESOLUTION

#### RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, December 9, 1991.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 7, 1992, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, January 7, 1992, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following meetings to be held during today's Session: The Committee on Banking and Insurance to consider Senate Bill No. 1436; the Committee on Rules and Executive Nominations to consider Senate Bills No. 263, 653, House Bill No. 541 and certain nominations; and the Committee on Judiciary to consider certain nominations.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room,

with an expectation of returning to the floor at approximately 4:00 o'clock p.m.

Senator STAPLETON. Mr. President, I request that the Democrats go to caucus immediately.

The PRESIDENT. For purposes of Democrat and Republican caucuses to begin immediately, the Senate will stand in recess.

#### AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

### COMMUNICATIONS FROM THE GOVERNOR

#### RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and laid on the table:

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CHEYNEY UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 10, 1991 for the appointment of Florence Scott Lewis, Ph.D., 252 West Johnson Street, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Melvin C. Howell, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

#### COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY—OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 10, 1991 for the appointment of Augusta A. Clark, Esquire, 1313 Lafayette Place, Philadelphia 19122, Philadelphia County, Second Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1991, and until her successor is appointed and qualified, vice Edward H. Rosen, Narberth, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

# **REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

## **MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS**

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles H. Gale, 1716 School House Road, Box 264, Gwynedd 19436, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until November 29, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul H. Lauer, Shavertown, resigned.

ROBERT P. CASEY.

## **MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS**

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reginald H. Bethel, 3326 Webster Avenue, Pittsburgh 15219-3916, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

## **MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS**

November 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Manuel J. Manolios, 397 Joyson Avenue, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Felice Perlmutter, Ph.D., Philadelphia, resigned.

ROBERT P. CASEY.

## **JUDGE, COURT OF COMMON PLEAS, CAMBRIA COUNTY**

November 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman A. Krumenacker, III, 2288 Menoher Boulevard, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1994, vice The Honorable Caram Abood, resigned.

ROBERT P. CASEY.

## **JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY**

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Angelo A. Guarino, mandatory retirement.

ROBERT P. CASEY.

## **JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY**

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary S. Glazer, Esquire, 7813 Winston Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Theodore S. Gutowicz, mandatory retirement.

ROBERT P. CASEY.

## **JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY**

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne E. Lazarus, Esquire, 3911 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable I. R. Kremer, mandatory retirement.

ROBERT P. CASEY.

## **JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY**

July 22, 1991.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Murray Lynn, Esquire, 3200 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Albert F. Sabo, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Smith, Esquire, 1220 West 66th Avenue, Philadelphia 19126, Philadelphia County, Third Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable James D. McCrudden, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, A. John Snite, Jr., 6221 North 11th Street, Philadelphia 19141, Philadelphia County, Third Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Eugene H. Clarke, Jr., mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF MEDICINE

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

## COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 15, 1991 for the appointment of Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice James L. Larson, D.D.S., Devon, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

December 5, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 15, 1991 for the reappointment of Norman Mawby, 7 Constance Drive, Glen Riddle 19037, Delaware County, Ninth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

## COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator SALVATORE, by unanimous consent, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

### MEMBER OF THE COUNCIL OF TRUSTEES OF CHEYNEY UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 10, 1991 for the appointment of Florence Scott Lewis, Ph.D., 252 West Johnson Street, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Melvin C. Howell, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY—OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 10, 1991 for the appointment of Augusta A. Clark, Esquire, 1313 Lafayette Place, Philadelphia 19122, Philadelphia County, Second Senatorial District, as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1991, and until her successor is appointed and qualified, vice Edward H. Rosen, Narberth, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

### NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

## LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request a legislative leave for Senator O'Pake and temporary Capitol leaves for Senator Afflerbach and Senator Williams.

The PRESIDENT pro tempore. Senator Lincoln requests temporary Capitol leaves for Senator Afflerbach and Senator Williams and legislative leave for Senator O'Pake. Without objection, those leaves will be granted.

## LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Stewart, Senator Schwartz and Senator Porterfield and their temporary Capitol leaves will be cancelled.

## HB 795 TAKEN FROM THE TABLE AND RECOMMITTED

Senator LOEPER. Mr. President, I move that House Bill No. 795, Printer's No. 1553, be taken from the table.

The motion was agreed to.

Senator LOEPER. I move that House Bill No. 795 be recommitted to the Committee on Environmental Resources and Energy.

The motion was agreed to.

The PRESIDENT pro tempore. House Bill No. 795 will be recommitted to the Committee on Environmental Resources and Energy.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Reibman. Her leave will be cancelled.

## LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Mellow.

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Mellow. Without objection, that leave will be granted.

## CALENDAR

### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

### BILL OVER IN ORDER

**SB 303** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### FINAL PASSAGE CALENDAR

### BILL ON FINAL PASSAGE

**HB 520 (Pr. No. 2765)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the time for holding organizational meetings and for compensation of township commissioners.

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

## NAYS—2

Fumo                      Mellow

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## BILL ON THIRD CONSIDERATION AMENDED

**HB 1058 (Pr. No. 2766)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for residency requirements for certain township officials; and further providing for compensation of township supervisors.

On the question,  
Shall the bill pass finally?

## RECONSIDERATION OF HB 1058

Senator LOEPER. Mr. President, I move to reconsider the vote by which the bill passed on third consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A3260:

Amend Title, page 1, line 5, by inserting after "officials": , and for the acquisition of property for parks and recreation areas by right of eminent domain

Amend Bill, page 5, by inserting between lines 9 and 10:

Section 5. Clause XXXIV of section 702 of the act, is amended to read:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

\*\*\*

XXXIV. Parks and Recreation Centers.—To designate, set apart, acquire by gift, devise, purchase, lease or by the exercise of the right of eminent domain, supervise, operate and maintain, in the manner hereinafter provided, parks, playgrounds, playfields, gymnasiums, public parks, swimming pools and recreation centers.

\*\*\*

Section 6. Section 1901 of the act, amended July 2, 1953 (P.L.354, No.83), is amended to read:

Section 1901. Acquisition of Lands and Buildings.—The supervisors of any township may by ordinance separately or jointly designate and set apart for use as parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, hereinafter called public parks, recreation areas and facilities, any lands or buildings, owned by such township, and not dedicated or devoted to other public use. Such township [may, in such manner as may be authorized or provided by law for the acquisition of lands or buildings for public purposes in such township, acquire lands or buildings therein for any of such purposes or construct and equip new facilities upon such lands or, if there be no law authorizing such acquisition, the township supervisors] may acquire lands or buildings for such purposes by gift, devise or purchase or by the exercise of the right of eminent domain, or may lease lands or buildings in such township for temporary use for such purposes. Whenever the supervisors designate or acquire any lands, with or without buildings, under the provisions of this section, except when the acquisition is under a lease for temporary use, they may construct buildings and facilities thereon for the purposes herein indicated.

Amend Sec. 5, page 5, line 10, by striking out "5" and inserting: 7

On the question,  
Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator GREENLEAF.

## LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Fattah.

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Fattah. The Chair hears no objection. That leave will be granted.

## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR

## BILL OVER IN ORDER

**HB 26** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 273 (Pr. No. 1752)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mediation in divorce and custody matters.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 331 (Pr. No. 341)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**SB 332** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL OVER IN ORDER TEMPORARILY

**SB 517** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 537 (Pr. No. 1712)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for mayors' associations and for compensation of borough councilmen.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

#### NAYS—2

Fumo                      Mellow

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Jones and her temporary Capitol leave will be cancelled.

#### LEGISLATIVE LEAVE

Senator FISHER. Mr. President, I request temporary Capitol leave for Senator Shumaker.

The PRESIDENT pro tempore. Senator Fisher requests a temporary Capitol leave for Senator Shumaker. The Chair hears no objection. That leave will be granted.

**THIRD CONSIDERATION CALENDAR RESUMED****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 538 (Pr. No. 567)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the county planning commission to adopt certain regulations.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 517 CALLED UP**

**SB 517 (Pr. No. 1671)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

**BILL OVER IN ORDER**

**SB 517 (Pr. No. 1671)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator HART, by unanimous consent, offered the following amendment No. A3212:

Amend Sec. 1 (Sec. 2333), page 2, lines 15 and 16, by striking out "court costs and"

On the question,

Will the Senate agree to the amendment?

Senator HART. Mr. President, what the amendment does is remove court costs from the funds that will be paid out of funds collected for domestic violence victims. It has been brought to our attention that that creates a problem and we would like to assist domestic violence victims in paying legal fees.

Senator FUMO. Mr. President, we did not agree to the amendment—and maybe we are confused and we are willing to be enlightened—but it appears to us indigent women would now have to pay court costs in these types of cases if this amendment goes in and at the same time there are no income guidelines for having an attorney appointed in these cases, and that is the whole concept of this.

Mr. President, I desire to interrogate the lady from Allegheny, Senator Hart.

The PRESIDENT pro tempore. Will the lady from Allegheny, Senator Hart, permit herself to be interrogated?

Senator HART. I will, Mr. President.

Senator FUMO. Mr. President, I am just saying why we oppose it. Perhaps the lady from Allegheny, Senator Hart, can enlighten us differently. If we are wrong we will stand corrected and move it, but we have some very serious concerns.

Senator HART. I would like to address the concerns of the gentleman from Philadelphia regarding women and paying some of their costs when it comes to divorce cases and domestic violence cases. What we are doing in this bill is attempting to assist women who have problems and assist other victims of domestic violence. In no way would this limit or reduce the help that is now given to those victims.

Senator FUMO. Mr. President, the way I read the bill, on line 14 where it starts, and this is the area that the lady will be amending, the lady is amending lines 15 and 16. Line 14 reads, "The Department of Public Welfare shall request funds under a specific line item to be restricted solely to court costs and legal representation for victims of domestic violence..." and then it goes on. Why would the Senator wish to remove court costs from that area of assistance?

Senator HART. Mr. President, at present there are other assistances available for indigent women in paying court costs. At this point in time there is less available for legal fees. We have also faced some problems and some opposition to including court costs, therefore, in order to get the help to these victims quickly and allowing maybe for an addition in the future, we chose to amend out court costs.

Senator FUMO. I thank the lady.

I disagree with the interpretation of the lady from Allegheny, Senator Hart, and I feel that if we are going to provide legal representation to those women who need it who are victims of domestic violence and sexual abuse and protection from abuse actions, that we should also include the court costs. In fact, the court costs are less significant in cost than the legal representation, and I would urge a "no" vote on this. If we are going to pay for legal representation, it is very easy that we could pay for court costs in our own court system.

Senator HART. Mr. President, actually the reduction of the court cost allowance is in response to increased demand and limited funding for legal services and that has caused many agencies to restrict the ability to provide emergency representation to victims of domestic violence, which is immediate assistance to victims to get them help for protection from abuse and other types of protections. We felt that was a more immediate need.

#### AMENDMENT WITHDRAWN

Senator HART. Mr. President, I will withdraw the amendment.

The PRESIDENT pro tempore. Senator Hart withdraws the amendment to Senate Bill No. 517 and, without objection, Senate Bill No. 517 will go over in its order.

#### BILL REREFERRED

**SB 629 (Pr. No. 1673)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing limitations on contracts for dating services, for cancellation of dating service contracts, and for violations of the act.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS ON THIRD CONSIDERATION AMENDED

**SB 773 (Pr. No. 1753)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for confidential registration for judges.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER by unanimous consent, offered the following amendment No. A3294:

Amend Sec. 1 (Sec. 1303.1), page 1, line 12, by inserting after "the": justice or

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

The PRESIDENT pro tempore. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator LINCOLN. Mr. President, this amendment includes justices in the bill now, and as it is written it provides for judges. Is that every common pleas court judge and this just adds to that list of all the other appellate court judges?

Senator FISHER. Mr. President, on the last Session day two weeks ago we added an amendment to clarify the scope of coverage so that all justices or judges of our appellate courts and all common pleas court judges would be covered by the bill. Unfortunately, that amendment left out the word "justice" on line 13. This amendment merely seeks to make sure that the bill is consistent throughout.

Senator LINCOLN. Mr. President, will this put them into the category to be able to receive a confidential plate?

Senator FISHER. Mr. President, the bill as it is currently, without the amendment, would allow all appellate court and common pleas court judges as well as federal court judges to get the confidential plates. The amendment merely seeks to insert the word "justice" one place where it was missing on line 13.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator FISHER.

**SB 865 (Pr. No. 1633)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating credit services; prohibiting certain activities; providing for certain information to be given to buyers, for the contents of contracts and for enforcement; prohibiting advance fees by loan brokers; and providing penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SALVATORE, by unanimous consent, offered the following amendment No. A3453:

Amend Sec. 2, page 3, lines 5 through 8, by striking out all of said lines and inserting: (ii) Any bank, bank and trust company, trust company, savings bank, Federal savings and loan association or savings bank located in this Commonwealth, or savings association or any subsidiary or affiliate of such institution, whose deposits are eligible for insurance by the Federal Deposit Insurance Corporation, the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation.

Amend Sec. 2, page 3, lines 28 through 30; page 4, lines 1 through 15, by striking out all of said lines on said pages and inserting:

"Loan Broker."

(1) A person who:

(i) For or in expectation of a consideration fee arranges or attempts to arrange or offers to fund a loan of money, a credit card or line of credit for personal, family or household purposes.

(ii) For or in expectation of a consideration fee assists or advises a borrower in obtaining or attempting to obtain a loan of money, a credit card, a line of credit, or related guarantee, enhancement or collateral of any kind or nature.

(iii) Acts for or on behalf of a loan broker for the purpose of soliciting borrowers.

(iv) Holds himself out as a loan broker.

(2) The term shall not include:

(i) Any person organized, chartered, exempt from licensure under statute, or holding a license or authorization certificate to make loans or provide credit pursuant to the laws of the Commonwealth or the United States who is subject to regulation and supervision by an official or agency of the Commonwealth or the United States.

(ii) Any bank, bank and trust company, trust company, savings bank, Federal savings and loan association or savings bank located in this Commonwealth, or savings association or any subsidiary or affiliate of such



institution, whose deposits are eligible for insurance by the Federal Deposit Insurance Corporation, the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation.

(iii) Any person licensed as a mortgage broker under the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers Act.

(iv) Any person who is not required to obtain a license as a mortgage banker by reason of the exceptions contained in section 3(b) of the Mortgage Bankers and Brokers Act.

(v) Any person licensed as a real estate broker where the person is acting within the course and scope of that license.

(vi) Any person admitted to practice law in this Commonwealth where the person renders services within the course of such practice.

(vii) Any broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission where the broker-dealer is acting within the course and scope of such regulation.

Amend Sec. 3, page 5, lines 1 and 2, by striking out all of said lines and inserting: trust account at a bank, bank and trust company, trust company, savings bank, Federal savings and loan association or savings bank located in this Commonwealth, or savings association or any subsidiary or affiliate of such institution, whose deposits are eligible for insurance by the Federal Deposit Insurance Corporation, the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation. If a credit

Amend Sec. 7, page 9, line 30, by striking out "10" and inserting: 11

Amend Sec. 8, page 10, lines 13 and 14, by striking out all of said lines and inserting:

Section 8. Restrictions on loan brokers.

(a) Registration requirement.—Loan brokers shall be registered with the Department of Banking pursuant to regulations promulgated by the department. The licensing division of the department shall be responsible for implementing this section and shall employ two persons for this purpose.

(b) Registration fee.—Loan brokers seeking to be registered by the department shall pay to the department an annual registration fee of \$300.

(c) Prohibited acts.—No loan broker shall:

Amend Sec. 8, page 10, line 27, by striking out "(B)" and inserting: (d)

Amend Sec. 9, page 11, line 2, by inserting after "buyer": or borrower

Amend Sec. 9, page 11, line 5, by striking out "to have a buyer" and inserting: or a loan broker to have a buyer or borrower

Amend Sec. 9, page 11, line 8, by striking out "providing" and inserting: proving

Amend Sec. 10, page 11, line 15, by striking out "8" and inserting: 8(c)

Amend Sec. 11, page 11, line 19, by inserting after "organization's": or loan broker's

Amend Sec. 11, page 11, line 20, by striking out "any" and inserting: an

Amend Sec. 11, page 11, line 22, by inserting after "buyer": or borrower

Amend Sec. 11, page 11, line 23, by inserting after "organization": or loan broker

Amend Sec. 13, page 12, lines 8 and 9, by striking out all of said lines and inserting: (1) This section, and sections 2, 8 and 10(b) of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator SALVATORE.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 963 (Pr. No. 1579)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the licensure of professional geologists; and appropriating funds collected.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator CORMAN. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Stewart.

The PRESIDENT pro tempore. Will the gentleman from Cambria, Senator Stewart, permit himself to be interrogated?

Senator STEWART. I will, Mr. President.

Senator CORMAN. Mr. President, I wonder if the gentleman would explain to me and my colleagues the need for this particular piece of legislation?

Senator STEWART. Mr. President, this quest for a geologist certification board began a long, long time ago when a number of geologists back in 1981-82 approached a number of us, and I was still in the House at the time, and explained to us how their profession is becoming more and more involved with construction and those types of things. At that time I introduced a bill on their behalf that went through the entire process and at that time Governor Thornburgh vetoed it, indicating a fiscal type problem. So we began the quest again and we talked with a number of the other professions, the engineers, and tried to get a consensus amongst all, including the fiscal people, and came up with this legislation. Since that time has passed it has become more and more clear to many of us who are supporting it that the profession of geology is being called upon more frequently, particularly by this General Assembly, when we talk about the siting of hazardous waste facilities, when we talk about the siting of municipal waste facilities, and now we are talking about the siting and monitoring of low-level nuclear waste facilities. This profession is being called upon more and more to promote and protect public health and safety. It is my feeling and the feeling of those in the profession, not only the geology profession but the engineering profession as well, that a certification board is necessary to make sure these people who we are going to be entrusting with serious responsibilities in the area of public health and safety be regulated in some way, shape or form, and this bill accomplishes that.

Senator CORMAN. Mr. President, I wonder if the gentleman could advise me of an estimated number of geologists who would be licensed by this particular bill?

Senator STEWART. Mr. President, it is really hard to say because there is no way now and there is no mechanism now in law to count them. There is no certification. There is no registration process. I really cannot give the gentleman a definite answer. We added provisions to grandfather a number of people. We do not know what those numbers are right now, and we do not really know how many will come forward and actually apply for the certification. So the answer is, I cannot give a specific answer, but I would be glad to talk with those involved and get that to the gentleman.

Senator CORMAN. Mr. President, I thank the gentleman.

I would like to make a few comments. We seemingly, every year, are inundated with groups who wish to be established as professionals and seek licensing by the Commonwealth of Pennsylvania. We all know licensing does not guarantee competency. We can look at any of the other licensed professions in the Commonwealth and know there are those who are very good at it and those who are incompetent, and licensing does really not that much to bring about competency. I have received no letters from others than those who are involved in this profession of geology who felt there is a need to license another group, a process which will certainly call for the increase in their services and the fees they will be charging and, therefore, become more expensive to wherever we use them, whether it is examining for a need for knowing the underground for solid waste or hazardous waste, or whatever we might be doing. I just do not see any need for this particular legislation. I will be voting "no" and encourage others to consider whether they ought to support this.

Senator STEWART. Mr. President, I, too, am reluctant to promote the establishment of any brand new boards or commissions, but in this case I think we are dealing with a profession that again is being called upon more and more to make real serious decisions. In my discussions, even with the engineers most of these people work with, the engineers are saying to us that they no longer feel comfortable backing up some of the reports they are doing on various projects, and they have indicated they would much rather have a method of certification for these people so they can work with them hand in hand on these projects. I would urge an affirmative vote.

And the question recurring,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Brightbill and Senator Salvatore have been called to their offices and I would request temporary Capitol leaves.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Brightbill and Senator Salvatore. The Chair hears no objection. Those leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Dawida	LaValle	Porterfield	Stout
Fattah	Lemmond	Punt	Tilghman
Fisher	Lewis	Reibman	Wenger
Fumo	Lincoln	Rhoades	Williams

#### NAYS—2

Brightbill Corman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1080 (Pr. No. 1197)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for appointments to the board of health.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 1209 (Pr. No. 1369)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the location and operation of family day care in private residential homes.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A3413:

Amend Sec. 7, page 3, lines 2 through 4, by striking out all of said lines and inserting:

Section 7. Municipal ordinance subordination.

This act shall supersede any local ordinances or regulations to the contrary.

Amend Sec. 8, page 3, line 6, by striking out "90" and inserting: 30

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. I desire to interrogate the gentleman from Bucks, Senator Greenwood.

The PRESIDENT pro tempore. Will the gentleman from Bucks, Senator Greenwood, permit himself to be interrogated?

Senator GREENWOOD. I will, Mr. President.

Senator LINCOLN. Mr. President, over the years that I have been in office and early in my career there were efforts made to circumvent the 1968 zoning law, and for a lot of good reasons were very strongly opposed here in the General Assembly whereby group homes of any type could not seem to ever get the kinds of zoning variances that were necessary in a residential district. This strikes me as being the same effort, and before I determine whether I want to very thoroughly debate this and oppose it, I would like to have some idea whether I am correct in my assumption or not. Is this a circumvention of the 1968 zoning regulations, or law, as it would apply to having a group home even for a day care center?

Senator GREENWOOD. Mr. President, the matter before the Senate is the amendment. The amendment is a fairly minor matter. The bill itself establishes that family day care, which is a day care setting, not a group home 24 hours a day, but obviously a day care center for part of a day for six children or fewer, would be considered by all the municipalities in Pennsylvania as a residential use and the bill would, in fact, prohibit municipalities from, in turn, prohibiting that use in a residential area. The amendment itself simply changes that part of the bill which now requires the municipalities, after enactment of this bill, to take the active action, if you will, of amending their codes by simply saying that this supersedes their codes and they do not need to bother to go through the amendatory process with their ordinances.

Senator LINCOLN. Mr. President, I thank the gentleman.

Mr. President, I am concerned that the maker of the amendment's explanation was precisely what I had suspected whenever I saw the bill and we talked about it in our caucus earlier today. I want to tell you how very strongly I oppose the amendment because the amendment even is a stronger version of what I thought the bill might be. I want to say to the gentleman from Bucks, Senator Greenwood, that his explanation was very clear and I do appreciate that and I did have some questions prior to that interrogation. We have gone over this issue regardless of how meritorious the reason for allowing zoning exceptions that are not done by local zoning boards.

We have fought this over homes for mentally retarded. We have fought this over group homes for all different reasons and this amendment is even more onerous, as far as I am concerned, to local government in that we are saying to them we do not even trust you to make the effort to change your laws and your ordinances. We are going to do it for you. In no cases have I had any local government officials coming to me asking me first to allow a group home of any type to become a residential dwelling without going through the local zoning process. This is a very philosophically deep argument that I fought with my best friend, Dave DiCarlo, when we were House Members. We sat beside one another in the 1976 Session and the then-Senator Lou Coppersmith, and it was Senate Bill No. 96, and we debated it for hours. It passed, and David, being much younger than I, got much more excited about the victory and ran back to the back and was celebrating and I got up and asked for a reconsideration of the vote by which it passed. We did that and went over the bill and that was the day we sine die. I waited until Speaker Irvis hit the gavel to officially sine die, and I proceeded to tell him we had reconsidered, and that is how strongly I feel about this. That bill has never passed in all the years since and it would have gone to the Governor for his signature that day. I believe what we are about here today almost was done with no knowledge and I am certain that many people, given the opportunity to take a look at this, are going to remember. Those of us who have been around here from the early '70s through now can remember the very long and lengthy and very emotional debates that took place on this issue. It is not a simple thing like just saying we are going to take your ordinance off the book. You are actually saying to local governments, you are saying to residential districts you are going to accept, whether you want to or not, a day care center to be considered residential without going through the local zoning process and this amendment says that the local governments do not even get to keep their ordinances on the book. We are going to remove them by this action. I say to you it is a time in my own personal career where I have had to determine whether my very strong feelings about retarded children and retarded adults in day care now becoming part of the issue, whether I felt strongly enough about that to overlook what I felt was a basic right of people who live on Y Street, X Street, Z Street, in A municipality, B municipality. That is their responsibility. They live there. Many people put every ounce of money they have, all the sweat and blood that they have into buying a home and building it up, and, in many cases, whether we want to admit it or not, a home of this type will diminish the value of that home that people have worked for many years. For us to say with this amendment that we are not even going to give the local government officials an opportunity to rethink their laws, I think, just makes this even more onerous and a more difficult thing for local governments to assume. I would ask for a "no" vote on the amendment, and I will be prepared to debate the bill on final passage. I would hope every Member would take a look at it, and those who have had to take a position on this issue in the past, try to remember or get into their

files and look at what we have debated. It has not been around for a long time. It is the first time I have seen it in ten years, or longer, but it was an issue that we really fought over and it was not a political issue. It was an individual issue that we fought over for many, many days and hours and weeks during the early and mid '70s in this General Assembly. I would ask for a "no" vote on the amendment.

Senator GREENWOOD. Mr. President, very briefly, I think this debate probably would have been more appropriate on final passage of the bill, but I also can understand the gentleman's logic in wanting to do it on the amendment. I think some distinctions need to be made. We are talking about family day care. This bill only affects those situations where you have three, four, five or six children because they are the only ones who have to be registered with the state, so we are talking six children or fewer. We are not talking about around-the-clock residential care. We are talking about day care. I think we need to keep in mind a number of issues. Number one, we have a problem in this Commonwealth with regard to the availability of day care, and we have a problem in this Commonwealth with the availability of after-school programs for children. There are a lot of people who think the large, if you will, commercial day care center is not always the best setting, and, in fact, the best thing we can do for our children, given the realities of two wage-earner households, is to have someone in the neighborhood, whether it is your next door neighbor or whether it is a grandmother or whether it is the child's aunt, or what have you, be able to bring a few children into her home and provide day care. It is really no different whatsoever from a family who has six children, and I do not think we want to get in the position of saying that a family of six children could be zoned out of a neighborhood by a municipality. So, really what you have to make here is a decision, and that decision is whether you think that it is reasonable to allow our municipalities to say no, to deny the right of a family to take in one, two, three, four, five or six children, no more, for the purposes of providing them with a place to be during the day. If you want to frame the argument on the entirety of its philosophy, we might as well have the vote on the amendment.

Senator LINCOLN. Mr. President, it is *deja vu* for me. If I could have the gentleman from Bucks, Senator Greenwood, grow eight inches and get lighter hair, I would think it was Dave DiCarlo in his debate in 1976. There is no question about the merits of the argument that Senator Greenwood is making. It just comes down to the bottom line. If that argument were used before a local zoning board, why would they reject it? And what we are doing is usurping the power of local municipalities to deal with controlling their own destiny as far as areas of zoning problems. I believe whenever we break that down and we decide to pass this amendment and pass this bill and it gets through the House and it becomes law, that any time a convenience store wants to locate itself on the corner where you have four to six to eight blocks of very nice real estate that people live in and it would be a great way to be convenient for those people to buy their milk, butter and

bread, but it would also diminish the real estate value in that area. I believe the arguments could be used for anything you want, and if you want to destroy the zoning process from the ground up, then let us do that. Let us just do away with the 1968 zoning laws that gave the local municipalities the right to determine their own future, to determine who was going to live in certain areas and take it from there. If you do not agree with that, then you can support the amendment offered by Senator Greenwood and, ultimately, the bill. It is the same argument that was used 18 years ago, 15 years ago, 14 years ago, whenever we did this. You are just doing one thing. You are saying to local government, we have a really good idea that we think you should accept, whether you want to or not, and we do not think you have the ability to determine that this is a good enough issue that you could help make that zoning variance. That is basically what it is all about. You are saying to local government, you do not even have to change your law. We are going to do it for you. I do not believe that is the direction state government should be going, and I would very strongly urge you to vote "no" on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Musto and Senator Scanlon.

The PRESIDENT pro tempore. Senator Lincoln requests temporary Capitol leaves for Senator Musto and Senator Scanlon. The Chair hears no objection. The leaves will be granted.

Senator FISHER. Mr. President, I would request a temporary Capitol leave for Senator Hart.

The PRESIDENT pro tempore. Senator Fisher requests a temporary Capitol leave for Senator Hart. The Chair hears no objection. That leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator GREENWOOD and were as follows, viz:

#### YEAS—30

Armstrong	Greenleaf	Lemmond	Robbins
Baker	Greenwood	Loeper	Salvatore
Bell	Hart	Madigan	Schwartz
Brightbill	Helfrick	Pecora	Shaffer
Corman	Holl	Peterson	Shumaker
Dawida	Hopper	Punt	Tilghman
Fisher	Jones	Rhoades	Wenger
Fumo	Jubelirer		

#### NAYS—19

Afflerbach	LaValle	Musto	Stapleton
Belan	Lewis	O'Pake	Stewart
Bodack	Lincoln	Porterfield	Stout
Bortner	Lynch	Reibman	Williams
Fattah	Mellow	Scanlon	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. Senate Bill No. 1209 will go over in its order, as amended.

#### BILLS OVER IN ORDER

**SB 1295 and 1296** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

##### BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 429 and HB 872** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**SB 1109 (Pr. No. 1760)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS ON SECOND CONSIDERATION

**HB 107 (Pr. No. 104)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the observance of May 27 of each year as Rachel Carson Day.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 402 (Pr. No. 427)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 559** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 700 (Pr. No. 742)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for notice of certain contributions.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator WENGER offered the following amendment No. A3167 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 1628), page 1, line 20, by striking out "(a)"

Amend Sec. 1 (Sec. 1628), page 2, line 6, by striking out "by [telegram or mailgram] notice" and inserting: [by telegram or mailgram]

Amend Sec. 1 (Sec. 1628), page 2, line 7, by striking out "notice" and inserting: report

Amend Sec. 1 (Sec. 1628), page 2, line 11, by striking out "[notice]" and inserting: .] report. The report shall be made by telegram, mailgram, overnight mail or facsimile transmission.

Amend Sec. 1 (Sec. 1628), page 2, lines 16 and 17, by striking out all of said lines

Amend Sec. 2, page 2, line 18, by striking out "in 60 days" and inserting: immediately

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Brightbill and his temporary Capitol leave will be cancelled. The Chair also notes the presence on the floor of Senator Hart and her temporary Capitol leave will also be cancelled.

#### SECOND CONSIDERATION CALENDAR RESUMED

##### BILL OVER IN ORDER

**HB 719** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### RECONSIDERATION OF SB 963

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 963 (Pr. No. 1579)** — Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 963, Printer's No. 1579, passed finally.

The motion was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart



Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

## NAYS—1

Brightbill

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL ON SECOND CONSIDERATION AMENDED

**HB 722 (Pr. No. 2593)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P. L. 852, No. 287), referred to as the "Underground Utility Line Protection Law," defining "Consumer Price Index" and "tolerance zone"; further providing for the duty of users, for duties of designers, for duties of contractors and for the one-call system; and making a repeal.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator DAWIDA offered the following amendment No. A3424:

Amend Sec. 5 (Sec. 7.1), page 7, line 11, by inserting after "COMMONWEALTH.": The one-call system shall be located entirely in this Commonwealth.

(2) A bid on any contract for services at the one-call center may not be made by a member of the one-call system or by a subsidiary of the member during membership and for a period of one year after membership is terminated. A bid on any contract for services at the one-call center may not be made by a director, officer or management employee of a member of the one-call system or a subsidiary of the member during service with the member and for a period of one year after service is terminated or, in cases where membership is terminated, during membership and for a period of one year after membership is terminated. This clause shall not apply if the bidder is a sole source supplier.

Amend Sec. 5 (Sec. 7.1), page 7, line 12, by striking out "(2)" and inserting: (3)

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. This amendment would affect House Bill No. 722 which is the one-call underground utility line protection law. Mr. President, this bill, House Bill No. 722, has passed the House. There is a deadline for the one-call system which I believe will expire probably within the next week if this legislation is not passed, and I would request a negative vote on the amendment, Mr. President, and an affirmative vote on the bill.

Senator DAWIDA. Mr. President, there is a deadline on this bill, that is true. However, the prime sponsor of this legislation, Representative VanHorn, agrees with the amendment and if we pass this amendment today, we will have no problems handling it tomorrow because it is not all that controversial. It merely says that we want to keep the one-call system,

which is a highly meritorious idea, and we want to keep the office in Pennsylvania and we want to avoid conflicts of interest on the board similar to the law that we use for ourselves. There is a rumor that the possibility exists that the board was considering moving the office for the Pennsylvania one-call out of Pennsylvania, and I do not think that is a good idea and this simple amendment, I think, should be adopted.

And the question recurring,

Will the Senate agree to the amendment?

## LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I have a request for a temporary Capitol leave for Senator Schwartz.

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Schwartz. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, just very briefly, again, on the amendment, that while the amendment may have some merit to it to improve the one-call system, because of the time deadline that we are under in order to have this bill go directly to the Governor for his signature to keep the one-call system in existence, it is because of that that I would ask for a negative vote on the amendment and suggest that the gentleman may want to address this later in a separate bill.

Senator DAWIDA. Mr. President, we do have time and I just want to make it clear to everyone that what you would be voting on if you vote against this, and there is time to deal with this right now, is to keep this business in Pennsylvania. If you vote against the amendment, you run the risk, however slight that might be, of this particular office being moved out of Pennsylvania and I do not think that is appropriate. I think we have the time to deal with it, and the prime sponsor of the bill is in concurrence with what I want to do, so that there is no controversy involved. I think we all agree we ought to keep as many businesses in Pennsylvania as we can, but particularly one that deals with Pennsylvania utilities.

And the question recurring,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)

Senator FISHER. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

Senator PETERSON. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

The yeas and nays were required by Senator DAWIDA and were as follows, viz:

## YEAS—23

Afflerbach	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout



Dawida	Lincoln	Reibman	Williams
Fattah	Lynch	Scanlon	

## NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 770** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL LAID ON THE TABLE

**SB 959 (Pr. No. 1030)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for the terms of elected officials.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

## BILL ON SECOND CONSIDERATION

**SB 973 (Pr. No. 1713)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," further providing for compliance by counties, for special encroachments, for jurisdiction, for exclusions, for contents of ordinance, for completion of improvements, for procedures, for classifications, for development rights, for memberships and organization of the board and for time limitations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILLS ON SECOND CONSIDERATION AMENDED

**SB 1086 (Pr. No. 1698)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER, on behalf of Senator JUBELIRER, offered the following amendment No. A3081 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 12 (Sec. 801), page 25, line 7, by removing the period after "attorney" and inserting: ;

(v) any manager or exclusive general agent operating under any management contract or exclusive general agency agreement entered into prior to December 22, 1965, and therefor not subject to licensing pursuant to section 651 of this act: Provided, however, That any such management contract or exclusive general agency agreement shall subject the manager or exclusive general agent and the insurer to Article XII of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921": And further provided, That any sale, assignment or transfer of any management contract or exclusive general agency agreement, whether said contract or agreement was entered into before or after December 22, 1965, shall make the purchaser, assignee or transferee subject to licensing under this article.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

**SB 1087 (Pr. No. 1699)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for the purposes of incorporation, for capital stock, surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LINCOLN, on behalf of Senator SCANLON, offered the following amendment No. A3414 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 19 (Sec. 1511), page 148, line 9, by striking out "an assessment described in section 1508(h)" and inserting: Class B assessments described in section 1507

Amend Sec. 19 (Sec. 1511), page 148, line 17, by striking out "1508(f)" and inserting: 1507(f)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

#### BILL REREFERRED

**SB 1205 (Pr. No. 1750)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for proper immunization of all children in this Commonwealth; and imposing duties on providers of birth health care.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

**SB 1214 (Pr. No. 1721)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of seized or forfeited vehicles.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILL OVER IN ORDER

**SB 1273** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 1299 (Pr. No. 1511)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P. L. 1200, No. 202), entitled "Solicitation of Funds for Charitable Purposes Act," further defining "charitable organization."

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1332, 1364 and 1456** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**HB 1807 (Pr. No. 2171)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to Cambria County land situate in the Township and Borough of Cresson, Cambria County, Pennsylvania.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**HB 2000 (Pr. No. 2511)** — The Senate proceeded to consideration of the bill, entitled:

An Act reestablishing the Pennsylvania Public Utility Commission.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### UNFINISHED BUSINESS

#### REPORTS FROM COMMITTEES

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

**SB 263 (Pr. No. 1762)**

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for mobile home parks; repealing provisions relating to attorney fees; further defining "off-premise sale" and "relevant market area"; authorizing injunctions; and further providing for cancellation.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

**SB 1436 (Pr. No. 1706)**

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for authorized offices.

#### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to John Kauffman by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Henry H. Stauffer, Mr. and Mrs. Marvin Hollinger, Mr. and Mrs. William H. Kauffman and to Keith D. Reinhart by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Gene Charles, Thomas H. Baynard, John C. S. Wilson and to Martha Bell Schoeninger by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Kutosky and to Warner N. Macklin III by Senator Bodack.

Congratulations of the Senate were extended to Don E. Eckert by Senator Bortner.

Congratulations of the Senate were extended to American Gold Star Mothers, Incorporated, of Berks County by Senators Brightbill and O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. William Gregg, Todd A. Whitaker and to Victor L. Dupuis by Senator Corman.

Congratulations of the Senate were extended to Marty Sobczak, Kim Brown and to the Western Pennsylvania Conservancy of Pittsburgh by Senator Dawida.

Congratulations of the Senate were extended to Richard E. A. Carr by Senator Fisher.

Congratulations of the Senate were extended to Baldwin High School Girls Volleyball Team of Pittsburgh by Senators Fisher and Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Kosinski by Senator Fumo.

Congratulations of the Senate were extended to Mark S. DiRado, Matthew Fairchild Hunter, citizens of Lower Gwynedd Township and the Upper Moreland High School Field Hockey Team by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Richard L. Mortimer, Mr. and Mrs. Andrew Kowal, Mr. and Mrs. Victor Rossi, Mr. and Mrs. Louis Chernan, Mr. and Mrs. Austine Gillam, Mr. and Mrs. William Shook, Mr. and Mrs. Vito Papa, Mr. and Mrs. Frank Chybrzynski, Sr., Mr. and Mrs. Paul Bernardini, Mr. and Mrs. William Shirey, Mr. and Mrs. Andy Pohan, Mr. and Mrs. Joseph Emmanuel, Mr. and Mrs. John Bieranoski, Mr. and Mrs. Van M. Hughes and to Mr. and Mrs. Victor J. Rutkoski, Sr. by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Linn by Senator Helfrick.

Congratulations of the Senate were extended to Robert Duncan Widman, Nick Piergiovanni, Jr. and to the Genuardi Family by Senator Holl.

Congratulations of the Senate were extended to Harry J. Borchers, Jr. by Senators Holl and Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Jesse L. Yeager by Senator Hopper.

Congratulations of the Senate were extended to Keith James Burns, James H. Holsomback and to the Susquehanna County Independent of Montrose by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. William A. Clark, Mr. and Mrs. Darwyn C. Martin, Mr. and Mrs. Kenneth J. Meckley, Sr., Mr. and Mrs. Vernon Lovell, Mr. and Mrs. Donald A. Loudenslager, Mr. and Mrs. Maurice Schultz and to Mr. and Mrs. Lewis C. Lose by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer White, Nancy D. Super, Mary Conlon Corcoran and to the citizens of the City of Hazleton by Senator Musto.

Congratulations of the Senate were extended to Bill Getz, Scoutmaster of Boy Scout Troop 449, by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Albert N. D'Amico and to Carl Edward White III by Senator Porterfield.

Congratulations of the Senate were extended to Deb Lightner, Wayne R. Gilbert and to Sadie Scheckner by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Don Hanna, Mr. and Mrs. Charles Shaffer, Mr. and Mrs. Tony J. Compelio and to Hubert C. Voltz by Senator Shaffer.

Congratulations of the Senate were extended to Mary E. Harner, Joseph M. Long, Esther Landis, Harriet E. Braxton, Albert S. Marshal and to the Pennsylvania Capital Area Chapter of the National Forum for Black Public Administrators by Senator Shumaker.

Congratulations of the Senate were extended to Kenneth F. Schoeneman by Senator Shumaker and others.

Congratulations of the Senate were extended to Mr. and Mrs. Dale Fyock, Mr. and Mrs. Paul Potts and to Helen Van Dine by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. William L. Vogler, Mr. and Mrs. Samuel H. Collis, Mr. and Mrs. Walter Donahoo, Mr. and Mrs. Francis W. Beall and to Donald Satina by Senator Stout.

Congratulations of the Senate were extended to Mamie Nichols by Senator Williams.

## POSTHUMOUS CITATION

The PRESIDENT pro tempore laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Charlie Samaha was extended to the family by Senator Dawida.

## BILL ON FIRST CONSIDERATION

Senator PETERSON. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

### SB 1436.

And said bill having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

### MEMBER OF THE CHILDREN'S TRUST FUND BOARD

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon S. Laverdure, Box 5047, R. D. 5, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD**

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathleen L. Rodgers, 376 Ben Avon Street, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

ROBERT P. CASEY.

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE CAMERON COUNTY  
BOARD OF ASSISTANCE**

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 7, 1991 for the appointment of Raymond L. Berry (Democrat), R. D. 1, Box 251, Emporium 15834, Cameron County, Thirty-fourth Senatorial District, as a member of the Cameron County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, to add to complement.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER**

December 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 21, 1991 for the appointment of John Hohenwarter, 11 Meadowbrook Lane, Elizabethtown 17022, Lancaster County, Thirteenth Senatorial District, as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Evelyn C. Marboe, State College, confirmed to another position.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

**ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

TUESDAY, DECEMBER 10, 1991

9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 1072, 1195 and 1290)	Majority Caucus Room
9:30 A.M.	TRANSPORTATION (to consider Senate Bills No. 8, 13, 572, 875, 989, 1362 and 1471; and House Bills No. 749 and 1549)	Room 460
10:00 A.M.	GAME AND FISHERIES (to consider impact of PA whitetail on forestry and agriculture in the Commonwealth)	Room 461
10:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider the nomination of Andrew Greenberg as Secretary of Commerce)	Room 460
10:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 972, 1096, 1444 and House Bill No. 1403)	Senate Majority Caucus Room
10:45 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 1490)	Room 8E-A East Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 653; House Bills No. 541 and 1321 and certain executive nominations)	Rules Committee Conference Room

**PETITIONS AND REMONSTRANCES**

Senator FUMO. Mr. President, I will be brief. I wanted to read to my colleagues today an essay which appeared in Time Magazine in the December 9, 1991 issue, entitled Essay, by Charles Krauthammer, "Why Americans Hate Politicians."

"Why does America so hate Congress? With everyone from Jerry Brown to George Bush running against Washington, it

is obvious that the most powerful political current today is simple disgust with politicians. Elections last month sent incumbents packing in New Jersey, Virginia and Mississippi. In Pennsylvania, Harris Wofford succeeded in making former Attorney General Dick Thornburgh a stand-in for the Washington establishment and won a stunning upset. Term limits suffered a setback in Washington State, but will be back on the ballot next year in at least a dozen states.

"Why this cresting revulsion with politicians? The usual explanations, scandal in Washington, D.C., and recession in the country, simply will not do. We have had far worse scandal in the past. Bounced checks at the House bank do not compare with Watergate. And we have had far worse downturns. Forget the Big One of the '30s. Even the 1981-82 recession was far worse; unemployment then was 10.8%, vs. 6.8% today.

"What is new? In a word: advertising. A decade or two of negative advertising has finally had its cumulative effect. We have really come to believe that politicians are as bad as their opponents have been telling us in a thousand 30-second spots.

"It is easy to discount advertising on the grounds that no one could be so stupid as to believe it. But if advertising didn't work, corporations wouldn't spend billions on it. Can anyone really believe that beer makes men attractive to women? Yet that pitch continues to be made, year in and year out, for the simple reason that it works.

"So does negative political advertising. And it works not just to discredit individual candidates. A generation of negative advertising has poisoned our view of politicians in general. True, negative political advertising is not new. Lyndon Johnson's 'daisy' ad of 1964 said in effect that Barry Goldwater would rain H-bombs on the heads of little blond girls. But that ad ran once. Today it would be a mini-series. What is new about negative advertising today is that there has never been so much and it has never been so good. In the early days politicians would use television to say how right and good and wholesome they were. But when they took to the air to show, convincingly, how venal the other guy was, the perception of the modern politician changed from mere pompous ass to loathsome crook.

"How could it not? Imagine that McDonald's and Burger King had spent 15 years and billions of dollars showing not their own happy burgers but, in close-up, a death-inducing variety dripping with fat that was attributed to the other guy. Imagine Pepsi ads featuring the rotted teeth of kids who imbibed too much Coke. Imagine Delta commercials showing grieving widows saying, 'Don't ever fly Pan Am.'

"It wouldn't take 15 years for public confidence in fast food, soft drinks and air travel to decline. Which is why no industry has been so stupid as to devalue its product in pursuit of market share. Except politics. Finely honed negative campaigning has left a TV generation not just cynical about politics—why, even Frank Capra was cynical about politics—but positively revolted by it.

"Perhaps an extraordinarily productive government might overcome that revulsion. But for a generation, government

has been structurally incapable of productivity. In the West divided government is a rare luxury. Yet since Nixon it has become the norm in the U.S. For most of the past 23 years, the White House and the Congress have been controlled by opposing and mutually negating parties.

"The founding Fathers established a government heavily checked and balanced, paralysis being a fine bulwark against tyranny. But now it goes too far. After all, a machine built for gridlock that spends just a few million dollars a year, as did the fledgling republic of the 1700s, is an annoyance. But a machine built for gridlock that consumes \$1.4 trillion a year is a scandal. Wastefulness and inactivity suit minimalist Jeffersonian government just fine. But for an all-intrusive welfare state, they are a cause for rage.

"Divided government is characterized by either total inaction or mindless compromise. Consider the compromise on the B-2 bomber that just came out of Congress. Liberals wanted to kill it. Conservatives wanted to build more than the currently allowed 15. The compromise stops production at 15 but allocates hundreds of millions to 'maintain the vendor base.' Translation: Congressmen will keep the pork flowing to contractors in their district, but the country will have nothing to show for it. B-2 parts will be built by the thousands—but the Pentagon will not be allowed to assemble them into planes!

"Faced with such nonsense, multiplied daily, the cry has gone out for term limits. But this is to fight nonsense with nonsense. The case for term limits rests on the proposition that if you scramble eggs, you reduce the cholesterol. Throwing out today's rascals is cathartic but hardly a solution. There is not a shred of evidence that newer, less experienced politicians will make more effective legislators.

"In politics as in any other enterprise, the best prescription for getting a better product is competition. It makes far more sense to level the playing field with campaign spending limits and free television time than simply to bar from competition a whole cohort of candidates.

"Of course, candidates will undoubtedly use any free television time to accuse one another of food poisoning. There's the rub. We can fix and fiddle all we want, but even if we succeed in overcoming gridlock and fielding a higher caliber of legislator, the American voters are likely never to get the message. The message they do get comes from TV advertising. It comes from the politicians themselves. And it insists, with increasing frequency and sophistication, that politicians are crooks and fools. Any wonder we believe it?"

Mr. President, I think that editorial is food for thought for all of us and for everyone in America today, for if we do not do anything about it, our government will cease to operate.

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, December 10, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:35 p.m., Eastern Standard Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 10, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 75

### SENATE

TUESDAY, December 10, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, as these Legislators gather to be about their work of service and dedication on behalf of Your people, let Your presence open their hearts, their minds and their wills to Your loving guidance. Grant Your blessing, Father, and lead us to sound government. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 9, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 1321**, in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

December 10, 1991

**HB 1220, 1221, 1224 and 1302** — Committee on Local Government.

**HB 1345** — Committee on State Government.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 653 and House Bills No. 541 and 1321.

### REPORTS FROM COMMITTEES

Senator LEMMOND, from the Committee on State Government, reported the following bill:

#### **SB 1490 (Pr. No. 1812)** (Amended)

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; and providing for the nomination and election of Congressmen.

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bills:

#### **SB 972 (Pr. No. 1809)** (Amended)

An Act amending the act of June 23, 1982 (P. L. 597, No. 170), entitled "Wild Resource Conservation Act," providing for deposit of certain State revenues into the Wild Resource Conservation Fund; and further providing for powers and duties of the board, for voluntary contributions and for limitations on General Fund moneys.

#### **SB 1096 (Pr. No. 1810)** (Amended)

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), entitled "Forest Reserves Municipal Financial Relief Law," further providing for the amount and division of the in-lieu-of-tax payments.

#### **SB 1444 (Pr. No. 1811)** (Amended)

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; and providing for the disposition of a portion of certain fines and penalties.

#### **HB 1403 (Pr. No. 2855)** (Amended)

An Act providing for the establishment, implementation and administration of the Small Water Systems Technical and Management Assistance Program; providing for technical, financial and management assistance for small water systems; providing for the Small Water Systems Regionalization Grant Program; providing for financial assistance for comprehensive small water systems regionalization studies; imposing additional duties on the

Department of Environmental Resources; and transferring an appropriation.

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported the following bills:

**SB 1195 (Pr. No. 1807) (Amended)**

An Act providing for the protection of agriculture and horticulture from plant pests, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or their products; revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; establishing and funding special testing and certification procedures and programs; providing penalties; and making a repeal.

**SB 1290 (Pr. No. 1808) (Amended)**

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), entitled "Agricultural Area Security Law," providing for the assessment and taxation of real property subject to agricultural conservation easements.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request legislative leave for the day for Senator Pecora, a temporary legislative leave for Senator Hopper and a temporary Capitol leave for Senator Shumaker.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Afflerbach and a legislative leave for today's Session for Senator Lynch.

The PRESIDENT. Senator Fisher requests legislative leave for Senator Pecora and temporary Capitol leaves for Senator Hopper and Senator Shumaker. Senator Mellow requests temporary Capitol leave for Senator Afflerbach and a legislative leave for Senator Lynch. The Chair hears no objection to the leave requests. The leaves will be granted.

### LEAVE OF ABSENCE

Senator MELLOW asked and obtained leave of absence for Senator FATTAH, for today's Session, for personal reasons.

### CALENDAR

#### HB 107 CALLED UP OUT OF ORDER

**HB 107 (Pr. No. 104)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 107 (Pr. No. 104)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the observance of May 27 of each year as Rachel Carson Day.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### GUESTS OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO SENATE

Senator BRIGHTBILL. Mr. President, we have in the gallery today the Youth in Government group from Palmyra High School. For the Members, to refresh their recollection, each year when we come back on a Monday in spring we find a note where the Youth in Government group from the Pennsylvania YMCA has used this Chamber and the House Chamber for purposes of holding a mock Session. This is the Palmyra Youth in Government group. They are accompanied by their president, Jen Bentz, and by their advisor, Donna Brightbill.

The PRESIDENT. Would the guests of Senator Brightbill and the special guest, Donna, please rise so that we can welcome you to the Chamber of the Senate.

(Applause.)

### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus and for Members to have an opportunity to get their lunch and suggest that a caucus begin at 1:00 o'clock p.m. in the Majority caucus room, with an expectation of returning to the floor at approximately 2:30 p.m.

Senator LINCOLN. Mr. President, I would echo the same statement of the Majority Leader, that we will have our caucus, go to lunch and meet at 1:00 o'clock p.m. for a caucus in the caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses, for lunch and then the caucuses to begin at approximately 1:00 p.m., the Senate will stand in recess.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on State Government to meet during today's Session to consider House Bill No. 1174.

### CONSIDERATION OF CALENDAR RESUMED

#### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 263 (Pr. No. 1762)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for mobile home parks; repealing provisions relating to attorney fees; further defining "off-premise sale" and "relevant market area"; authorizing injunctions; and further providing for cancellation.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 263.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### BILL OVER IN ORDER

**SB 303** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### THIRD CONSIDERATION CALENDAR

#### BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1109 (Pr. No. 1760)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—31

Armstrong	Greenwood	Madigan	Salvatore
Baker	Hart	Musto	Scanlon
Bell	Helfrick	O'Pake	Shaffer
Bortner	Holl	Pecora	Shumaker
Brightbill	Hopper	Peterson	Stewart
Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger
Greenleaf	Loeper	Robbins	

#### NAYS—18

Afflerbach	Fumo	Lynch	Schwartz
Andrezeski	Jones	Mellow	Stapleton
Belan	LaValle	Porterfield	Stout
Bodack	Lewis	Reibman	Williams
Dawida	Lincoln		

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**HB 1981 (Pr. No. 2827)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1986 (P. L. 1621, No. 184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," further providing for the membership of the council, and for the termination of the council.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Shumaker, Senator Afflerbach and Senator Hopper and their temporary leaves will be cancelled.

## THIRD CONSIDERATION CALENDAR RESUMED

## BILL OVER IN ORDER

**HB 26** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL OVER IN ORDER TEMPORARILY

**SB 332** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 402 (Pr. No. 427)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 517 (Pr. No. 1671)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator HART, by unanimous consent, offered the following amendment No. A3212:

Amend Sec. 1 (Sec. 2333), page 2, lines 15 and 16, by striking out "court costs and"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator HART.

## BILL OVER IN ORDER

**SB 700** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 722 (Pr. No. 2593)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P. L. 852, No. 287), referred to as the "Underground Utility Line Protection Law," defining "Consumer Price Index" and "tolerance zone"; further providing for the duty of users, for duties of designers, for duties of contractors and for the one-call system; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator DAWIDA. Mr. President, you will recall yesterday this Body defeated an amendment that could have easily been put in which would have made sure this particular institution, the one-call, stays in Pennsylvania. For the life of me I do not understand that, but it was suggested by the gentleman from Delaware, Senator Loeper, that I should do this through a regular bill. This is a meritorious bill, and I will be introducing this bill. I have it already in my hands. If any of you want to protect Pennsylvania jobs and keep them in Pennsylvania, whatever your mechanism, whether it be done by the amendment—you did not want to do that yesterday—I suggest you get on this bill very soon. There is a possibility that the Pennsylvania one-call system could be moved out of Pennsylvania. We did not protect against that yesterday, and I think that is an unconscionably dumb thing to do. So we will try to protect that through this legislation, and I urge everyone to support the current bill.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SB 773 (Pr. No. 1801)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for confidential registration for judges.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

The PRESIDENT. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator FUMO. Mr. President, one of the problems that could arise with confidential license plates is that law enforcement agencies and the courts would be unable to ascertain who the vehicle was owned by if that person got parking tickets. Is there any way the gentleman can make us feel secure that this will not be a way in which the people who are going to have these confidential plates will be able to duck parking tickets?

Senator FISHER. Mr. President, yes. Currently in regulations in Volume 67, Chapter 59.1, specifically in 59.5, there are specific regulations which provide for information concerning the identity of any confidential registrant to law enforcement agencies. So it is my intention as the prime sponsor of this legislation that certainly these regulations would apply because our bill is amending the same section of the Motor Vehicle Code which these regulations are promulgated under so that any new confidential registrants would, of course, have their plates be made available to law enforcement agencies.

Senator FUMO. Mr. President, does the gentleman also agree that the courts, in the process of handling these parking tickets or summons which get sent out, would also have a right to know the identity so that they can enforce their parking ticket summons on them?

Senator FISHER. Mr. President, very clearly, either the police officer issuing the summons or the court which was involved in processing of the summons, it is my intention that they should have access to the name of the confidential registrant, not only under this bill but under current law, I would hope.

Senator FUMO. Mr. President, I thank the gentleman.

In light of that interrogation, I would ask for an affirmative vote on our side.

## LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Belan, Senator Jones, Senator Williams and Senator Andrezeski.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Belan, Senator Jones, Senator Williams and Senator Andrezeski. The Chair hears no objection. The leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—34

Afflerbach	Hart	Musto	Schwartz
Armstrong	Helfrick	Pecora	Shaffer
Baker	Holl	Peterson	Shumaker
Brightbill	Hopper	Punt	Stewart
Corman	Jubelirer	Reibman	Stout
Fisher	Lemmond	Rhoades	Tilghman



Fumo	Lincoln	Robbins	Wenger
Greenleaf	Loeper	Salvatore	Williams
Greenwood	Madigan		

## NAYS—15

Andrezeski	Bortner	Lewis	Porterfield
Belan	Dawida	Lynch	Scanlon
Bell	Jones	Mellow	Stapleton
Bodack	LaValle	O'Pake	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 865 (Pr. No. 1802)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating credit services; prohibiting certain activities; providing for certain information to be given to buyers, for the contents of contracts and for enforcement; prohibiting advance fees by loan brokers; and providing penalties.

Considered the third time and agreed to,

And the amendments made thereto having been printed, as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Rejzman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 973 (Pr. No. 1713)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," further providing for compliance by counties, for special encroachments, for jurisdiction, for exclusions, for contents of ordinance, for completion of improvements, for procedures, for classifications, for development rights, for memberships and organization of the board and for time limitations.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN, by unanimous consent, offered the following amendment No. A3309:

Amend Title, page 1, lines 21 through 25, by striking out all of said lines and inserting:

further providing for the term of members of the planning commission, for the number of members constituting a quorum of the commission, for powers and duties of the planning agency, for compliance by counties, for special encroachment permits, for the jurisdiction of the county planning agency, for the contents of subdivision and land development ordinances, for approval of plats, for completion of improvements, for recording of plats, for preventive remedies, for the transportation capital improvements plan, for classifications, for municipal curative amendments, for transferable development rights, for membership, organization and jurisdiction of the zoning hearing board and for time limitations for filing proceedings with the board.

Amend Sec. 1, page 1, line 29, by striking out "507,"

Amend Sec. 1 (Sec. 209.1), page 2, line 28, by striking out the brackets before and after "(a)"

Amend Sec. 1 (Sec. 209.1), page 3, line 7, by striking out the bracket before "(b)"

Amend Sec. 1 (Sec. 209.1), page 3, line 8, by inserting brackets before and after "may" and inserting immediately thereafter: shall

Amend Sec. 1 (Sec. 209.1), page 3, line 9, by striking out "(3)"

Amend Sec. 1 (Sec. 209.1), page 3, line 11, by striking out the bracket before "(2)"

Amend Sec. 1 (Sec. 209.1), page 3, line 11, by striking out "(4)"

Amend Sec. 1 (Sec. 209.1), page 3, line 15, by striking out the bracket before "(3)"

Amend Sec. 1 (Sec. 209.1), page 3, line 15, by striking out "(5)"

Amend Sec. 1 (Sec. 209.1), page 3, line 18, by striking out the bracket before "(4)"

Amend Sec. 1 (Sec. 209.1), page 3, line 18, by striking out "(6)"

Amend Sec. 1 (Sec. 209.1), page 3, line 21, by striking out the bracket before "(5)"

Amend Sec. 1 (Sec. 209.1), page 3, line 21, by striking out "(7)"

Amend Sec. 1 (Sec. 209.1), page 3, line 24, by striking out the bracket before "(6)"

Amend Sec. 1 (Sec. 209.1), page 3, line 24, by striking out "(8)"

Amend Sec. 1 (Sec. 209.1), page 3, line 26, by striking out the bracket before "(7)"

Amend Sec. 1 (Sec. 209.1), page 3, line 26, by striking out "(9)"

Amend Sec. 1 (Sec. 209.1), page 3, line 28, by striking out the bracket before "(7.1)"

Amend Sec. 1 (Sec. 209.1), page 3, line 28, by striking out "(10)"

Amend Sec. 1 (Sec. 209.1), page 4, line 4, by striking out the bracket before "(8)"

Amend Sec. 1 (Sec. 209.1), page 4, line 4, by striking out "(11)"

Amend Sec. 1 (Sec. 209.1), page 4, line 6, by striking out the bracket before "(9)"

Amend Sec. 1 (Sec. 209.1), page 4, line 6, by striking out "(12)"

Amend Sec. 1 (Sec. 209.1), page 4, line 9, by striking out the bracket before "(10)"

Amend Sec. 1 (Sec. 209.1), page 4, line 9, by striking out "(13)"

Amend Sec. 1 (Sec. 209.1), page 4, line 10, by striking out the bracket before "(10.1)"

Amend Sec. 1 (Sec. 209.1), page 4, line 10, by striking out "(14)"

Amend Sec. 1 (Sec. 209.1), page 4, line 11, by striking out the bracket before "(11)"

Amend Sec. 1 (Sec. 209.1), page 4, line 11, by striking out "(15)"

Amend Sec. 1 (Sec. 209.1), page 4, line 14, by striking out the bracket before "(12)"

Amend Sec. 1 (Sec. 209.1), page 4, line 14, by striking out "(16)"

Amend Sec. 1 (Sec. 209.1), page 4, line 17, by striking out the bracket before "(13)"

Amend Sec. 1 (Sec. 209.1), page 4, line 17, by striking out "(17)"

Amend Sec. 1 (Sec. 209.1), page 4, line 21, by striking out the bracket before "(14)"

Amend Sec. 1 (Sec. 209.1), page 4, line 21, by striking out "(18)"

Amend Sec. 1 (Sec. 502), page 8, line 14, by striking out the bracket before "in"

Amend Sec. 1 (Sec. 502), page 8, lines 16 and 17, by striking out ")] for the recreation facilities"

Amend Sec. 1 (Sec. 507), page 8, lines 20 through 30; page 9, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 515.1), page 12, lines 10 through 14, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator FISHER, by unanimous consent, offered the following amendment No. A3019:

Amend Title, page 1, line 20, by inserting after "acts,"": extending the act to counties of the second class;

Amend Title, page 1, line 25, by removing the period after "limitations" and inserting: ; and making repeals.

Amend Bill, page 1, by inserting between lines 27 and 28:

Section 1. The title and section 103 of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), are amended to read:

#### AN ACT

To empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the second class [A] through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for mediation; providing for transferable development rights; pro-

viding for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts.

Section 103. Construction of Act.—The provisions of this act shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted, to enforce any right, rule, regulation, or ordinance or to punish any offense against any such repealed laws or against any ordinance enacted under them. All ordinances, resolutions, regulations and rules made pursuant to any act of Assembly repealed by this act shall continue in effect as if such act had not been repealed, except as the provisions are inconsistent herewith. The provisions of other acts relating to municipalities other than cities of the first and second class [and counties of the second class] are made a part of this act and this code shall be construed to give effect to all provisions of other acts not specifically repealed.

Section 2. The definitions of "county," "governing body" and "municipality" in section 107 of the act are amended to read:

Section 107. Definitions.—(a) The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

\*\*\*

"County," any county of the second class [A] through eighth [classes] class.

\*\*\*

"Governing body," the council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class [A] through eighth classes or as may be designated in the law providing for the form of government.

\*\*\*

"Municipality," any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class [A] through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

\*\*\*

Amend Sec. 1, page 1, line 28, by striking out "1" and inserting: 3

Amend Sec. 1, page 2, lines 1 through 3, by striking out "of July 31, 1968 (P.L.805, No.247), known as" in line 1, all of line 2 and "amended December 21, 1988 (P.L.1329, No.170)," in line 3

Amend Sec. 2, page 12, line 15, by striking out "2" and inserting: 4

Amend Sec. 3, page 12, line 29, by striking out "3" and inserting: 5

Amend Sec. 4, page 15, line 28, by striking out "4" and inserting: 6

Amend Sec. 5, page 16, line 3, by striking out "5" and inserting: 7

Amend Sec. 6, page 17, line 27, by striking out "6" and inserting: 8

Amend Sec. 7, page 18, line 26, by striking out "7" and inserting: 9

Amend Bill, page 19, by inserting between lines 15 and 16:

Section 10. Sections 2201 through 2211 and 2220 through 2239 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, are repealed.

Amend Sec. 8, page 19, line 16, by striking out "8" and inserting: 11

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator FISHER.

### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1058 (Pr. No. 2854)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for residency requirements for certain township officials, and for the acquisition of property for parks and recreation areas by right of eminent domain and further providing for compensation of township supervisors.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SB 1086 (Pr. No. 1805)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator SCANLON. Mr. President, I would like to offer some remarks that I would ask to be spread upon the record.

The PRESIDENT. Without objection, we will enter these remarks into the record at this point.

(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator SCANLON:)

Senate Bill No. 1086 amends the Insurance Department Act. This legislation is designed to improve and modernize Pennsylvania's insurance laws regulating the financial solvency of insurance companies.

This legislation improves weaknesses in the current system of financial solvency. The improvements are intended to assure adequate disclosure, accountability and limits on the authority of some insurers and third parties necessary to safeguard the solvency of the insurer.

This legislation will improve the departments efficiency and responsiveness in the conduct of on-site examinations of the financial conditions of domestic companies. By providing the department with more flexibility in determining which companies to examine means the new law will result in more meaningful examinations.

Senate Bill No. 1086 would permit the Insurance Commissioner to take prompt action when a foreign insurer, not domiciled in Pennsylvania, is believed to be in hazardous financial condition.

This legislation would clarify the department's jurisdiction and authority to regulate the financial solvency of unlicensed or unauthorized insurers operating under the guise of a federal exemption.

This legislation improves the problems many insurance company managers have when delegating management authority to third parties who have conflicting interest or inadequate abilities. Senate Bill No. 1086 accomplishes this by providing for the licensing and regulation of managing general agents. Managing general agents are different from insurance agents in that they not only have the authority to underwrite and price risks but also to adjust and pay claims. In addition, Senate Bill No. 1086 also minimizes reinsurance abuse by providing for the licensing and regulation of persons who arrange and manage reinsurance transactions on behalf of insurers. This bill establishes record keeping and reporting requirements for reinsurance intermediaries and insurers.

Mr. President, this legislation is good for Pennsylvania's insurance regulatory environment. It is good for Pennsylvania's insurance companies and good for Pennsylvania's consumers.

This bill has been reported out of the Committee on Banking and Insurance and the Committee on Appropriations unanimously. I ask for a positive vote.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SB 1087 (Pr. No. 1806)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for the purposes of incorporation, for capital stock, surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SCANLON. Mr. President, with respect to Senate Bill No. 1087, I offer the following statement which I would ask to be spread upon the record.

The PRESIDENT. Once again, without objection, Senator Scanlon's remarks will be entered into the record at this point.

(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator SCANLON:)

Senate Bill No. 1087 amends the Insurance Company Law of 1921. This bill is the companion bill of Senate Bill No. 1086 and this bill also improves the financial solvency of insurance company regulation by the Insurance Department.

This legislation improves the system by imposing standards on transactions arranged between an insurer and a parent company where the transactions may have a detrimental impact of the insurers' insolvency. Senate Bill No. 1087 would

establish the department's authority to disapprove certain proposed transactions such as loans, investments or other transactions which the department determines may have an adverse impact on the interest of the insurers' policyholders.

This legislation clarifies existing law by establishing penalties for late annual filings and the penalties for filing false statements are also increased.

Mr. President, I ask for a positive vote on Senate Bill No. 1087. This legislation is essential for the Insurance Department to regulate the solvency of financial companies, and it is imperative for the companies to utilize the requirements of this legislation to their benefit which is to ensure the financial health of each of the insurance companies in this state.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator CORMAN. Mr. President, I would like to offer a letter from Ronald Chronister, Deputy Insurance Commissioner, Regulation of Companies, to Mr. Larry Kauffman, who is with the Pennsylvania Association of Mutual Insurance Companies, to be spread upon the record. It is an explanation of this particular piece of legislation as determined by the Insurance Department.

The PRESIDENT. The Chair thanks the gentleman, and without objection his remarks will be entered into the record at this point.

(The following letter was made a part of the record at the request of the gentleman from Centre, Senator CORMAN:)

COMMONWEALTH OF PENNSYLVANIA  
INSURANCE DEPARTMENT  
Strawberry Square  
Harrisburg, Pa. 17120

November 20, 1991

Mr. Larry E. Kauffman  
PA Association of Mutual Insurance Companies  
4th and Chestnut Streets  
Harrisburg, PA 17101

Dear Mr. Kauffman:

You have expressed the concern of PAMIC member companies that it be clear that the amendments to Section 320 of the Insurance Company Law proposed in Senate Bill 1087, Printer's No. 1357 retain the Commissioner's discretion to establish by regulation requirements for filing audited financial statements that differ from the instructions for completion of the NAIC annual statement blank. We have reviewed the proposed legislation with legal counsel and are of the opinion that nothing in the proposed amendments would diminish the Commissioner's discretion to promulgate a regulation or issue a statement of policy allowing filing variations from the NAIC instructions for completion of the blank.

The purpose of the amendment to Section 320 is to make clear that the standard requirement is for insurers to file financial statements in the form adopted by the NAIC. The last clause of Section 320(a), however, has not been changed. This clause

grants the Commissioner discretion to make changes in the standard required form. The Commissioner has this discretion in Section 320 currently, and the amended language does not alter this in any way.

I believe that the above addresses your concerns on the statutory amendment.

If you have any additional questions on this issue, please contact me as soon as possible.

Sincerely yours,  
**RONALD E. CHRONISTER**  
 Deputy Insurance  
 Commissioner  
 Regulation of Companies

And the question recurring,  
 Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**SB 1209 (Pr. No. 1803)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the location and operation of family day care in private residential homes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator LINCOLN. Mr. President, I would just like to call the Members' attention to this bill. It is a longstanding legislative controversy. In my 19 years in the General Assembly this issue has been one that we have fought over many times. I am not going to get too heavy in this debate on it. It is simply, notwithstanding the merits of having a home for day care in a residential area, the issue is do you want to take away from local governing bodies the right to zone and the right to plan and the right to decide what they want in their municipalities? The bill very clearly violates that procedure, takes away from

local municipalities the right to make a decision, in this case rendering null and void every one of their laws and regulations and ordinances in this particular issue. It is an issue that has been fought with a great deal more controversy and a great deal more fervor in the General Assembly in the past. I have no idea why this is not generating some type of enthusiasm on either one side or the other, but I will tell you the merits of every issue that we have discussed and these efforts that were made over the years had nothing to do with it. The merits, whether it is for a day care center or not, are not the issue. The issue is we are going to take away from local zoning boards, local municipalities, the right to decide this issue and I would ask for a negative vote on this bill.

Senator AFFLERBACH. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Greenwood.

The PRESIDENT. Will the gentleman from Bucks, Senator Greenwood, permit himself to be interrogated?

Senator GREENWOOD. I will, Mr. President.

Senator AFFLERBACH. Mr. President, clearly the bill is easily understood. My concern is that I am not aware of any particular problem that would necessitate a piece of state legislation that would, in effect, override every municipality's local zoning code in this regard. Could the gentleman enlighten me as to why there seems to be a need for this legislation?

Senator GREENWOOD. Mr. President, there is, in fact, a problem. It is a serious problem. It is a problem we have experienced in my district numerous times and probably has been experienced in Senator Afflerbach's district and it may not have come to his attention. What happens is when a municipality has a zoning ordinance that treats what amounts to baby-sitting four to six children in a home—it is often the neighbors' children themselves, a woman or a couple in a neighborhood who usually it is a woman—decides that what she will do for a little extra money is to take in some kids, either during the day while the other parents are at work or maybe after school or before school, kindergarten for instance, we are talking about no more than six children here—in those municipalities that treat this as a business, the day care provider frequently has to go before a zoning hearing board and pay as much as \$500, \$775, I have a case here, just to be heard to get a permit. That is a very undue burden and it happens across the state. We have editorials from York, editorials from my county of Bucks in support of this after having recognized this as a problem. All we are saying here, and it is very different than the gentleman from Fayette, Senator Lincoln, characterizes it, this is not comparable to taking a building in a residential neighborhood and turning it into something else, turning it into some other kind of facility. We are talking about a home where a family lives and that family chooses to provide a service to its neighbors in the form of baby-sitting, and we think that should be automatic. It is a service that is dearly needed across the Commonwealth and since there are problems of people either being told they cannot do this at all or that if they do they have to spend \$500, \$700 in order to get a permit, we think that is a barrier that should not exist.

Senator AFFLERBACH. Mr. President, I am not aware of any specific municipalities that have created such a barrier. Could the gentleman be more specific and enlighten me with respect to the names of particular townships or boroughs that have created the kind of barrier he has described?

Senator GREENWOOD. Mr. President, in my county and from the top of my head, I do have notes to that effect, but I know we have had complaints from Newtown Township. We have had complaints from Doylestown Borough, to name a couple.

Senator AFFLERBACH. Mr. President, an additional question I would have is this. As I understand the family day care home, an individual would be permitted to care for up to six children who are not related to the individual operating that child care service. Is that correct?

Senator GREENWOOD. Mr. President, the gentleman is correct. The state regulations require that if you have more than six children unrelated to the homeowners, then you have to go into a different kind of a permitting process. Family day care is defined as six or fewer.

Senator AFFLERBACH. Mr. President, I also understand that the individual operating the child care service may have any number of his or her own children mixed in with the group of up to six. Is that also correct?

Senator GREENWOOD. Mr. President, that is as correct as the statement that the next door neighbor may have eight children of their own.

Senator AFFLERBACH. Mr. President, the gentleman has hit upon precisely my point. What we are talking about here really is an unknown set of numbers for which we would override local zoning. The individual, as I understand it, operating this particular service may in fact have five children of his or her own and take in an additional six children for a total of 11 children in that household. Under this legislation that would be permitted irrespective of any zoning. Is that correct?

Senator GREENWOOD. Mr. President, that is correct, and it is also correct that if a family moves in with seven children they do not need a permit to do that because for the most part we do not think a handful of children is something that destroys a neighborhood. Many of us think that children add to the quality of life in a neighborhood.

Senator AFFLERBACH. Mr. President, additionally, as I understand the bill, this would, in fact, permit any number of homes or operators within a given city block or within a given radius of any distance whatsoever to operate irrespective of any local control. Is that also correct?

Senator GREENWOOD. Mr. President, that is essentially correct. I suppose there would be some limitation with regard to the total number of available children in the community.

Senator AFFLERBACH. Mr. President, I thank the gentleman.

As the gentleman, Senator Greenwood, knows as well as many Members of this Chamber, I have been a very strong advocate for improving our child care facilities and child development facilities in the Commonwealth. I do, however, have some degree of concern about whether we want to, as a

state Body, override all our local control over how many such homes may operate and to what degree the number of children may be included in those homes. The number of six children who are unrelated seems to put a cap on it, but, in fact, as we just discussed, it does not really tell us whether we would have a home operating with six children, eight children or 12 children, nor does it determine how many such operations may occur in a given community. For that reason I would think that at this particular time I would ask for a negative vote on the bill. I think the proposition has some merit, but I would like to further investigate this before we unilaterally override local decision-making power in this regard.

Senator BELL. Mr. President, I am going to vote "no" on this bill. I think that borough councilmen of the boroughs in my district, the township supervisors of the townships of the second class, the commissioners of the townships of the first class and the councilmen of the cities of Chester County which I represent are better equipped to run their own local government than big brother in Harrisburg.

Senator LINCOLN. Mr. President, very briefly, the sponsor of the bill very adequately described what we do agree upon, but I have a serious problem with his statement that what I was saying was not quite so. There is no question that the family who wants to have their own children and wants to bring in up to six other children that are not related, I can see that being a very meritorious effort, and they may want to do that with their property. The basic difference in his approach to this and mine is that the next door neighbor who bought their home with the full intention of raising their ten, twelve or two children, whatever they had, did that because there was not a group home beside them, and they had local zoning laws to protect them from that type of activity taking place, whether it be for this very meritorious issue or some other item of concern socially throughout this Commonwealth. I think it is a disgrace to say that we have to do this for local government. Twenty-five or thirty years ago when we asked local governments to take on the responsibility of zoning, we asked them to do it. We have not really funded their efforts very well. If you think you want to get in the middle, as a Legislator, of every zoning proposition that comes before the local zoning board, vote for this bill. There are two ways of doing this. You can go in and ask for the area to be zoned differently or you can request a variance to do that. That should be determined by local government officials, and we should not be doing these types of things from a state level. I would ask you to consider that before you vote and to vote "no" on this bill.

Senator GREENWOOD. Mr. President, very briefly, in rebuttal to a couple of the statements, I think we need to keep in mind in this discussion here about our duty to protect the sovereign rights of municipal governments to limit the uses of property. We need to remember there is a unit out there that we have a greater obligation to and that unit is the family and the homeowner. This is not about what the state does to the local governments. This is about whether we think it is fair to have a community say to one of its families, you may not



baby-sit six children in your home. I think that is what we need to protect. We are not talking about anything that would in any way depreciate property values, and I think it is very important to understand we are talking about children here, not junk cars. I would ask for a positive vote, Mr. President.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—21

Armstrong	Greenwood	Jubelirer	Schwartz
Brightbill	Hart	Lemmond	Shaffer
Dawida	Helfrick	Loeper	Shumaker
Fisher	Hopper	Peterson	Tilghman
Fumo	Jones	Rhoades	Wenger
Greenleaf			

#### NAYS—28

Afflerbach	Corman	Mellow	Robbins
Andrezeski	Holl	Musto	Salvatore
Baker	LaValle	O'Pake	Scanlon
Belan	Lewis	Pecora	Stapleton
Bell	Lincoln	Porterfield	Stewart
Bodack	Lynch	Punt	Stout
Bortner	Madigan	Reibman	Williams

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

#### RECONSIDERATION OF SB 1209

##### BILL OVER IN ORDER ON FINAL PASSAGE

Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1209, Printer's No. 1803, just failed of final passage.

The motion was agreed to.

On the question,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, I move that Senate Bill No. 1209 go over in its order and appear on the Final Passage Calendar.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1209 will go over in its order and will appear on the Final Passage Calendar.

#### BILLS OVER IN ORDER

**SB 1214, 1295 and 1296** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1299 (Pr. No. 1511)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P. L. 1200, No. 202), entitled "Solicitation of Funds for Charitable Purposes Act," further defining "charitable organization."

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

#### LEGISLATIVE LEAVES CANCELLED

Senator BODACK. Mr. President, I would ask that the Chair note that Senator Williams and Senator Belan are back on the floor.

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Belan and Senator Williams. Their temporary Capitol leaves will be cancelled.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 1807 (Pr. No. 2171)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to Cambria County land situate in the Township and Borough of Cresson, Cambria County, Pennsylvania.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STEWART, by unanimous consent, offered the following amendment No. A3605:

Amend Sec. 1, page 1, line 11, by inserting after "convey": to Cambria County

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator STEWART.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1827 (Pr. No. 2722)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for the right to freedom from discrimination in employment, housing and public accommodations; prohibiting discrimination because of familial status; amending and adding certain definitions; further providing for the powers and duties of the Pennsylvania Human Relations Commission; further providing for enforcement, remedies and penalties; making editorial changes; and continuing the Pennsylvania Human Relations Commission pursuant to the Sunset Act.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### BILL ON THIRD CONSIDERATION AMENDED

**HB 2000 (Pr. No. 2511)** — The Senate proceeded to consideration of the bill, entitled:

An Act reestablishing the Pennsylvania Public Utility Commission.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### FUMO AMENDMENT I

Senator FUMO, by unanimous consent, offered the following amendment No. A3474:

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment of members; and reestablishing the Pennsylvania Public Utility Commission.

Amend Bill, page 1, by inserting between lines 3 and 4:

Section 1. Section 301(a) of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 301. Establishment, members, qualifications and chairman.

(a) Appointment and terms of members.—The Pennsylvania Public Utility Commission, established by the act of March 31, 1937 (P.L.160, No.43), as an independent administrative commission, is hereby continued as such. Prior to the third Tuesday in January of 1987, the commission shall consist of five members who shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, for a term of ten years, provided that the term of any member appointed to fill a vacancy existing on the effective date of this amendatory act and prior to the third Tuesday in January of 1987 shall expire on March 31, 1987. Vacancies on April 1, 1987, shall be filled as follows: One term shall be until April 1, 1990, and one term shall be until April 1, 1992. Confirmation of such gubernatorial appointees shall be by a majority of the members of the Senate. If other vacancies occur between the effective date of this amendatory act and April 1, 1987, the term shall be the balance of the term to which the predecessor had been appointed. Vacancies after April 1, 1987, shall be filled for the balance of the term to which a predecessor had been appointed. Thereafter, the commission shall consist of five members appointed by the Governor, by and with the advice and consent of [a majority] two-thirds of all of the members of the Senate, for a term of five years. The Governor may submit the nomination to the Senate within 60 days prior to the expiration of the term or the effective date of the resignation of the member whom the nominee would replace and shall submit that nomination no later than 90 days after the expiration of the term or the effective date of the resignation. A commissioner may continue to hold office for a period not to exceed six months beyond the expiration of his term if his successor has not been duly appointed and qualified according to law.

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Amend Sec. 1, page 1, line 4, by striking out "1" and inserting:

2 Amend Sec. 2, page 1, line 8, by striking out "2" and inserting:

3 Amend Sec. 3, page 2, line 3, by striking out "3" and inserting:

4 Amend Sec. 4, page 2, line 5, by striking out "4" and inserting:

5

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, there is not a lot of debate on this. This would require that the Senate confirm appointees to the PUC by a two-thirds vote, something which we had in here for very many years and then, in what I believe some degree of haste, did away with and something which we have begun to restore in other agencies, and I would like to see it restored to the PUC.

Senator BELL. Mr. President, I have in my hand Act 114 of 1986. This is the PUC Act. This Act says that the PUC shall continue, and so forth, "...until December 31, 1991, when it shall terminate and go out of existence unless reestablished..." I am not going to read the whole thing. I am going to say this. If any amendment goes into this bill and this bill does not pass both houses and get signed by the Governor by December 31st, there is no PUC in Pennsylvania.

Senator FUMO. Mr. President, I am quite surprised and somewhat depressed that my good colleague, the gentleman

from Delaware, Senator Bell, would yield the Senatorial influence to the dictates of the House. Mr. President, I think it is our prerogative, our duty and our responsibility to amend this bill in whatever fashion we deem necessary, and I think we can then only hope that the House will concur in those amendments. There is something to be said for leverage at the last minute and, perhaps, this is the time to do this. I doubt very much that if, in fact, that is the case that the House of Representatives would refuse to agree to such an innocuous amendment for such an important agency.

Senator BELL. Mr. President, this is my second speech and that was the gentleman from Philadelphia's second speech and this is my last speech on this subject. I do not know what the House is going to do. I do not even know if they are going to be around after tomorrow, but if this bill does not pass—and I am not talking about Sunset, I am talking about the Act of 1986—and the PUC is not reestablished by December 31, 1991, there is no PUC.

And the question recurring,  
Will the Senate agree to the amendment?

The yeas and nays were required by Senator FUMO and were as follows, viz:

#### YEAS—41

Afflerbach	Greenleaf	Lewis	Robbins
Andrezeski	Greenwood	Lincoln	Salvatore
Baker	Hart	Loeper	Scanlon
Belan	Helfrick	Lynch	Shaffer
Bodack	Holl	Mellow	Stapleton
Bortner	Hopper	Musto	Stewart
Brightbill	Jones	O'Pake	Stout
Corman	Jubelirer	Peterson	Tilghman
Dawida	LaValle	Porterfield	Wenger
Fisher	Lemmond	Reibman	Williams
Fumo			

#### NAYS—7

Armstrong	Madigan	Rhoades	Shumaker
Bell	Punt	Schwartz	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,  
Will the Senate agree to the bill on third consideration, as amended?

#### FUMO AMENDMENT II

Senator FUMO, by unanimous consent, offered the following amendment No. A3627:

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, increasing salaries of the chairman and members; and reestablishing the Pennsylvania Public Utility Commission.

Amend Bill, page 1, by inserting between lines 3 and 4:

Section 1. Section 301(e) of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 301. Establishment, members, qualifications and chairman.

\*\*\*

(e) Compensation.—Each of the commissioners shall receive an annual salary of \$55,000, except the chairman, who shall receive an annual salary of \$57,500. For the year 1992, each commissioner shall receive a salary which is adjusted to reflect the 1987 COLA, as determined by the Social Security Administration, being added to the then annual base salary; the 1988 COLA being added to the first adjustment to salary; the 1989 COLA being added to the second adjustment to salary; the 1990 COLA being added to the third adjustment to salary; the 1991 COLA being added to the fourth adjustment to salary; and the 1992 COLA being added to the fifth adjustment to salary. In 1993 and each year thereafter, each commissioner shall receive an annual salary which is adjusted to reflect the COLA for that salary year as determined by the Social Security Administration. For purposes of this subsection, the term "COLA" means cost-of-living adjustment.

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Amend Sec. 1, page 1, line 4, by striking out "1" and inserting:

2 Amend Sec. 2, page 1, line 8, by striking out "2" and inserting:

3 Amend Sec. 3, page 2, line 3, by striking out "3" and inserting:

4 Amend Sec. 4, page 2, line 5, by striking out "4" and inserting:

5

On the question,  
Will the Senate agree to the amendment?

Senator FUMO. Mr. President, this amendment would allow for a cost of living adjustment to be given to the salaries of the PUC Commissioners, retroactive to 1987. There have been many requests that we increase their salaries, and rather than do that, Mr. President, the only fair thing to do, I think, is to at least allow them to have the same amount of buying power that they had back in 1986 for this. The COLA that we used in the bill is the same COLA that the Social Security Administration uses. It is less than the CPI that is commonly calculated. Mr. President, we are in an area when we talk about PUC Commissioners that needs a great deal of expertise. These individuals are precluded from having outside income of an earned nature. Quite frankly, Mr. President, I think, given the responsibilities of the agency and the awesome power that it has, it is about time that we at least pay them what we paid them back in 1986. Mr. President, I would ask for an affirmative vote on the amendment.

Senator SALVATORE. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator SALVATORE. Mr. President, what will be the cost to the taxpayers of Pennsylvania if his amendment goes in?

Senator FUMO. Mr. President, there would be no cost to the taxpayers of Pennsylvania, because the money generated by the agency would pay this and the people who pay that are the utility companies and people of that nature who have to pay fees into the PUC.

Senator LOEPER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator LOEPER. Mr. President, as I read the amendment, it indicates that the base salary of a commissioner is \$55,000 per year and the chairman's salary would be \$57,500. I was wondering if the gentleman could tell us what those two salaries would be at the end of the adjustment period with the COLAs that would be added onto those figures?

Senator FUMO. Mr. President, I am advised that it would be approximately \$70,000 in 1992.

Senator LOEPER. Mr. President, then is it correct that the salary would be \$70,000 at the end of 1992 and prospectively from that point forth that that salary would increase on a yearly basis based on a COLA as outlined in the amendment?

Senator FUMO. Mr. President, yes, but specifically not just a COLA or a CPI calculation but the specific COLA that Congress would grant the Social Security recipients, which is far less usually than the CPI adjustment.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### GREENLEAF AMENDMENT

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A3332:

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for construction of sewer or water system extensions; and reestablishing the Pennsylvania Public Utility Commission.

Amend Bill, page 1, by inserting between lines 3 and 4:

Section 1. Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1512. Construction of sewer or water system extensions.

(a) General rule.—Except as otherwise provided in subsection (g), where a sewer or water system is to be extended at the expense of the owner or owners of properties or where the public utility otherwise would construct the line extensions or connections, (other than water meter installation), the property owner or owners shall have the right to construct the extension or install the connection himself or themselves or through a subcontractor approved by the public utility, which approval shall not be unreasonably withheld.

(b) Estimate of costs.—Cost estimate proposals provided by a contractor or subcontractor shall include the cost of any extension of service lines from the main to the curb and the cost of all materials.

(c) Construction specifications.—Construction by the property owner or owners shall be in accordance with an agreement for the extension of the public utility's system and in compliance with plans and specifications provided by or approved by the public utility and shall be undertaken only pursuant to the regulations, requirements, rules and standards of the public utility, applicable to the construction, which rules and regulations shall

be consistent with this section. The construction shall be subject to inspection by an inspector employed by the public utility authorized to approve the construction.

(d) Limitation on construction.—A public utility may require the construction of only such facilities as may be necessary to supply service to the property owner or owners.

(e) Deposit for costs.—

(1) When a main is to be extended at the expense of the owner or owners of properties, the property owner or owners may be required to deposit with the public utility, in advance of construction, the public utility's estimated reasonable and necessary cost of reviewing plans, construction inspections and administrative, legal and engineering services.

(2) The public utility may prescribe that the property owner or owners shall reimburse the public utility for reasonable and necessary expenses incurred as a result of the extension.

(f) Dedication of facilities.—Upon completion of construction, the property owner or owners shall dedicate, and the public utility shall accept, the extension of the public utility's system, provided dedication of facilities and the installation complies with the plans, specifications, regulations of the public utility and the agreement. A public utility may provide in its regulations for facilities constructed at the expense of the owner or owners of properties which the public utility will accept as a part of its system.

(g) Construction by public utility.—The public utility shall have the right, at its option, to perform the construction itself only if the public utility provides the extension or customer facilities at a lower cost and within the same time table specified or proposed by the property owner or owners or his or their approved subcontractor.

Amend Sec. 1, page 1, line 4, by striking out "1" and inserting:

2

Amend Sec. 2, page 1, line 8, by striking out "2" and inserting:

3

Amend Sec. 3, page 2, line 3, by striking out "3. If this act takes" and inserting: 4. If sections 2 and 3 of this act take

Amend Sec. 3, page 2, line 4, by striking out "it" and inserting: they

Amend Sec. 4, page 2, line 5, by striking out "4" and inserting:

5

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, this amendment would allow an owner to construct a sewer or water system extension himself or through a public utility approved subcontractor. Construction of the extension by the owner must be in accordance with the specifications approved by the public utility. Presently public utilities have complete control over sewer and water extensions and the owners were precluded by some utilities from construction of these lines. I might say the vast majority of the utilities allow such a procedure, although, unfortunately, some do not. It has been shown that the owner can put the line in for much less than the public utility following the same specifications and regulations of the utility, and these additional costs only increase the cost of the construction if it is a new house or the cost of a new home or new construction. Act 203 of 1990, which I believe was the impact fees that we had adopted previously, set a precedent in that municipal authorities are now mandated to allow the owner the first right of refusal to put in water and sewer extensions. The owner, if he decides to con-

struct the line, must follow specifications of the authority. Of course, the authority's inspectors have oversight over the line construction and the owner can put the lines in for much less and, in fact, in some cases as much as 30 percent less than what the utility can put it in for. This amendment merely brings conformity between municipal authorities and publicly regulated utilities regarding the construction of water and sewer lines and it primarily gives the owners of properties, whether they be individual homeowners or individuals who have businesses—and I have received communications from both types or from people who are involved in the construction industry—the right to put specified lines in at a lower cost, which, of course, will relate to savings to those individuals affected by this legislation. I request an affirmative vote.

Senator PORTERFIELD. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator PORTERFIELD. Mr. President, I would ask the maker of the amendment if, indeed, this would permit any property owner to proceed with the installation of water and sewer lines on his or her property?

Senator GREENLEAF. Mr. President, the answer is yes.

Senator PORTERFIELD. Mr. President, my concern is that of a safety factor. There are many companies, both water and sewage, that acquire information as to the location of gas lines and other items that are under the ground that are to be known and located, and we find that they go out and they hit water lines or they hit gas lines, and if they hit a gas line in particular, this could be of great danger to the public. I think that an individual being permitted to install a water line or sewer line could be a safety hazard to the immediate public and, although they would be in compliance according to the bill, I have great concern that individuals would be able to do this without any further regulation. So, therefore, I would ask for a negative vote on the amendment until such time as that amendment could be dressed up to include the statements that I have mentioned.

Senator GREENLEAF. Mr. President, I certainly respect the gentleman's concerns, but I do not think it is a real concern right now. We have construction going on by a variety of people who deal with excavation and they have to go through a procedure determining where those lines are. It is done every day in the Commonwealth of Pennsylvania very extensively. This would not add any greater risk or danger than what the present construction procedures are now.

Senator LEWIS. Mr. President, I rise to join the gentleman from Montgomery in urging an affirmative vote on this proposal. The gentleman from Westmoreland may recall that the measure with which we dealt just yesterday provided for the continuation of a program called the one-call system which is, in fact, designed to try to provide comprehensive one-stop information about subjects of potential hazards. That information is available to everyone. We should also note that although the landowner would be permitted to engage in this

type of construction practice, I am not aware that it would in any way abrogate the obligation to obtain permits from municipalities. It is my understanding that part of that permitting process is one which requires the information to be obtained with respect to the siting of potential hazards. I think that the gentleman's concern, in fact, reflects a legitimate issue, but I think the safeguards which are currently in place for contractors will continue to apply even for the landowners and that there is no reason for the gentleman from Westmoreland to be concerned that there would be any more likelihood for an accident than might otherwise occur at this time. So for those reasons I would urge an affirmative vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the affirmative, and the amendment was adopted.

The PRESIDENT. Without objection, House Bill 2000, as amended, will go over in its order.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2145 (Pr. No. 2669)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the conveyance of Shamokin State General Hospital to the Lower Anthracite Community Hospital Corporation for the purpose of operating a hospital on the site.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED OVER IN ORDER

**SB 1067** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS OVER IN ORDER

**SB 429** and **559** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION AMENDED

**HB 719 (Pr. No. 2278)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," providing that the county pay a portion of appraisal costs along with the municipality and school district in certain appeals.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator PORTERFIELD offered the following amendment No. A3270:

Amend Sec. 1 (Sec. 10.1), page 2, lines 3 and 4, by striking out all of line 3 and "remaining fifty percent (50%) of" in line 4

Amend Sec. 1 (Sec. 10.1), page 2, line 5, by inserting after "the" where it appears the first time: affected county,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PORTERFIELD.

## BILL REREFERRED

**SB 770 (Pr. No. 815)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the selection of registered architects, professional engineers, landscape architects and land surveyors to provide professional services to Commonwealth agencies.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL ON SECOND CONSIDERATION

**HB 872 (Pr. No. 2795)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), known as the "Milk Marketing Law," further providing for expenses of the Milk Marketing Board; further providing for certain payments; making an appropriation; and making editorial changes.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL LAID ON THE TABLE

**SB 1273 (Pr. No. 1471)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act," further defining "public work" by excluding public school construction projects.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

## BILLS OVER IN ORDER

**SB 1332** and **1364** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 1436 (Pr. No. 1706)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for authorized offices.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 1456** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## SB 332 CALLED UP

**SB 332 (Pr. No. 1723)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION REVERTED  
TO PRIOR PRINTER'S NUMBER AND  
FINAL PASSAGE

**SB 332 (Pr. No. 1273)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR  
PRINTER'S NUMBER

Senator FUMO. Mr. President, at this time I would like to move that we revert to prior Printer's No. 342 on Senate Bill No. 332.

The PRESIDENT. Senator Fumo moves that we revert to prior Printer's No. 342 on Senate Bill No. 332.

On the question,

Will the Senate agree to the motion?



Senator FUMO. Mr. President, if we do that, we will be bringing the bill back to its original form which says that we will not execute children in Pennsylvania under the age of 18.

Mr. President, the bill as amended puts the minimum age for a crime that was committed at 16. I think in our state today we have an obligation not to electrocute children below the age of 18 who have committed crimes. I recognize heinous crimes can be committed by children under that age, but that does not mean that we out of our frustration and anger should agree to electrocute them or kill them by lethal injection. Mr. President, the leading statement of international law on the death penalty is found in the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on December 16, 1966. The covenant which came into force on March 23, 1976 provides in paragraph 5 of Article VI, "The sentence of death shall not be imposed for crimes committed by persons below the age of 18." Mr. President, there is no western civilized nation that executes children under the age of 18. In Pennsylvania's entire history we have killed 1,000 people through the death penalty but only five of these can be confirmed as being under the age of 18, and the last person that we electrocuted for a crime under that age was in 1916. Mr. President, the American Bar Association, generally a conservative body, has adopted a resolution opposing the imposition of capital punishment upon any person who is less than the age of 18 years at the time of the commission of the offense. The National Council of Juvenile and Family Court Judges has adopted a similar resolution, and the American Law Institute's Model Penal Code includes 18 years of age as the minimum age for the imposition of death. The drafters of this section forcefully and simply stated that, "Civilized societies will not tolerate the spectacle of the electrocution of children."

Mr. President, how can we in Pennsylvania ignore the rest of the civilized world, ignore the pleas of Amnesty International and agree to kill children under the age of 18 years? Mr. President, we get very upset when our hostages are held in Lebanon and we are very supportive of Amnesty International when they fight for the human rights of individuals in other countries, but yet here in America and here in Pennsylvania, in particular, we ignore the pleas of the same people who we support when they go into other countries and want to amend this bill to allow for executions under the age of 18.

Mr. President, society is judged by how it treats its least fortunate not its most fortunate, and I submit to you although the crimes can be heinous and although they can evoke a lot of anger and frustration, I still submit to you that we as a society must have gone wrong somewhere if a child under this age commits such a crime, and if we have, who are we to say that we should now kill that child for the wrongs that it did as a result of the failure of society? I know people do not like to hear that, Mr. President, but that is, in fact, the truth. We have not done this since the beginning of the 19th Century. There is no reason to go out of here with a black mark on this Chamber and state as a policy that we should electrocute children under the age of 18 years.

Senator LEWIS. Mr. President, I rise to oppose the motion to revert. I think it is important to understand the context in which this bill comes before us. At the present time Pennsylvania has no law with respect to a minimum age for the imposition of the death penalty. What that means simply is that, at least pursuant to the statutes of this Commonwealth, any person, regardless of his or her age, could be subject to the death penalty—an 8 year old, a 12 year old, an 18 year old—and what the intention of this statute is is to establish, by law, a guideline for the use by our courts. The gentleman from Philadelphia, Senator Fumo, pointed out that in the 20th century no child under the age of 18 has been subject to the death penalty in Pennsylvania. Keep in mind that that conclusion was achieved at a time when there were no guidelines. Why could that happen? For the simple reason, as I believe that most of the Members here know, that in consideration of the application of the death penalty, age is a mitigating factor which has to be considered by the courts, and so without any prohibition on a minimum age, the courts in this century have not seen one situation in which they believe that someone under the age of 18 appropriately deserved to be executed. I think it is important to note that. Why then the difference between age 16 and age 18? First of all, we will be establishing a minimum below which no court can even consider going. But the age 16 is in this bill as the result of an amendment which I offered and was adopted by the Committee on Judiciary, and I did so because age 16 is now the age which is the target that has been established by the United States Supreme Court when it has reviewed matters brought before it from other states in the United States. There is nothing magical about it, but I think it reflects a commonsense and practical approach. First of all, all of us here know that 16 and 17 year olds are capable of committing some of the most brutal, heinous, physical acts imaginable, and it is conceivable that it might be appropriate under the death penalty statutes as they are now in force in this Commonwealth to apply that punishment to one of these individuals. By adopting the age of 16 rather than 18, we leave open that possibility, albeit an unlikely one, that it would occur, it nevertheless is present in the event a suitable set of circumstances presents themselves. Secondly, however, as I have already stated, age is a mitigating factor, and even though we adopt a 16 year old standard, the likelihood of anyone under 18 being subjected to that penalty is inconsistent with the history and the experience in this Commonwealth. And so I think the fear, the risk that the gentleman seems to imply about everyone under the age of 18 who is subject to a first degree homicide prosecution being made the subject of a death penalty is inconsistent with the experience in the Commonwealth. For all of those reasons, I would urge a "no" vote on the motion to revert and the supporting of the 16 year old age standard as is now to be found in the bill.

Senator WILLIAMS. Mr. President, the debate on the issue raised by the gentleman from Philadelphia, Senator Fumo, causes me some trouble. I strongly support the notions that he put on the floor as basic and fundamental to a humane

society, a society that carves out for its children a definite place within the framework of law and order. I think Senator Fumo cited most poignantly, much better than I ever could, all of the basic wisdom and decisions that go into prescribing that standard. I do not think it could be stated any better for an orderly society. The debate thereafter by the opposition gave several reasons, none of which provided any certainty in law—morality, human history, or the like—but opinions that vary back and forth which, frankly, said that although it never happened, it did not happen because there was a standard. Well, I would beg to say that whatever existed then bore a very close relationship to standards provided by us through history, through conventions and through the standards of behavior that have been well considered. I also add that anything that would have contravened those standards might very well have been struck down if we were going to kill kids because it would be arbitrary and discriminatory, because when it comes to capital punishment it is for a reason that people are angry, and the reason we have a standard to separate kids is because they are going to get angry when people do things like murder and, therefore, we define ahead of time a reasons standard. So, if we follow the remarks of the last speaker and do not provide any standard, that, too, would probably have fallen by the courts. So, he picks age 16. Well, we all know no particular number is correct or incorrect because children who become adults all have certain experiences. Some of those experiences result in sick behavior—Ted Bundy, Manson, Jimmy Jones, any number of famous people. In the books of modern day, fact is far more fantastic than fiction, and I do not know what causes all of that behavior, but we have classic examples of people who were children whose impulses were impacted upon because of something early in life. We also have a number of lesser known children who do not fall into those categories who do, for one reason or another, get into this category. I, for one, am extremely concerned about the agitated and aggressive behavior, the violent behavior, increasingly violent behavior of children in this country, in all of its cities and especially in some of its poorer sections. Yet, I am not here to say it is our fault as a society. I do believe, however, that we do more to talk about let us punish somebody rather than to find out what is going on and what is going wrong. Having said all of that, all that is to say is that it is an imperfect equation. Violent behavior is escalating in good families and bad families. It is no question if someone was, whatever that child's age may be, that a rich family would say, well, the poor guy had psychological problems. It happens all the time. If you are in a poor family, you do not have psychological problems. Well, that does not solve it either. It is only to say that when we are arbitrary we all fall beyond the mark. When we are reasoned sometimes we are happy and sometimes we are sad.

I rise to strongly support the motion as a humane thing, as an issue that provides for us as a society, a standard that can weather not just political rhetoric by politicians, present company excepted, who practice the fine art of appealing to the emotions without delivering anything substantial in the

way of crime prevention, law enforcement improvement or any of those things to people who suffer in this country with the continual uninterrupted assault of crime on their bodies and their families. So our responsibilities many times are avoided because we are apt to use the spoken word to suffocate and blind the real issues of responsibility of protection from crime and criminals, and this instance on the floor tonight is just one example. The history of man will say to us, children are in a category, otherwise, why do we not send them to war? Children are in a category whether they do something bad or good. Children are excepted by definition. How dare us to dillydally with 16 or 17 year olds, or what may be, because someone offered an amendment in a committee. I do not know what the answer is, but the offerer has said, more or less, let us do a standard that we can relate to history and say here it is. You go to war at 18 years of age, so you are an adult. I think it is a very measured thing we need to do here tonight and not just to play to the whims of our fancy. It is an issue far deeper than the behavior we are talking about. The crime on our streets is beyond our standard, so far beyond our standard we have not been able to stop it. Does that mean that we participate in that? We give up and say okay, we are going to kill kids, and let us say that we made a mistake and we killed a kid, not that killing anybody would be a mistake, but the front page of the Inquirer for the last two days will indicate how men and women, adults, in this case, put a lady in jail for six or seven years for killing someone that she probably did not kill. How would we feel if we killed an 11 year old? So I merely suggest that the issue raised by the Senator from Philadelphia is far, far deeper than the surface of the conversation we have tonight, and whatever we do will have impact not just on what becomes law but what becomes our habit, what becomes our habit to erode the standards that have been with us for yea decades and decades by wise men and women. So, I sit down now in order to support the motion.

Senator FISHER. Mr. President, I rise to oppose the motion to revert. There is no question, not just from this debate, but from any examination of a question as serious as the death penalty, that this is indeed one of the most serious issues that we can face in the Senate of Pennsylvania. Pennsylvania's death penalty statute has been on the books since 1978. As of today, 1991, not one person has yet been executed under that statute. There have been various reasons why that is the case, but I think it is important to recognize that there is a significant time delay between the commission of an offense, between the conviction and certainly between the disposition of all appeals and the ultimate execution of any defendant under this act. What Senate Bill No. 332 in its current form proposes to do is to establish a minimum age, and that minimum age in the current bill is, I believe, an appropriate minimum age. The bill says that a sentence of death shall not be imposed upon persons who were less than 16 years of age at the time of the commission of the offense. The commission of the offense is an important distinction, not at the time of execution. Pennsylvania's current law contains no minimum age. However, Pennsylvania's current law,

a law that was drafted some 12 years or more ago after the United States Supreme Court constitutionally gave their approval to a death penalty statute from the state of Georgia, Pennsylvania's current statute, which has also been approved by the United States Supreme Court, contains within it what is known as aggravating and mitigating circumstances. If you had a child who was age 17 at the time of the commission of an offense, and that is really what we are talking about here, a person who gunned down a law enforcement officer, a person who maybe killed someone in the course of kidnapping, that person under the bill in its current form would be eligible to be considered for the death penalty by a jury, if convicted, for a contract killing, for many other heinous crimes. But what we also have in Pennsylvania's death penalty statute is a section called mitigating circumstances, and one of the mitigating circumstances in the death penalty statute is the question, the age of the defendant at the time of the crime. The adoption of this bill in its current form will allow that mitigating circumstance to continue. A jury who is faced with a case, a tough case, of someone between the ages of 16 and 18 at the time of the commission of crime most certainly will have the opportunity to weigh that age at the time when they determine a sentence, but I also think, Mr. President, that the jury should have the opportunity to weigh those aggravating circumstances to determine whether or not that particular case may be a case in which the death penalty should be imposed. Mr. President, I submit that the motion to revert would provide too much inflexibility for jurors and juries throughout the Commonwealth in future years. But I do submit that the establishment of a minimum age as is called for in Senate Bill No. 332, in its current printer's number, is an appropriate level below which we should say to the juries and we should say to the judges that the sentence will be life imprisonment. Without the passage of this bill in its current form, we will not have that minimum age. But I think to approve the motion to revert, we will be raising the age, which will be the minimum age, too high. I know this is a tough question, but I hope that the Members of the Senate will really examine that we are really talking about age at commission of the crime and we really have a death penalty statute in place that works. It has worked, and I think we should let it continue to work with the one amendment which would be included in the bill. I urge the adoption of the bill in its current form and the rejection of the motion to revert.

Senator FUMO. Mr. President, I have listened to the arguments of the gentleman from Allegheny, Senator Fisher, and the gentleman from Bucks, Senator Lewis, and I have to bring a few things back to reality here. Yes, there is no current law on this issue and no guidelines in Pennsylvania. However, as has been said, the Supreme Court of the United States has already said that under age 16 is unconstitutional because of cruel and inhumane punishment. They have not said that it is good public policy to electrocute children between the ages of 16 and 18. Mr. President, with the bill in its current amended form, there is no need for the bill. You cannot constitutionally kill a child below that age anyway. The bill originally in

its form had a purpose, and that purpose was to bring Pennsylvania in line with the rest of western civilization. That is what it was for. If we wanted 16 years old, you could sit back and let the Supreme Court rule. If you wanted below that, you could not have it anyway. Mr. President, I do not think too much inflexibility is the issue. The issue here today is whether or not we as a governmental Body in Pennsylvania are going to live up to the standards set by western civilization. That is what the issue is. I doubt very much if a jury would convict someone below the age of 18 and let them be electrocuted or suffer death by lethal injection. The issue here is what does Pennsylvania stand for? What is the public policy of this Commonwealth? What do our people stand for? Are we or are we not ready to take our place among the rest of the nations of western civilization? That is what the true debate is tonight. Or do we want to go around and brag that we are tough on crime and we are going to get those little kids? Kill them, put them out of their misery, because probably we as a society failed those children when they were born. That is all this bill is going to say, that we agree with the rest of western civilization. As amended, Mr. President, we do not need this bill. The Supreme Court of the United States will not let you execute anyone under the age of 16.

Mr. President, I urge an affirmative vote on the motion so that we can hold our heads proud in the world.

Senator HELFRICK. Mr. President, as the prime sponsor of this bill, I would urge all my colleagues to revert to the prior printer's number. I think it is the only human thing to do tonight. I think all of us have been associated with children up to the ages of 18, and certainly we have seen many children under the age of 18 and up to the age of 18 who certainly cannot be responsible for some of the actions they have done, particularly due to the upbringing they had. Probably most of us here were fortunate that our parents raised us to be responsible, respectable citizens. Not every child has that privilege. Once again, I would urge all my colleagues to revert to the prior printer's number.

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, Senator Afflerbach has been called to his office and I request temporary Capitol leave for him and also for Senator Lewis who has been called to his office.

Senator LOEPER. Mr. President, Senator Hopper, Senator Shumaker and Senator Armstrong have been called to their offices, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach and Senator Lewis. Senator Loeper requests temporary Capitol leaves for Senator Hopper, Senator Shumaker and Senator Armstrong. Is there an objection to the leave requests? The Chair hears none. The leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Jones is back with us. Her leave will be cancelled.

And the question recurring,  
Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Senator SHAFFER. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator HART. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The lady will be so recorded.

Senator SHAFFER. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator PETERSON. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator CORMAN. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator ROBBINS. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator MELLOW. Mr. President, I would like to change Senator Lynch's vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator LOEPER. Mr. President, I had voted Senator Pecora in error and I do not have instructions on how to vote him, and I would ask that he not be recorded on this issue.

The PRESIDENT. The Chair thanks the gentleman. Senator Pecora will be removed from the roll call at the gentleman's instruction.

The yeas and nays were required by Senator FUMO and were as follows, viz:

#### YEAS—26

Afflerbach	Greenleaf	Lynch	Rhoades
Belan	Greenwood	Musto	Robbins
Bodack	Helfrick	O'Pake	Salvatore
Bortner	Holl	Peterson	Schwartz
Corman	Jones	Porterfield	Shaffer
Dawida	Jubelirer	Reibman	Williams
Fumo	LaValle		

#### NAYS—22

Andrezeski	Hart	Madigan	Stapleton
Armstrong	Hopper	Mellow	Stewart
Baker	Lemmond	Punt	Stout
Bell	Lewis	Scanlon	Tilghman
Brightbill	Lincoln	Shumaker	Wenger
Fisher	Loeper		

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The Senate now has before it Senate Bill No. 332, Printer's No. 342.

On the question,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—48

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fumo	Lincoln	Rhoades	Williams

#### NAYS—1

Fisher

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### THIRD CONSIDERATION CALENDAR BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 517 (Pr. No. 1815)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for domestic violence and rape victims' services.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 2

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1807 (Pr. No. 2876)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to Cambria County land situate in the Township and Borough of Cresson, Cambria County, Pennsylvania.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to meet immediately in the Rules room at the rear of the Senate Chamber. Upon the completion of the meeting of the Committee on Rules and Executive Nominations, I understand there is need for a meeting of the Committee on State

Government to immediately follow in the Rules room before we return to the floor.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations followed by a meeting of the Committee on State Government, the Senate will stand in very brief recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

#### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles H. Gale, 1716 School House Road, Box 264, Gwynedd 19436, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until November 29, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul H. Lauer, Shavertown, resigned.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF MEDICINE

November 7, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joshua A. Perper, M.D., 106 Crofton Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

#### MEMBER OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

September 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reginald H. Bethel, 3326 Webster Avenue, Pittsburgh 15219-3916, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF SOCIAL WORK EXAMINERS

November 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Manuel J. Manolios, 397 Joyson Avenue, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Felice Perlmutter, Ph.D., Philadelphia, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,  
CAMBRIA COUNTY

November 14, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman A. Krumenacker, III, 2288 Menoher Boulevard, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1994, vice The Honorable Caram Abood, resigned.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

October 9, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nitza I. Quinones Alejandro, Esquire, 907 Ronnie Circle, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Angelo A. Guarino, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary S. Glazer, Esquire, 7813 Winston Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Theodore S. Gutowicz, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne E. Lazarus, Esquire, 3911 Vaux Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable I. R. Kremer, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Murray Lynn, Esquire, 3200 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Albert F. Sabo, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

August 12, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Smith, Esquire, 1220 West 66th Avenue, Philadelphia 19126, Philadelphia County, Third Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable James D. McCrudden, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

July 22, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, A. John Snite, Jr., 6221 North 11th Street, Philadelphia 19141, Philadelphia County, Third Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1992, vice The Honorable Eugene H. Clarke, Jr., mandatory retirement.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

#### YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

#### UNFINISHED BUSINESS REPORTS FROM COMMITTEES

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

#### HB 541 (Pr. No. 2885) (Amended) (Rereported)

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing for a procedure for certain electors and to apportion the Commonwealth into congressional districts.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

#### HB 1321 (Pr. No. 2877) (Amended)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the scope of sales and use tax, for the definitions of "claimant," "dependent," "household income," "total household income" and "poverty income" and for special tax provisions for poverty, for transfers to the Hazardous Sites Cleanup Fund and the Public Transportation Assistance Fund; further providing for reports by mutual thrift institutions; and making repeals.

Senator CORMAN, from the Committee on Transportation, reported the following bills:

#### SB 8 (Pr. No. 8)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a driver's duty when meeting or overtaking a school bus.

#### SB 13 (Pr. No. 13)

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for title washing and impersonating a notary public; further providing for tampering with odometers; and imposing penalties.

#### SB 572 (Pr. No. 601)

An Act amending the act of July 5, 1984 (P. L. 587, No. 119), entitled "Rail Freight Preservation and Improvement Act," further providing for sale of property acquired under the act; providing for a uniform rental schedule for occupations of rail property acquired under the act; and creating a special fund to be used for managing and administering the rail freight assistance program.

#### SB 875 (Pr. No. 1813) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of farm truck plates and for operations of rescue and emergency squad vehicles.

#### SB 1362 (Pr. No. 1584)

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "The Liquid Fuels Tax Act," further providing for imposition of tax.

**SB 1471 (Pr. No. 1779)**

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for membership of the Transportation Board.

**HB 749 (Pr. No. 2857) (Amended)**

An Act designating a bridge in Ambridge Borough, Beaver County, as the Charles P. Laughlin Memorial Bridge.

**HB 1549 (Pr. No. 2858) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles for which certificates of junk have been issued, for the operation of certain vehicles by holders of Class C and Class M Licenses and for disqualification for certain first offense violations, for third party contracts to administer skills tests, for required financial responsibility and increasing fines for fare evasions; providing an exclusion for motorcycle operators from the surcharges levied to support the Catastrophic Loss Benefits Continuation Fund; and further providing for allocation and appropriation of proceeds from taxes for highway maintenance and construction.

Senator LEMMOND, from the Committee on State Government, reported the following bill:

**HB 1174 (Pr. No. 2884) (Amended)**

An Act amending Title 5 (Reserved) of the Pennsylvania Consolidated Statutes, changing the name of the title; adding provisions relating to boxing and wrestling; levying gross receipts taxes; and making repeals.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. Frank Betz, Mr. and Mrs. William H. Berkheiser, Mr. and Mrs. Edwin Rutt and to the Lancaster County Association of Realtors by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Stewart W. Gambrill, Mr. and Mrs. Alan Read and to Mr. and Mrs. Edward Lawton by Senator Bell.

Congratulations of the Senate were extended to George H. Kaufman by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Pierce Fetterman, Mr. and Mrs. Kenneth E. Keefer and to Mr. and Mrs. Charles F. Hock by Senator Helfrick.

Congratulations of the Senate were extended to Mark S. DiRado, Paul M. Schwarzer and to Joseph Cicippio by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Gumaer and to Anna Patton by Senator Lemmond.

Congratulations of the Senate were extended to Joseph M. Ryan by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Richard Winston Potts by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Hervey C. Snyder, Mr. and Mrs. Earl Stevens, Mr. and Mrs. Arthur Lattimer, Mr. and Mrs. Ralph Koder and to Mr. and Mrs. Joseph Zulkosky by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. John G. Pavlick by Senator Musto.

Congratulations of the Senate were extended to Harris C. Legome by Senator Pecora.

Congratulations of the Senate were extended to Dr. David A. Marquis, James W. Johnson and to the McKean County Conservation District by Senator Peterson.

Congratulations of the Senate were extended to Sergeant First Class Palmer Geist by Senator Rhoades.

Congratulations of the Senate were extended to Keith A. Rupert by Senator Robbins.

Congratulations of the Senate were extended to Perri Lane Wasserman by Senator Salvatore.

Congratulations of the Senate were extended to James A. Bullock, Richard R. Reinhard, Charles L. Wiest, Sr., Hermann Tartler, H. Donald Grab and to John R. McCool by Senator Shumaker.

Congratulations of the Senate were extended to John J. Zogby by Senators Shumaker and Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Ira R. Kepple, Mr. and Mrs. Luther Gaston, Mr. and Mrs. Parnell Reed, Mr. and Mrs. Leo McElroy and to Keith Martin by Senator Stapleton.

Congratulations of the Senate were extended to Joseph McAnney by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Chester Shriver by Senator Stout.

**BILLS ON FIRST CONSIDERATION**

Senator PORTERFIELD. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

**SB 8, 13, 572, 875, 972, 1096, 1195, 1290, 1362, 1444, 1471, 1490, HB 749, 1174, 1403 and 1549.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**COMMUNICATIONS FROM THE GOVERNOR****NOMINATIONS BY THE GOVERNOR  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER**

December 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ernest E. Heckman, R. D. 3, Box 3168, Hamburg 19526, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Sharon A. Seaman, Kempton, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE**

December 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. Dougherty, III, D.O., 4209 Cotswold Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve until September 25, 1994 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Alfred R. D'Angelo, D.O., Red Lion, resigned.

ROBERT P. CASEY.

**CORRECTION TO NOMINATION BY THE  
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

December 10, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Please note the nomination dated December 5, 1991 for the appointment of Edwin T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Norman Mawby, Glen Riddle, whose term expired, should be corrected to read:

Edward T. Feierstein, Esquire, 630 Revere Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Norman Mawby, Glen Riddle, whose term expired.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 1368** and **1369**, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 344**.

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Senate Concurrent Resolution No. 98.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**SB 263, 1368, 1369, HB 107 and 344.**

**RECONSIDERATION OF HB 541**

Senator LOEPER. Mr. President, I move to reconsider the vote by which House Bill No. 541 passed on second consideration on June 30, 1991.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER. Mr. President, I move to reconsider the vote by which House Bill No. 541 passed on first consideration on June 26, 1991.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on first consideration?

The motion was agreed to.

**BILL OVER IN ORDER**

Senator LOEPER. Mr. President, I request that House Bill No. 541 go over in its order and appear on the next day's Calendar.

The PRESIDENT. Without objection, House Bill No. 541 will go over in its order and appear on the next day's Calendar.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 4**

**BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS, AS AMENDED, TO  
SENATE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS,  
AS AMENDED, TO SENATE AMENDMENTS**

**HB 1321 (Pr. No. 2877)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for

the scope of sales and use tax, for the definitions of "claimant," "dependent," "household income," "total household income" and "poverty income" and for special tax provisions for poverty, for transfers to the Hazardous Sites Cleanup Fund and the Public Transportation Assistance Fund; further providing for reports by mutual thrift institutions; and making repeals.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House, as amended, to Senate amendments to House Bill No. 1321.

On the question,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, on the bill that is before us, I think it is imperative we note for the record that the measure before us this evening is a much awaited victory for Pennsylvania taxpayers and really to uncloud some of the confusion that has been in place since the inception of some of the taxes that were passed and the interpretation of them since August and, more recently, October. I think the bill we have before us, Mr. President, is going to try and clear up some of those misinterpretations by the Revenue Department, and particularly we found the citizens of Pennsylvania have been up in arms as far as the application and interpretation of some of these service taxes. I think, Mr. President, it is important that this is a bipartisan effort. Both Republicans and Democrats have been fighting to restore fairness in many of these areas. I think, also, it is important to note that as far back as October 18th, I sent a detailed letter to the Secretary of Revenue explaining to her where, in our view, the department had gone well beyond the legislative intent and boundaries of reason. I think it is important to note that most of the items we asked that they reconsider at that time are now part of the bill that is before us for our consideration this evening. Unfortunately, Mr. President, we had to take this route, and as far as the public was concerned, state policies seemed guided only by the desire to squeeze out as many tax dollars as possible and, therefore, I think all of us had no other option other than to pursue a legislative remedy. In addition, Mr. President, to the many corrections that will restore traditional sales tax exemptions, this measure tonight also relieves the concerns of our senior citizens by restoring the poverty exemption as it was prior to August 4th. This restoration of the poverty exemption will affect some 600,000 senior citizens across this state who will benefit by the language that we should pass here this evening. I think, Mr. President, another most important point is that we are able to accomplish these changes without basically knocking any hole in state services or creating any sort of budget problem as far as a revenue reduction. The only reservation about this legislation is that many of us would have liked to see more items included in the list. It does address many of the outstanding difficulties. Regrettably, I think we are all aware there are others that remain out there. It seems to me, Mr. President, the other message to the people of Pennsylvania is that this action this evening of tax repeal, in my view, is only the beginning. Our work does not end with repealing these items that have proved most offensive to taxpayers and consumers alike. In the

months ahead, I think it is important that we all must work together to address the larger question of working our way back toward a better climate for jobs and business and commerce in our state and to try and ease the tax burden that is currently being felt by our citizens. By moving today, Mr. President, to restore some reason and fairness to state taxes, we signal our commitment to do far more in the months ahead for the benefit of all Pennsylvania taxpayers, and I would ask every Member of this Chamber to cast an affirmative vote.

Senator FUMO. Mr. President, I, too, support the motion to concur. However, I think we have to really recognize what has occurred here. In the drafting of the tax bill in the new taxation areas, those areas of service taxes with which we have not had previous experience, there were mistakes in draftsmanship in the statutory language. Mr. President, as a result of some of those mistakes and some of those areas where we left some areas open for interpretation, there were problems. There is no doubt about it that when we did warehousing, we never intended to tax safe deposit boxes. When we did the rectification of the so-called pizza tax, we never intended to tax baked goods in bakeries. Mr. President, when we did the tax on premium cable services, we clearly meant to tax just those cable services and channels that were coming in. We never intended to tax additional outlets or service calls or maintenance calls. Mr. President, in some of the drafting that was done at very late hours by four of the best staffs that this Capitol has ever seen, and they are the staffs of the Committees on Appropriations of the Senate and House Majority and Minority, there were mistakes, and the people who worked on this worked around the clock. We all remember those days, although maybe some of us have forgotten. Mr. President, the effort today is to rectify those mistakes and also to take away those other areas in which there is room for legitimate concern. Mr. President, it is also important to note this bill and the contents thereof have been agreed to by the administration and the Governor himself, with the exception of some of the amendments that went in today. There are other areas that we are changing clearly what we did before and that is the special poverty exemption formula. When we enacted it originally we did not know it would have gotten the criticism that it did, and, fortunately, we have the money and the wherewithal to change that. In fact, Mr. President, on that particular issue we get an increase in revenue. When we did warehousing, Mr. President, perhaps we made a mistake and we should not have taxed warehouses and distribution centers. That was not the Department of Revenue's fault or the administration's fault. It was our intent to do that, although some Members feel it was not their intent, and there may well be some areas of confusion because the bill was quite long, the hour was quite late and the areas were quite complicated. Mr. President, yes, this is a first step in attempting to straighten out the language problems and the differences that we had and the mistakes that we made. I, too, would like to see the day that we can repeal a number of these taxes, particularly those taxes on business that are causing our industries and our corporations and our businesses to lack a certain competitive advantage

that they need. But, Mr. President, the economic times are hard. We are in the grips of probably the greatest recession, if not a depression, that we have seen in this country. We are certainly very close to the 1981-82 recession which was the worst since the Great Depression, and, in fact, recent surveys and polls have shown us that consumer confidence, which is the key to any economic recovery, right now is lower than it was in the 1981-82 recession. We look at a Christmas season ahead in which we hear every day that economists and those people that predict these type of things telling us this year's Christmas season will not be as good as last year's Christmas season, and that will have a direct impact on our sales tax revenues. But, Mr. President, the equation is very clear. There is nothing complicated about it. Pennsylvania must have a balanced budget. We do not have the luxury that they have in Washington, to be able to increase and have huge deficits which, ultimately, wreak havoc on the economy. And, Mr. President, if we want to spend the money we spent in the last budget, we must, in fact, pay for that money. I do not want to dwell deeply into the debate of that night, but everyone I talked to said, basically, make sure you cut the budget but do not cut my program. Mr. President, that is the kind of thing that leads to the kind of budget that we had. It was not easy here to get the votes we had to get, and it was particularly even more difficult in the House of Representatives, where I sometimes have to honestly admit reason escapes reality over there.

Mr. President, before us today is a way to straighten this out and we all agree we should straighten it out, but we should not kid the public into thinking there is a large tax break on the horizon for Pennsylvania citizens, because there is not, until and if the economy turns around. Mr. President, I said in here the other day when I voted with the majority on the educational choice bill, that too was not a free lunch, and I was the only one who said I was prepared to vote for the taxes to fund that. We had a majority of people in here vote to spend that \$300 million, and if our revenue estimates and actual cash collected does not yield the money to pay for that, if it becomes law, we will be back here passing taxes to pay it. It is unfair and really very frustrating to tell the public there is a tax break on the horizon when just the other day we spent another \$300 million. All that aside, Mr. President, I urge an affirmative vote.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout

Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS**  
**SUPPLEMENTAL CALENDAR NO. 3**

**THIRD CONSIDERATION CALENDAR**  
**BILL ON THIRD CONSIDERATION**  
**AND FINAL PASSAGE**

**HB 2000 (Pr. No. 2878)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, reestablishing the Pennsylvania Public Utility Commission; further providing for the appointment of members; and providing for construction of sewer or water system extensions.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezeski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, December 11, 1991, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.  
The Senate adjourned at 8:25 p.m., Eastern Standard Time.





# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 11, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 76

### SENATE

WEDNESDAY, December 11, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, grant to these Members of our Senate, and all the leaders of our state, wisdom and strength to know and to do Your holy will. Fill them with the love of truth, honesty and righteousness. Make them always remember that they are Your servants called to lead our Commonwealth. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 10, 1991.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was approved.

### REPORT FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

**SB 653 (Pr. No. 1822) (Amended)**

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the treatment of net operating losses; reducing the rate of corporate net income tax; increasing the capital stock franchise tax exemption; phasing out the levy, assessment and collection of capital stock franchise tax; further providing for the taxation of insurance premiums and annuity considerations; and providing for a limited tax amnesty program.

### BILLS IN PLACE

Senator REIBMAN presented to the Chair several bills.

### PERMISSION TO ADDRESS

Senator REIBMAN asked and obtained unanimous consent to address the Senate.

Senator REIBMAN. Mr. President, the two bills that I have introduced today are a result of the Carnegie Foundation for the Advancement of Teaching which has just issued its report this past week. What the report says is that too many children are not ready for school and that in Pennsylvania it has been identified to be 29 percent of the children are not ready for school. We have been debating on the floor of this house several days ago improvement of education. One of the bills, of course, that was debated most heavily was the choice bill. There is no empirical evidence to show anywhere that the competition between the private sector and the public sector improves educational opportunities or performance, but what the Carnegie report has shown is that children who are ready for school have the kinds of services that are necessary, that are embodied in my bill, such as children cannot learn because of poor nutrition, preventable health problems and lack of intellectual stimulation in their early years. In order to alleviate this—and President Bush in his goals for the year 2000, his primary goal is that by that time in our calendar, the year 2000, children should be ready for school—and among those items that make them ready are the items that are embodied in my bill. There is plenty of evidence to show that early childhood education, early intervention and Head Start have improved the quality of education of children who are afforded that opportunity.

In 1978, as early as that, the Education Commission of the States sponsored a program of research that showed that early childhood education programs significantly reduced the number of children assigned to special education classes. Early education programs significantly reduced the number of children retained in grade. The evidence indicates early education significantly increased children's scores on fourth grade mathematic achievement tests with a suggestive trend toward increased scores in reading tests. The report goes on and on to show this great investment in order to get children ready for school so they do not drop out and that they can learn on full stomachs, healthy children, and mind stimulation.

Is this going to cost money? It sure is going to cost money. My bill calls for an appropriation of \$50 million. It is a far cry from what is estimated in the choice voucher bill of \$300 million. The programs, many of them are already in place in Pennsylvania, what they need to be done is to have them funded so we can no longer stand on the floor of this house

and say that a quarter of our children are being ill served in the school system. This is only one piece of a whole program. We need school improvement. There are lots of strategies. Legislation has been introduced in our Committee on Education, a whole list of reforms to help children learn and to improve our education system so that our youngsters can meet the competition they are going to have to meet from kids from Japan, Taiwan and Korea whose education systems and curriculum content are greater in depth than what we have. I will leave the bills open for more sponsorship if anyone is brave enough and more willing enough and more sincerely interested in improving the education quality of all of the children in Pennsylvania, whether they go to public or private schools, because these services of health and nutrition will be available to all children. The money should be spent for services to children and not only for programs which have a dubious experiment or experience as to improving schools and education.

The PRESIDENT pro tempore. The remarks of the lady will be spread upon the record.

For the information of the Members, the Chair seems to be getting more requests for remarks on introduction of bills. The Chair would like to read the Rule, "Reading of bills in place at which time they shall not be subject to debate or remarks." The Chair has been lenient. I think that as this matter becomes more demanding, we should remember there is an order of business called Petitions and Remonstrances where it is appropriate to give such remarks. I think the Members ought to keep that in mind. Senator Reibman appropriately asked for consideration. The Chair did do that, but I think now that we have had others who are beginning to ask for the same consideration, the Chair would like to remind the Members of the Rule.

### LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request temporary Capitol leaves for Senator Helfrick, Senator Madigan and Senator Robbins and a legislative leave for the day for Senator Pecora.

The PRESIDENT pro tempore. Senator Fisher requests temporary Capitol leaves for Senator Helfrick, Senator Robbins and Senator Madigan and a legislative leave for today's Session for Senator Pecora. The Chair hears no objection. The leaves will be granted.

Senator BODACK. I would ask for temporary Capitol leaves for Senator Afflerbach, Senator Fumo, Senator Jones and Senator Williams and legislative leaves for Senator Lynch and Senator Schwartz.

The PRESIDENT pro tempore. There is a request for temporary Capitol leaves for Senator Afflerbach, Senator Fumo, Senator Jones and Senator Williams and legislative leaves for today's Session for Senator Lynch and Senator Schwartz. Without objection, those leaves will be granted.

### CALENDAR

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### BILL OVER IN ORDER

**SB 303** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### FINAL PASSAGE CALENDAR

##### BILL OVER IN ORDER

**SB 1209** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### THIRD CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**HB 26** and **SB 700** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 872 (Pr. No. 2795)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 28, 1937 (P. L. 417, No. 105), known as the "Milk Marketing Law," further providing for expenses of the Milk Marketing Board; further providing for certain payments; making an appropriation; and making editorial changes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**LEGISLATIVE LEAVE CANCELLED**

The **PRESIDENT** pro tempore. The Chair notes the presence on the floor of Senator Madigan and his temporary Capitol leave is cancelled.

**LEGISLATIVE LEAVES**

Senator **BODACK**. Mr. President, I request temporary Capitol leaves for Senator Andrezeski and Senator Fattah.

The **PRESIDENT** pro tempore. Senator Bodack requests temporary Capitol leaves for Senator Andrezeski and Senator Fattah. The Chair hears no objection. The leaves are granted.

**THIRD CONSIDERATION CALENDAR RESUMED****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 973 (Pr. No. 1816)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," extending the act to counties of the second class; further providing for the term of members of the planning commission, for the number of members constituting a quorum of the commission, for powers and duties of the planning agency, for compliance by counties, for special encroachment permits, for the jurisdiction of the county planning agency, for the contents of subdivision and land development ordinances, for approval of plats, for completion of improvements, for recording of plats, for preventive remedies, for the transportation capital improvements plan, for classifications, for municipal curative amendments, for transferable development rights, for membership, organization and jurisdiction of the zoning hearing board and for time limitations for filing proceedings with the board; and making repeals.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

**LEGISLATIVE LEAVE CANCELLED**

The **PRESIDENT** pro tempore. The Chair notes the presence on the floor of Senator Robbins. His temporary Capitol leave is cancelled.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS—50**

Afflerbach	Fumo	Loeper	Robbins
Andrezski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman  
Dawida  
Fattah  
Fisher

LaValle  
Lemmond  
Lewis  
Lincoln

Punt  
Reibman  
Rhoades

Tilghman  
Wenger  
Williams

**NAYS—0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**RECESS**

Senator **MELLOW**. Mr. President, about a half hour ago or so, we had a meeting of the Committee on Rules and Executive Nominations where Senate Bill No. 653 was reported from the Committee on Rules and Executive Nominations. There were some substantial changes made through amendment in that proposal, and our staff only had an opportunity to look at that amendment shortly before the Committee on Rules and Executive Nominations was convened, and the rank-and-file Democratic Members have not at all had the opportunity to look at Senate Bill No. 653 as it has been amended. For that reason I must reluctantly, Mr. President, ask for a caucus for the purpose of discussing the amendments that have been put in Senate Bill No. 653 by the Committee on Rules and Executive Nominations.

The **PRESIDENT** pro tempore. Do you want that caucus now or do you want to run through the Calendar?

Senator **MELLOW**. Mr. President, I think it is important since we have the Members who are present in Harrisburg right here on the floor that we have that caucus right now.

Senator **LOEPER**. Mr. President, I was wondering if the gentleman could give me an idea about how long he expects to be in caucus?

Senator **MELLOW**. Mr. President, I do not think it will take very long. The amendments, I think there are three or four different parts of the proposal, we have to discuss in caucus, and it is our expectation that we will handle it in a very expeditious manner and, hopefully, be back here within 15 minutes, if possible.

The **PRESIDENT** pro tempore. Senator Mellow has requested a recess of the Senate for the purpose of a Democratic caucus to begin immediately in the caucus room to the rear of the Senate Chamber, and for that purpose the Senate will stand in recess.

**AFTER RECESS**

The **PRESIDENT** pro tempore. The time of recess having elapsed, the Senate will be in order.

**RECONSIDERATION OF SB 1209****BILL ON FINAL PASSAGE**

**SB 1209 (Pr. No. 1803)** — Senator **LOEPER**. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1209, Printer's No. 1803, went over in its order.

The motion was agreed to.

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence of Senator Andrezeski on the floor and his temporary Capitol leave is cancelled.

And the question recurring,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, after further consultation, I would request that Senate Bill No. 1209 go over in its order.

The PRESIDENT pro tempore. Senator Loeper once again requests that Senate Bill No. 1209 go over in its order. Without objection, Senate Bill No. 1209 will go over in its order.

#### BILL OVER IN ORDER

**SB 1214** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS LAID ON THE TABLE

**SB 1295 (Pr. No. 1636)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the grounds for divorce, for counseling and for equitable division of marital property.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 1296 (Pr. No. 1657)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for establishment of an arbitration program.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1436 (Pr. No. 1706)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for authorized offices.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Afflerbach	Greenleaf	Loeper	Robbins
Andrezski	Greenwood	Lynch	Salvatore
Armstrong	Hart	Madigan	Scanlon
Baker	Helfrick	Mellow	Schwartz
Belan	Holl	Musto	Shaffer
Bodack	Hopper	O'Pake	Shumaker
Bortner	Jones	Pecora	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	LaValle	Porterfield	Stout
Dawida	Lemmond	Punt	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo			

#### NAYS—1

Bell

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### SECOND CONSIDERATION CALENDAR

#### BILL ON SECOND CONSIDERATION REREPORTED FROM COMMITTEE AS AMENDED AND RECOMMITTED

**HB 541 (Pr. No. 2885)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing for a procedure for certain electors and to apportion the Commonwealth into congressional districts.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator LOEPER, and agreed to, the bill just considered was recommitted to the Committee on Rules and Executive Nominations.

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 1067** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS OVER IN ORDER

**SB 8, 13, 429, 559, 572, HB 719, 749, SB 875, 972, 1096, HB 1174, SB 1195, 1290 and 1332** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 1362 (Pr. No. 1584)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "The Liquid Fuels Tax Act," further providing for imposition of tax.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 1364** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS REREFERRED

**HB 1403 (Pr. No. 2855)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment, implementation and administration of the Small Water Systems Technical and Management Assistance Program; providing for technical, financial and management assistance for small water systems; providing for the Small Water Systems Regionalization Grant Program; providing for financial assistance for comprehensive small water systems regionalization studies; imposing additional duties on the Department of Environmental Resources; and transferring an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

**SB 1444 (Pr. No. 1811)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; and providing for the disposition of a portion of certain fines and penalties.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILL ON SECOND CONSIDERATION

**SB 1456 (Pr. No. 1745)** — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for educational appropriations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

## BILL OVER IN ORDER

**SB 1471** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL OVER IN ORDER TEMPORARILY

**SB 1490** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

## BILL OVER IN ORDER

**HB 1549** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SUNSET REVIEW RESOLUTION  
NO. 3, CALLED UP

Senator LOEPER, without objection, called up from page 7 of the Calendar, **Sunset Review Resolution No. 3**, entitled:

Continuing existence of the Pennsylvania Advisory Council on Drug and Alcohol Abuse scheduled for termination under the Sunset Act.

On the question,

Will the Senate adopt the resolution?

SUNSET REVIEW RESOLUTION  
NO. 3, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Sunset Review Resolution No. 3.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative, and the resolution was adopted.

SUNSET REVIEW RESOLUTION  
NO. 6, CALLED UP

Senator LOEPER, without objection, called up from page 8 of the Calendar, **Sunset Review Resolution No. 6**, entitled:

Continuing existence of the Pennsylvania Public Utility Commission scheduled for termination under the Sunset Act.

On the question,

Will the Senate adopt the resolution?

SUNSET REVIEW RESOLUTION  
NO. 6, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Sunset Review Resolution No. 6.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout



Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative, and the resolution was adopted.

### SUNSET REVIEW RESOLUTION NO. 7, CALLED UP

Senator LOEPER, without objection, called up from page 8 of the Calendar, **Sunset Review Resolution No. 7**, entitled:

Continuing existence of the Crime Victim's Compensation Board scheduled for termination under the Sunset Act.

On the question,  
Will the Senate adopt the resolution?

### SUNSET REVIEW RESOLUTION NO. 7, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Sunset Review Resolution No. 7.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

## YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative, and the resolution was adopted.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE SENATE NONCONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

**SB 653 (Pr. No. 1822)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the treat-

ment of net operating losses; reducing the rate of corporate net income tax; increasing the capital stock franchise tax exemption; phasing out the levy, assessment and collection of capital stock franchise tax; further providing for the taxation of insurance premiums and annuity considerations; and providing for a limited tax amnesty program.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 653.

On the question,  
Will the Senate agree to the motion?

Senator PETERSON. Mr. President, I rise today to discuss the importance of Senate Bill No. 653 and how it relates to the future of jobs in the Commonwealth. We all know we went through one of the tougher years in the legislative process. We all know we ended up with a \$2 billion-plus deficit that we had to pay and move on with government costs. But when the dust settled and things were finalized, we sent a message to the business community of Pennsylvania that chilled their enthusiasm to do business in this Commonwealth. When we passed Act 22 we realized that we had to pay for a deficit and ongoingly pay for government and deal with the recession. In that bill we factored in the factor that on January 1st of this year we will cut the personal income tax from 3.5 percent to 3.1 percent. Then in July we will factor down again the personal income tax to 2.8 percent, realizing that once the deficit is paid for we will not need \$3.5 billion of ongoing new taxes. I think the business community was more than generous when many of them, not all, offered to pay a surtax. I think the business community agreed, many of them, not all, to surtaxes to help fund the deficit. Some organizations even paid for TV commercials saying we are in debt and we have to fund it, we have to pay our bills. But the thing they never anticipated was that they were to have the highest corporate tax in this country, barring Connecticut, which is going to be dropping theirs, and the highest capital stock and franchise tax. I do not think they ever anticipated that the loss carry forward provision would be eliminated in tax law because it makes no public policy sense. It was a terrible change in the tax law. What that issue alone does to a new business, and most new businesses lose money their first, sometimes their second year, and let us take the simple example that if a small business lost \$50,000 its first year, lost \$25,000 its second year and made \$25,000 its third year, very simple mathematics would tell us they are still \$50,000 in the hole, but we are still going to tax that \$25,000 they made their third year as if it were profit. That is not fair tax policy. I think what we did not do is remember we are in a competitive world, a competitive society and that we have to compete as a state. I have a map here that was put together a short time ago and to make sure it was accurate I called every revenue department in states surrounding Pennsylvania, and I think it is important that as we set our future tax policy, and we are starting to do that with this bill today, that we look at what our competitors are doing. We look at Ohio, which all of western Pennsylvania has to compete with. They have a 5.21 percent corporate tax if

your business only makes \$50,000 and then thereafter you pay an 8.9 percent. In Pennsylvania you pay a flat 12.25 percent. Their capital stock and franchise tax is 5.1 percent up to \$50,000 and then it goes to 5.82 mills. Ours is 13 mills, two and a half times as much. Their loss carry forward provision that allows losses to be utilized against future gains is 15 years, the same as the federal government.

We can go to New Jersey where their corporate tax is 9 percent. Their surtax is .375 percent, which is less than half a percent, and that comes off in 1992. They have no capital stock and franchise tax yet and in 1984 they started their loss carry forward provision because it is prudent public tax policy. You go all the way around. You look at Maryland. You look at New York State, the state of taxes. Everybody knows that New York State is the state of taxes. They have a 15-year provision of loss carry forward. They have a 9 percent corporate tax with a 15 percent—that is 15 percent of the 9 percent, so it is really about a 10 point something percent, and the surtax is temporary. They are going back to 9 percent. Their capital stock and franchise tax is 2.41 mills compared to Pennsylvania's 13 mills. I am speaking here, sort of turning my back on all of the other taxes that we passed, and in a recent speech that I gave I listed 30 new ways businesses can be taxed under Act 22 from the corporate, capital stock and franchise, the exemption, the loss carry forward, inter-corporate dividends, the electric bill, the gas bill, the telephone bill, and we are one of few states—I checked today—that taxes interstate long distance, intrastate long distance, computer systems, collective services, and on and on. We all know the list. All of those are new taxes on business. I think we have to compare. I think we have to calculate where we are at if we want jobs for our people. The personal income tax is going to come down because we are not going to need those ongoing revenues forever, because the biggest share of that was to pay off a deficit. Companies today, right now, are making decisions of where they are going to do business. I have several in my district. They are going to decide in the next couple of months whether they are going to expand in Ohio or they are going to expand in Pennsylvania, and we need to send a message to those companies and every other company that is making corporate decisions today that we want their job opportunities for our people, that we want to compete, that we are not turning our backs on them, that we have not forgotten them, that we are going to start in 1993 trimming down business taxes slightly and in 1994 a little more. This bill does not go far enough but it is a start. We hope to show business that there is a little light at the end of the tunnel. We must give them hope because when they make those decisions, folks, we could spend \$100 million in new grants in the Commerce Department and you cannot buy them back. When you lose those good business jobs that we have in the west, the few we have left, an economy that never recovered from the 1981 recession, when we lose further job opportunities for our citizens and our constituents, we cannot buy them back. There is not enough money in the state Treasury if we put in \$100 million or \$200 million. The most

prudent thing to do is not to lose them by forgetting that we are in a competitive society. We have to compete and we want to be fair. I think the thing that scares me most is when I look at the Casey Administration—and I know this will not please several people—but when I look at the hostility of the DER agency, when I look at the lack of foresight of our state PUC, when you have the hostile attitude now in the Department of Revenue, when you take hostile bureaucracies and regulatory agencies towards business and couple it with the tax package that we have out there that is ongoing forever, with no surtaxes like most states have, you are going to have businesses give up on this state and we must not let that happen. We must pass Senate Bill No. 653 which is a step in the right direction, which puts a little bit of light at the end of the tunnel, allowing business to continue to stay here, prosper here and grow here. It will not happen if we do not act today. I urge my colleagues to unanimously support Senate Bill No. 653 as the first step this General Assembly makes in a fair tax policy for jobs and business growth.

Senator MELLOW. Mr. President, I am not going to prolong with any degree of length the Session here this afternoon, but I think there are a few comments that must be made. First of all, Mr. President, we on this side of the aisle would certainly like to be in a position of being able to support a tax reduction. Since 1987 we have supported tax reductions for business on a number of occasions. Unfortunately, Mr. President, we are not in a position this afternoon to go ahead and to say we can grant meaningful reduction to the people of Pennsylvania and knowing full well that we can bring about what we are talking about on the floor here of the Senate, the same way that just last week or two weeks ago there was a choice of education, but last week there was a choice of education proposal that was passed here on the Senate floor, knowing full well at that point in time that that program could not, in fact, be implemented. I listened at great length to the gentleman from Venango, Senator Peterson, and I must say he made some very strong arguments in favor of a proposal to reduce taxes. But I have to point out one thing of a meeting that took place in my office just yesterday because Senator Peterson talked about the State of New York. I am very fortunate right now in my district that I have one of the major corporations that is located in New York State that is moving into my district. They are going ahead and they are constructing a store in Lackawanna County and one in Erie County, two stores in Pennsylvania. They are going into a new state, expanding from New York State for the first time, and for some particular reason, maybe divine intervention, I do not know, but they have decided they would like to expand into the State of Pennsylvania. I met with them at length yesterday and I will tell you the name of the company. It is a food market by the name of Wegmans. Wegmans is a major food chain in New York State that employs thousands and thousands of people. They are going to locate a store in north-eastern Pennsylvania that is going to be 120,000 square feet. I cannot even imagine a grocery store the size of 120,000 square feet, and they are going to employ 600 people. They just

recently started the site preparation for the construction of that store. They are locating the same type of store in the district of the gentleman from Erie, Senator Andrezeski, shortly thereafter. I asked them the question, I said we hear so much more and more and more in Pennsylvania that we have a tax climate that is not favorable. And the man from Wegmans said to me, Senator, nothing could be further from the truth about Pennsylvania. He said if you look at the personal income tax alone in New York State, it is somewhere around 9 percent. He said personal income tax in Pennsylvania at 3.1 percent represents one-third of what we are paying in personal income tax right now in New York State. Not once, Mr. President, during the discussion that took place in the Committee on Rules and Executive Nominations did I hear anything at all mentioned about the consumer in Pennsylvania. Never once did I hear mentioned that we do have a proposal in front of us to reduce taxes and that that proposal will, in a proportionate share, take care of the interest of business, and it will take care of a reduction to the personal income taxpayer in Pennsylvania who pays about 78 percent of the freight in Pennsylvania. I guess I am not surprised that there is no mention of that, but I am a little bit surprised that we would talk about a two percent annuity tax elimination, that we would talk about the restoration of a capital stock exemption from \$50,000 to \$100,000, that we would talk about the reduction of the capital stock and franchise tax, effective January 1, 1993, to 11 percent, and that we would see fit to go ahead and to implement a program that I so strongly supported and sponsored, along with Senator Frank O'Connell, back a number of years ago, to implement in Pennsylvania for the first time a loss carry forward provision in filing your corporate net income tax. But not one breath of air was mentioned for the 12 million consumers and the individual taxpayer in Pennsylvania who right now is paying a 3.1 percent personal income tax. Mr. President, it is not that long ago. It was Act 58, Senate Bill No. 443 of 1987 under the Casey Administration that we went ahead and we increased by doubling the value exemption from capital stock and franchise tax from \$50,000 to \$100,000. Also, at that point in time we reduced the gross receipts tax, because we as Democrats believe in the same basic philosophy that you believe in, that to have a good economy in Pennsylvania you must treat business fairly as far as the tax structure, but in doing so, Mr. President, you also must treat the individual taxpayer in the same manner. Obviously, the amendment we have here does nothing with the individual taxpayer. Obviously, the amendment we have here, Mr. President, we know full well cannot be implemented. The Members of leadership on both sides of the aisle, in both the House and the Senate, had the opportunity yesterday of attending a briefing by the Governor. The Governor was very on point to show to us that unless something takes place with the recession in this great country of ours over the next six months, the last six months of this fiscal year, by taking some very strong cost-saving measures, by reserving some \$230 million, we may go ahead, hopefully, and end the year with a surplus, if you will, of \$1 million. By implementation of some

of these tax cuts, it would negate any possible chance whatsoever of a tax decrease next year.

Mr. President, I just want to close by once again pointing out something I pointed out several weeks ago in discussion, and the quote is going to be from a national publication, Fortune Magazine, dated November 4, 1991, which once again does not spell out the argument that was just given to us by the gentleman from Venango, Senator Peterson. It talks about the third best city in the United States to do business with is the City of Pittsburgh. It talks about what its average salary is for manufacturing positions. It talks about what its average salary is for clerical positions. It talks about its access to labor, that it ranks fourth in the country as far as its access to labor, and it talks about its pro-business attitude. Its pro-business attitude, when you go ahead and you relate that to every other city in the United States, ranks eighth. Nashville, Tennessee, ranks fourth. Salt Lake City, Utah ranks thirteenth. Kansas City ranks tenth. I could go on and on, and I could give you exactly what the ratings are of other cities with regard to pro-business. The pro-business climate of Austin, Texas is thirteenth. The pro-business climate of Orlando, Florida, the home of Disney World, ranks tenth. The City of Pittsburgh ranks eighth, located in this great Commonwealth of Pennsylvania. In the Sun Belt, the sunshine State of Arizona, Phoenix, Arizona, if you will, ranks twenty-first. So, Mr. President, I would agree in concept, in theory, in principle, as would each and every one of us that we would like to go ahead and we would like to reduce taxes proportionately based on some type of a surplus in government. We right now are living with the Ronald Reagan reduction of taxes of the 1980s, when a tax reduction was given based not on surplus, but based on credit, and what it did was it created a gap between the haves and have nots in this country, which has never been greater. Since 1983, Mr. President, we in the Pennsylvania General Assembly have enacted 24 separate tax cuts with the passage of 16 different tax reduction proposals, and, in fact, in 1988 Senate Bill No. 1534 of Act 109 of 1988, we gave the largest reduction of taxes ever to business by retiring the state's Unemployment Compensation debt to the federal government. Mr. President, we concur that we would like to be in a position of reducing taxes. We would like to reduce them in a fair way. We would like to reduce them to the consumer, to the individual taxpayer in Pennsylvania who pays the personal income tax. We would like to reduce them to the people who pay sales tax in Pennsylvania, and we would like to reduce them also to our business interests that go ahead and pay capital stock and franchise tax, that pay our corporate net income tax, that go ahead, Mr. President, and they have lost the exemption, hopefully only temporarily, for a loss carry forward provision. We would like to be in that position, but we know full well, as does every Member on the floor of this Senate today knows full well, that in all good conscience all we are doing is we are misleading the people of Pennsylvania by saying we can enact Senate Bill No. 653 by putting in these particular types of tax reductions and that the corporate interests in Pennsylvania will be able to recognize

these by saving money starting immediately with tax amnesty starting in January of 1993 with the restoration of the \$100,000 exemption in the reduction of the capital stock and franchise tax and by the restoration in 1994 of the loss carry forward provision. But we also know deep down in our hearts that we are in the midst of one of the deepest recessions that we have ever had in this great country of ours, that we have a federal deficit that is in excess of \$280 billion, that we have a federal government, Mr. President, that appears to be out of control because they have not been able to come to grips with the tremendous problem, not only right here in Pennsylvania but also in every state of ours. But we also have the consolation of knowing if we go ahead and we stay the course, if we go ahead and we do not implement programs that are going to spend money and if we take some advice from people who tell us how to tighten our belts in this fiscal year, we will not be faced with the same problem that many of the other states in this great country of ours are going to be faced with because of the recession and of having a tax increase in the 1991-92 fiscal year. As meritorious as this proposal is, as great as it sounds, with all the wonderful political rhetoric that is going to be expressed on the floor of this Senate today on both sides of the aisle, Mr. President, the bottom line is we cannot afford this type of tax cut and, furthermore, it deals only with the business interests in Pennsylvania and it has ignored the largest taxpayer in the state, the individuals who pay the personal income tax. For those reasons, Mr. President, I must ask for a negative vote.

Senator BELL. Mr. President, I am going to vote "no" on this bill because I agree with the principles, but I say the timing is lousy. We should not be taking actions like this when the national picture looks like we bottomed out in this recession. Yesterday, General Motors stock dropped down to \$27 a share. I do not know if you people realize it or not but one of the biggest sources of sales tax in Pennsylvania is the sale of automobiles, and if we are selling so damn many cars, why is General Motors stock going down? I am just a country boy. I also count trucks on the Turnpike and Monday they were not there. That means cargo is not moving. I would support legislation like this, but I do not approve of the timing.

Senator LINCOLN. Mr. President, the gentleman from Lackawanna, Senator Mellow, covered this extremely well. I just want to speak to a couple other parts of this issue that kind of bothered me a little bit.

One is the fiscal note, and I think it is so typical of what we have been getting here for the last several years and they just make up anything you want and throw it out. Now anybody who votes for this who believes this fiscal note ought to check with the Governor's office. And the Budget Secretary to my knowledge, is the one who officially certifies revenues. Just to start at the top on the repeal on tax annuities, there is a minus \$30 million shown on the fiscal note that I have in front of me. The Governor's office has certified that as a \$45 million loss the first year, \$36 million the second year, and \$36 million thereafter, and there is nothing in the second and third years

in this fiscal note. The tax amnesty program, which we discussed at great length back during May, June, July and into August when we were trying to resolve the budget problems, the reason why it was never used is the Budget Secretary would never certify more than \$10 million in gain. There is a \$35 million plus sign in that column the first year, and then it goes on and on. I say that you have to change that and you have to subtract \$25 million and show only a plus \$10 million every year from this year on. My figures show in the 1991-92 fiscal year, which we are in now, according to official estimates and certified revenues on the part of the Budget Secretary, in this fiscal year because of this we would have a \$35.2 million loss in this fiscal year. In the next fiscal year, adding in the other changes, it is \$86 million in losses. Going out to the 1993-94 there is a \$398 million loss shown on this fiscal note and you still have to add another \$35 million into that, so you are talking over \$400 million. That is in spite of the fact that we have been hearing that because of the national economy, because of lack of consumer confidence we are looking now at somewhat of a deficit coming for the end of this year and the Governor has proposed ways of making us to be able to balance our budget without further tax increases. This is the kind of effort that causes further instability in the business community. It causes a further eroding or the lack of confidence by your consumers. Mainly because I want to see anybody who votes for this go home and tell their next door neighbor or their partner in business, or whatever it is, that I felt that we should be reducing corporate taxes to the tune of \$35 million and make a deficit this year, but I really do not think you are paying too much and I really do not think that the sales tax is too high. I do not want to bother with that. I just want to bother with business taxes and be damned with the consumer. That is basically what you are saying.

The other point I want to make is that this is absolutely the kind of thing that frustrates me to the point that I just want to go someplace and hide. Where was this amendment yesterday? Where was this amendment to House Bill No. 1321, when it meant something, when you could have amended that bill and sent it to the Governor and it would have been his decision whether as to accept this or not? Why was that not done? Because you know that this is not something responsible and something that can be done. Yet you will be able to leave here, those of you that are going to support this effort, and tell the world that I am your friend. I support you. I believe we ought to do something and come July 1st none of this will have taken effect. None of it. Whether it passes in this Body with 26 votes or 48 votes or 50 votes, or whatever, it is not going to take effect. I believe that this is really frustrating for me and I know what it has to be like to your business friends, to know that you had an opportunity yesterday to do this legitimately.

The last point that I would like to make is that it is a shame that as usual there is no budget cutting in this, there is no one saying that even accepting the fiscal note that is put out here, there is going to be a shortfall next year. The same people who are doing this and making this effort were right there to vote



for choice, another \$350 million expenditure in the coming year's budget. None of those people supported this past year's budget which had tremendous increases in funding for their very poor school districts. It just does not make any sense to me. I know that we get into partisan politics and it is a shame because there has to be a time when that goes away. Back in the summer when we were trying to solve this problem, there was not one person on that side of the aisle who came forth, privately or publicly, with any effort to make the tax bill a little bit different than what it was. The only thing that I received from my Republican counterparts here—and it was even worse in the House because they were talking about all these wild things to save money and coming into the budget negotiation talks with all the requests they could find to spend. If people only knew how hypocritical the Republican caucus in the House is—spend privately, cut publicly from things that cannot be done. If you would have come forth with a proposal similar to this, there are many people on this side of the aisle who are just as concerned about the business community as you are, but there is not one of you who can stand up and point to a day, an hour, a moment, a bill, a resolution, an amendment that offered any type of relief as this. Whatever was offered, you sat in your seats, voted "no", with the exception of four courageous people in that caucus, and now we want to go out and play these kinds of games for political benefit. I think it is unfair to the same people who you are trying to tell you are helping, and I am telling you they are not that stupid. They are going to know that this is just a game. If you were serious, you would have done this yesterday. I would ask for a "no" vote.

Senator ARMSTRONG. Mr. President, we talk about some forecasts. This Governor and this Budget Office, I do not think there are any two in the nation that have been so wrong in forecasting. They cannot even come close. I remember at the beginning of the year how the budget was and that everything was fine, and we were saying, well, it is going to be at least a \$1 billion shortfall, and then \$2 billion and then I guess it was over \$3 billion. So as far as their forecasting ability, their crystal ball has been cracked for a long time. As far as consumer taxes, they are going to roll back in Act 22 to 2.8 percent, I believe, on July 1, 1992. So the consumers have been addressed and the business area has not, but we are talking jobs right here. We are talking about a jobs tax. Talk about consumers. I have 50 consumers in Lancaster County now that will not have a job. Yesterday I received a call from a president of a corporation who was going to come to Pennsylvania, to my district as a matter of fact, and create 50 good jobs. Everything was almost just about 100 percent there until this tax package was passed. He decided to go to Kansas. He says they have a better business climate in Kansas than they do in Pennsylvania. So I have 50 people in Lancaster County who will not be working. So I have 50 people who will be collecting unemployment compensation to the tune of, I do not know, maybe \$41,000 a month, that we are paying out instead of getting in. They will not be paying any personal income tax, so we are losing that. The corporation will not be paying

any taxes at all, so we are losing that revenue. We are losing thousands and thousands of dollars a week in revenue which we could get. Also the ripple effect or the multiplier effect of those dollars which would create even more jobs, we are losing all of those. Instead of having a positive impact in Pennsylvania, we are now having a negative impact. This was concrete evidence of job loss yesterday. This administration is not helping at all. This morning I had a meeting with an executive of Hershey Foods, a person who is a decision-maker, who decided to go to Virginia. This is a true story. They decided on three states to locate their manufacturing plants—Pennsylvania, Virginia and I believe the third state was Delaware. They sent a request to the Commerce Departments of those three states. Within ten days, two states had a whole package back to Hershey Foods. One state did not. Pennsylvania did not even respond until three weeks later when someone in the Commerce Department called them on the phone and said, we are getting this package together and we will have it in a couple of weeks and, by the way, who is going to pay for the Federal Express charges? That is the type of decisions that are being made in the Commerce Department. We have a new Commerce Secretary coming in over there. I do not think the person has had one day of business experience in his life. He is an attorney. I have nothing against attorneys, but what do they have in the way of business experience? He is young. He does not have any business experience, but, yet, he is going to be the next Commerce Secretary in Pennsylvania. I think we have to send a signal to the people out there that we want our jobs back in Pennsylvania. We are tired of people in other states taking these jobs. We had an economic development person in Lancaster who is now the economic development director in Charlotte, North Carolina. He is just taking all kinds of jobs down to North Carolina because of the tax package we passed. It is easy pickings for him. We are losing jobs right and left, and we have to do something to show them that we are interested in getting these jobs back in Pennsylvania, and Senate Bill No. 653 is one small step to get some of these jobs back.

Senator LOEPER. Mr. President, I believe what we have before us today in the Senate is really a blueprint of action for the future, and it demonstrates concern of the impact of this current year's budget and revenue package. What it has had is an adverse effect on jobs in the business community in Pennsylvania, and certainly that affects all the citizens of the Commonwealth. I think what we see here, Mr. President, is a blueprint, a suggestion for potential action not only in this year that is a revenue neutral program, but also to send a signal that in 1992-93 as well as 1993-94 there is a serious commitment to try and address some of these issues that are really hampering the growth of business and jobs in Pennsylvania and Pennsylvania's economy. In order to try and move forward with some type of blueprint for action, I would ask for an affirmative vote to Senate Bill No. 653.

Senator SHAFFER. Mr. President, very briefly, I know the hour is growing late. We talk about taxes on business and taxes on individuals, and the other side has made a strong

point here today that we have not lowered taxes on individuals. Well, let me say, Mr. President, that the cruelest tax of all is the tax that eliminates your job and eliminates your ability to pay taxes. Eighty-five percent of the people in this country—and I assume the same would hold true for this state—outside of those employed by government, including the military, are employed by companies of 35 or fewer, and while we delight in the large corporations, and the more we have the better off we will all be—I feel confident—the truth of the matter is over the last ten years the Fortune 500 has created a net gain of jobs in this country of zero. All job gains in the last decade in the United States and, indeed, in Pennsylvania have come from the small private business sector, Mr. President, and there is no more relevant tax to the small business sector, and that equals jobs, there is no more important jobs tax, no more devastating jobs tax in this state than the capital stock and franchise tax. The gentleman from Venango, Senator Peterson, has gone on and the charts are available here which demonstrate that Pennsylvania is in the stratosphere of capital stock taxes in the northeast part of the United States. Come January first, we will be the premiere leader in the CNI tax in this entire country, Mr. President. But more than anything else, the \$100,000 exemption for small businesses, and that affects only the small businesses, the \$100,000 in the capital stock and franchise tax has no relevance to U.S. Steel or to Armco or to IBM or to any other large businesses that we have in this country, but it is darn important to the little marginal business where a few thousand dollars is the difference between profitability and bankruptcy. When we consider that Pennsylvania can be a pretty hostile, uncompetitive state in terms of our workers' compensation and our unemployment compensation tax, and when we consider that with the states in the northeast, we are building a veritable tax wall around this state to keep jobs and business in, and when we consider, Mr. President, that Act 22 was the most devastating law in the last decade when it comes to creating the very jobs that we need to create wealth and create satisfaction for our citizens, Mr. President, believe me, what we are doing today here is only sending a minimal glimmer of hope, a kind of a half-hearted promise that someday in the not too distant future those entrepreneurs, those individuals who are trying to create real wealth, trying to create real opportunity for our fellow citizens are somewhat appreciated. Mr. President, please know they do not believe they are appreciated by state government today. I urge adoption of Senate Bill No. 653.

Senator REIBMAN. Mr. President, I was very much interested in hearing what some of my colleagues have said about the loss of businesses and jobs in Pennsylvania, and I assume that some of that is true. However, I would like to say that in my county, in Northampton County, we border New Jersey. We have companies that are coming into our industrial parks creating jobs. There is a project here that will cost \$1.1 million, and our industrial development bonds have been sold at \$23.7 million in order to bring business into the Lehigh Valley. There is another company that is just now expanding

and making more jobs in the Lehigh Valley in our industrial parks. There is a food processing company which is purchasing machinery and equipment to manufacture sweet potato pies which is coming into our county as well. So there are many, many companies that are coming into Pennsylvania. A lot depends upon the individual environment of some of those areas. We in the Lehigh Valley have good roads. We are close to markets. We have a very aggressive industrial development corporation that is very aggressive in bringing in people. Our banks are cooperating. We are creating jobs in the industrial parks, and most of the lots in our industrial parks are now being sold, or at least there are options to buy, for expansion and for bringing new business in, despite the fact that we have the kind of tax program we have, and I surely would like to see it reduced too, when and if we can do it. But to categorically say, and to make the generalization that this is keeping jobs out of Pennsylvania, I am here to say that in some areas of Pennsylvania we are still attracting very important businesses which are coming into our areas and making jobs.

Senator PETERSON. Mr. President, I very carefully listened to the opponents of Senate Bill No. 653. I am glad that business in the Lehigh Valley is healthy and strong and people are all working. It must be the same up in Scranton where the Senator comes from who spoke, but I do find it a little surprising when I know most of western Pennsylvania is absolutely struggling for its economic life, that the one speaker from Fayette County thinks these are not necessary. In my opinion the Casey Administration demanded that there were no business rollbacks, that there were no cutoffs, that these were not surtaxes. The business community came forward and said, we will pay a 50 percent surtax. They did not expect forever taxes, but I understand there are those who have to defend the Casey Administration, no matter what position they have. But here is my opinion of the Casey Administration when it comes to jobs and business and economics. Within the administrations that I have worked with, and there have been three, there have always been a few entrepreneurs. I have given this in several speeches and no one has ever come forth. If there is a former entrepreneur in a leadership position in the Casey Administration that he or she understands the investment of capital, who has gone to the bank and borrowed money, put it on the table, created jobs and employment opportunities, met a payroll and paid off those loans, that is an experience, folks, that means something. I do not think there is any of that experience in the Casey Administration. As I look at it, I cannot think of a Cabinet official who has run a business. There is a far difference in running an agency of government where taxes support you than running a business where you borrow money, where you put your name on the line, where you go in hock and you pay off those loans and you create jobs for the economy. I am sorry that there are so many willing to support the Casey Administration's continued efforts to stick it to business. Let me just share this with you. The House recently held some hearings. A businessman Leonard Magargee, President of Magargee Brothers, Incorporated, said, "Small businessmen today are faced with a



sales tax resulting in a loss of business. A 50% increase in the corporate income tax, reducing profits, a 400% increase in corporate stock tax, a 50% increase in personal income tax, an enormous increase in unemployment compensation payments over the last three years, and a proposed 52% increase in workers' compensation payments. Why should we stay in PA? Why should we continue to be legitimate business enterprises? Why do I feel that the state, city and federal Legislators are our enemies?" Another excerpt, "Your 1991 tax changes have clearly proved our commitment to Pennsylvania was foolish, and our confidence in our state government was misplaced. Your lack of fiscal responsibility will now have a devastating impact on Pennsylvania business...." Another businessman from Pennsylvania said, "Our state government has sold out the business backbone of our Commonwealth, and the backbone of its economy. If I sound angry about it, you're damn right I'm angry about it, and deservedly so.... Our plans have shifted away from Pennsylvania."

In conclusion today I would like to say in argument for this bill it is not something we just ought to talk about. It is not something we should sit here and wait until there are surpluses in the bank, because you know and I know for every \$100 million of surplus, there will be one billion dollars of ideas of how to spend it. That went on here since time began. You cannot wait for surpluses. We cut the personal income tax back in two increments. That was prudent. That is a consumer tax. But as the gentleman from Butler, Senator Shaffer, so aptly said, the cruelest tax of all is the tax that takes away opportunity.

In conclusion, I would like to have you listen to this very short statement by another businessman. If you would please listen, I think it says it all. I think we may all need an economics lesson. He said, "I think the future of the economy of this Commonwealth and specifically the west, which lost so much population in the last census and which is continuing to decline and dry right up and die on the vine, is that we pass some hope to business that all of these taxes that have been piled on business are not forever." In conclusion I want to give a statement from a businessman who I think says it so well. "Business is not a special interest group—it is the very foundation of our economic system. It is the original source of all wealth, all jobs and benefits, the tax base from which all of the programs of government are funded." Business is not our enemy and we should not treat it like one. If we do not learn to compete, we will be an unemployment state and a welfare state, and that is where we are headed in western Pennsylvania if we do not pass Senate Bill No. 653.

**The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.**

#### LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I would like to place Senator Andrezeski on temporary Capitol leave. He has been called to his office. Also, I request temporary Capitol leaves for Senator Dawida and Senator Scanlon.

The PRESIDENT. Senator Mellow asks for temporary Capitol leaves for Senator Andrezeski, Senator Dawida and Senator Scanlon. The Chair hears no objection. Those leaves will be granted.

Senator LOEPER. Mr. President, I also would request a temporary Capitol leave on behalf of Senator Wenger.

The PRESIDENT. Senator Loeper requests temporary Capitol leave on behalf of Senator Wenger. The Chair hears no objection. That leave will be granted as well.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEAS—25

Armstrong	Hart	Loeper	Robbins
Baker	Helfrick	Madigan	Salvatore
Brightbill	Holl	Pecora	Shaffer
Corman	Hopper	Peterson	Shumaker
Fisher	Jubelirer	Punt	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Greenwood			

#### NAYS—24

Afflerbach	Dawida	Lincoln	Reibman
Andrezeski	Fattah	Lynch	Scanlon
Belan	Fumo	Mellow	Schwartz
Bell	Jones	Musto	Stewart
Bodack	LaValle	O'Pake	Stout
Bortner	Lewis	Porterfield	Williams

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### RECONSIDERATION OF SB 653

#### BILL OVER IN ORDER

Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which the House amendments as amended by the Senate to Senate Bill No. 653, Printer's No. 1822, were nonconcurrent in.

The motion was agreed to.

Senator LOEPER. Mr. President, I move that Senate Bill No. 653 go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 653 will go over in its order.

#### CONSIDERATION OF CALENDAR RESUMED

#### SB 1490 CALLED UP

**SB 1490 (Pr. No. 1812)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Second Consideration Calendar, by Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 1490 (Pr. No. 1812)** — The Senate proceeded to consideration of the bill, entitled:

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; and providing for the nomination and election of Congressmen.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER offered the following amendment No. A3786 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 3, page 13, line 17, by striking out "which is located in the city"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

## UNFINISHED BUSINESS

### CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. John P. Mundorff, Mr. and Mrs. John A. Lantz, Mr. and Mrs. Roy Hackenberger, Mr. and Mrs. John Worth and to Anna Mae Foehl by Senator Armstrong.

Congratulations of the Senate were extended to Kevin Keller by Senator Brightbill.

Congratulations of the Senate were extended to Samuel L. McPherson and to Most Reverend Donald W. Wuerl by Senator Dawida.

Congratulations of the Senate were extended to Honorable W. Wilson Goode by Senator Fattah.

Congratulations of the Senate were extended to ATD-American Company of Wyncote by Senator Greenleaf.

Congratulations of the Senate were extended to Walter J. Everett, Jr. by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Pete Stiscak, Mr. and Mrs. John Kuzmick, Mr. and Mrs. Charles Muecklish, Dr. and Mrs. Uhlan Dayoub, Mr. and Mrs. Norman Schreckengost, Mr. and Mrs. Henry Rybicki, Mr. and Mrs. James Vorp, Ann Roenick and Mr. and Mrs. Dave Mathewson by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Franklin Raker, Mr. and Mrs. Thomas Cromley, Mr. and Mrs. Richard R. Milbrand, Mr. and Mrs. Joseph Witrosky, Kandie Ebersole, Mr. and Mrs. Chester Geiser, Mr. and Mrs. John G. Saylor, Nancy L. Smith, Mr. and Mrs. Harry Ruman, Mr. and Mrs. Willard Knorr, Mr. and Mrs. Vincent Kornacki, Henry J. Baranoski and to the Area Young Men's Christian Association of Sunbury by Senator Helfrick.

Congratulations of the Senate were extended to David Brady by Senator Holl.

Congratulations of the Senate were extended to James L. McNaney and to Mr. and Mrs. Lloyd S. Baker by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Wayland Stewart, Mr. and Mrs. Gerald C. Focht, Mr. and Mrs. Elmer Morrison, Mr. and Mrs. Lester D. Garwood, Mr. and Mrs. John J. Leszek, Mr. and Mrs. Richard Shoemaker, Mr. and Mrs. Dale E. Diehl, Mr. and Mrs. Clifford Gwin, Mr. and Mrs. Daniel Rodman Madara, Mr. and Mrs. Gerald J. Gutshall, Mr. and Mrs. Karl M. Burgmeier, Mr. and Mrs. James W. Miller, Mr. and Mrs. Glenn Focht, Mr. and Mrs. Charles Fields, Elizabeth Swigart, Mr. and Mrs. C. Robert Leidy, Mr. and Mrs. Charles E. Mock, Mr. and Mrs. Benjamin C. Myers, Mr. and Mrs. Albert F. Servello, Nora E. Groves, Mr. and Mrs. Paul R. Shaw, Sr. and to Mr. and Mrs. William D. Snyder by Senator Jubelirer.

Congratulations of the Senate were extended to Raymond A. Holland and to Mr. and Mrs. Archie Norton by Senator Madigan.

Congratulations of the Senate were extended to Bill Getz, Scoutmaster, Boy Scout Troop 449 by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Domenick Pansino, Mr. and Mrs. Anthony Amorose, Mr. and Mrs. Paul Loar and to Mr. and Mrs. John E. Sugick by Senator Stout.

### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Theresa Duffy by Senator Lynch.

## COMMUNICATION FROM THE GOVERNOR

### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

#### DISTRICT JUSTICE

December 11, 1991.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clarence William Dennis, Forest Sauvage, Tobyhanna 18466, Monroe County, Twenty-ninth Senatorial District, for appointment as District Justice in and for the County of Monroe, Magisterial District 43-3-01, to serve until the first Monday of January, 1994, vice Peter J. Gaughan, deceased.

ROBERT P. CASEY.

**HOUSE MESSAGES****HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 520**.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS TO SENATE  
AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to Senate amendments to **HB 1321**.

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 2**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT**. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**BILLS SIGNED**

The **PRESIDENT** (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

**HB 520, 722, 1321, 1827, 2145, SRR No. 3, SRR No. 6 and SSR No. 7.**

**REMARKS ON RETIREMENT OF  
ALBERT S. MARSHAL, CHIEF OFFICIAL  
REPORTER OF DEBATES**

Senator **LINCOLN**. Mr. President, we get into a lot of very difficult debate in this Body and disagree with one another quite a bit, and, occasionally, it is very nice to be able to do something in a more pleasant manner. One of our reporters, Al Marshal, will be retiring. This is his last Session day, and I believe it is 22 years or 23 years that he has put up with this madhouse that we call the Senate. I believe that is the type of individual and the type of effort that makes this particular Body work. I would like to extend from the Democrat caucus my sincere congratulations on your retirement and a thank you for all the years of well-done work. Al, we wish you the best in the future, good health and happiness, and come around and see us every once in a while.

Senator **LOEPER**. Mr. President, I also would like to just take a moment to recognize Al Marshal for his outstanding and dedicated service to the Senate of Pennsylvania for some 22 years. You know, it is difficult enough on those of us who are Members to try and figure out the schedule of when we are going to be here and when we are not, and I know particularly for the employees of the Senate it is a very difficult time many times to try and plan whether you are going to be home in the

evening or you are not going to be home and that those nights we are here until midnight or, for example, this summer, I guess, when we did a 36-hour day, it is very meaningful, the dedication, that the employees of this Senate put in for the Members of the Senate and the operation of the Senate. It is that service that Al has performed for so many years that maybe the public does not realize the time and effort that goes into this and the sacrifices that one makes with their home situation. But on behalf of the Senate Republican caucus, on behalf of all of us, and I am sure all the Senate employees as well, we wish you the very best in your retirement and the best of luck in the years ahead. Al, thank you very much for the time you spent with us.

**REMARKS ON RETIREMENT OF JAMES  
MUMPER, SENATE CHAMBER SUPERVISOR**

Senator **LOEPER**. Mr. President, I would also like to mention that one other very valued employee of the Senate Chamber, a face that is familiar to all of us, is also retiring, and that is Jim Mumper, Senate Chamber Supervisor, who has served this Senate well for many years, a familiar face to everyone. Nothing is ever too much trouble. He is always there with a smile, a helping hand, whatever he can do to be of assistance to the institution of the Senate of Pennsylvania, and we also, collectively as the Senators and Members of the Senate, wish Jim well on the occasion of his retirement this year and wish him good health and many years of happy retirement in the future.

**RECESS**

Senator **LOEPER**. Mr. President, at this time I would ask that the Senate do now recess to the call of the Chair. As I had discussed with the Minority, it would be the intention to possibly reconvene next Tuesday at a time yet to be announced for the purpose of simply bill signings. It would be a token Session with no votes taken, and at that time a motion would be made for adjournment until January 7th.

The **PRESIDENT**. Senator Loeper moves that the Senate do now recess to the call of the Chair.

The motion was agreed to.

The **PRESIDENT**. The Senate stands in recess.

**AFTER RECESS**

The **PRESIDENT pro tempore** (Robert C. Jubelirer) in the Chair.

The **PRESIDENT pro tempore**. The time of recess having elapsed, the Senate will be in order.

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**HOUSE MESSAGES****HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 872, 1058, 1807 and 1981.**

**BILLS SIGNED**

The **PRESIDENT** pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

**HB 872, 1058, 1807 and 1981.**

**ADJOURNMENT**

Senator **LOEPER**. Mr. President, I move the Senate do now adjourn until Tuesday, January 7, 1992, at 11:45 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Standard Time.